

ORDINANCE NO. 09-23-19-A

AN ORDINANCE PROVIDING REMEDIES FOR DISHONORED
CHECKS TENDERED TO THE HAMILTON COUNTY TREASURER

WITNESS THAT:

WHEREAS, the Hamilton County Treasurer ("the Treasurer") accepts checks for payment of real and personal property taxes, special assessments and liens; and

WHEREAS, some checks are dishonored by the banks because of insufficient funds or stopped payment requests; and

WHEREAS, the Board of Commissioners of Hamilton County on the 27th day of October, 2008, passed Ordinance No. 10-13-08-A, titled "An Ordinance Providing Remedies For Dishonored Checks Tendered to the Hamilton County" ("the 2008 Ordinance"); and,

WHEREAS, the 2008 Ordinance imposed the penalties for all dishonored checks to Hamilton County pursuant to Indiana Code 26-2-7; and,

WHEREAS, the Indiana State Board of Accounts has requested that the Board of Commissioners of Hamilton County pass an ordinance excluding checks for the payment of property taxes from the terms of the 2008 Ordinance; and,

WHEREAS, it is necessary that the Board of Commissioners of Hamilton County pass an Ordinance providing for remedies for dishonored checks tendered to the Treasurer for the payment of property taxes.

IT IS THEREBY ORDAINED by the Board of Commissioners of Hamilton County as follows:

1. This Ordinance applies to any check received by the Treasurer for the payment of real or personal property taxes, special assessments and liens and is dishonored for payment for any reason.

2. Upon receiving notice that a check has been dishonored, the Treasurer, shall send written notice to the maker of the check at the address printed on the check, in a form substantially similar to Exhibit A, which is attached.

3. Any person who presents a check to the Treasurer for payment of property taxes, which is dishonored by the presenting bank, shall redeem the check, by paying to the Treasurer the amount of the check and an insufficient funds fee in the amount of Twenty-Five Dollars (\$25.00). The amounts necessary to redeem the check must be paid by cash, certified funds, money order, or online payment within the time limits of Indiana Code 6-1.1-37-10 (f) and (g).

4. In the event the funds necessary to redeem the check are not paid by the due date of the tax payment as described in Indiana Code 6-1.1-37-10(f) and (g), the Treasurer shall assess a late payment penalty pursuant to Indiana Code 6-1.1-37-10.

5. This Ordinance shall be in full force and effect for any property taxes payable after the date of this Ordinance.

6. The terms of the 2008 Ordinance concerning payment of property taxes is repealed and superseded by the terms of this Ordinance.

7. Any insufficient funds checks paid to Hamilton County for payment of any obligation, other than property taxes, shall be collected pursuant to the 2008 Ordinance.

ALL OF WHICH IS ORDAINED by the Board of Commissioners of Hamilton County this 23rd day of September, 2019.

BOARD OF COMMISSIONERS OF
HAMILTON COUNTY, INDIANA

Steven C. Dillinger

Mark E. Heirbrandt

Christine Altman

ATTEST:

Robin Mills, Auditor

EXHIBIT A

Property Owner

Address

Re: Taxes Assessed Against Parcel No. _____

Dear _____:

Please be advised that your check for payment of real property taxes due on the ____ day of _____, 20____, in the amount of \$_____ for the above parcel has been dishonored by your bank. You should immediately redeem the check by payment of cash, certified funds, money order, or online payment on the date the online payment is charged to your bank. The payment shall also include a Twenty-Five Dollar (\$25.00) fee for the dishonored check.

There will also be late payment penalties assessed by Indiana law, if the check is not redeemed prior to the due date of the taxes.

Very truly yours,

Jennifer Templeton

Hamilton County Treasurer