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January 11, 2013

City Council President Robert Scatamacchia and
Members of the Haverhill City Council

RE: Checks not duly paid

Dear Mr. President and Members of the City Council,

Enclosed please find an ordinance to create uniform policy for the handling of bad checks. I recommend approval.

Very truly yours,

James J. Fiorentini, Mayor

JJF/lk

Encl.



DOCUMENT

CITY OF HAVERHILL

In Municipal Council

~~ORDERED:~~

MUNICIPAL ORDINANCE

CHAPTER 36

AN ORDINANCE RELATING TO FEES AND RECEIPTS

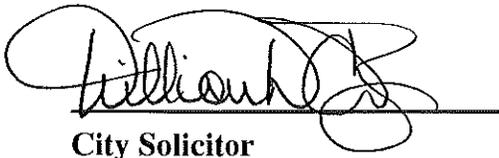
BE IT ORDAINED by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 36, as amended, be and is hereby further amended by adding the following:

“§36-6. Checks not duly paid.

If a check in payment of a municipal service rendered or fee or charge imposed, including the School Committee, Board of Health, or the public library trustees, is not duly paid, there may, in addition to any other penalty provided by law, be imposed on the person who tendered such check, upon notice and demand by the city treasurer, a penalty in an amount equal to one percent of the amount of such check; provided, however, that if the amount of such check is less than two thousand five hundred dollars, the penalty under this section shall be twenty-five dollars.

Any person upon whom such a penalty is imposed may appeal to the Massachusetts Commissioner of Revenue who shall abate the same if he determines that such person tendered such check in good faith and with reasonable cause to believe that it would be paid.”

APPROVED AS TO LEGALITY


City Solicitor

Westlaw

M.G.L.A. 60 § 57A

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Effective:[See Text Amendments]

Massachusetts General Laws Annotated Currentness

Part I. Administration of the Government (Ch. 1-182)

Title IX. Taxation (Ch. 58-65C)

Chapter 60. Collection of Local Taxes (Refs & Annos)

→→ § 57A. Payment by check not duly paid; penalty

If any check in payment of any tax, interest, penalty, fee or other charge imposed under chapters fifty-nine to sixty-one A, inclusive, or chapter eighty or for any other municipal service rendered is not duly paid there may, in addition to any other penalties provided by law, be paid as a penalty by the person who tendered such check, upon notice and demand by the city or town tax collector, in the same manner as the tax or other amount to which the check relates, an amount equal to one percent of the amount of such check; provided, however, that if the amount of such check is less than two thousand five hundred dollars, the penalty under this section shall be twenty-five dollars. Any person upon whom such a penalty is imposed may appeal to the commissioner who shall abate the same if he determines that such person tendered such check in good faith and with reasonable cause to believe that it would be paid.

CREDIT(S)

Added by St.1979, c. 282. Amended by St.1989, c. 432.

HISTORICAL AND STATUTORY NOTES

St.1979, c. 282, was approved June 13, 1979.

St.1989, c. 432, approved Oct. 19, 1989, in the first sentence, substituted “; provided, however,” for “, provided”, “two thousand five hundred dollars” for “five hundred dollars”, and “twenty-five dollars” for “five dollars”.

CROSS REFERENCES

Insufficient funds checks for municipal or district services, see c. 44, § 69.

LIBRARY REFERENCES

Taxation  2761, 3216.
Westlaw Topic No. 371.

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Effective:[See Text Amendments]

Massachusetts General Laws Annotated Currentness

Part I. Administration of the Government (Ch. 1-182)

☞ Title VII. Cities, Towns and Districts (Ch. 39-49A)

☞ Chapter 44. Municipal Finance (Refs & Annos)

→→ § 69. Municipal or district services, fees or charges; insufficient funds checks; penalty

If a check in payment of a municipal or district service rendered or fee or charge imposed is not duly paid, there may, in addition to any other penalty provided by law, be imposed on the person who tendered such check, upon notice and demand by the city, town or district treasurer, a penalty in the same amount as that imposed under the provisions of section fifty-seven A of chapter sixty.

Any person upon whom such penalty is imposed may, within sixty days of the imposition of such penalty, appeal in writing to the commissioner who shall abate the same if it is determined that such check was tendered in good faith with reasonable cause to believe that it would be paid.

CREDIT(S)

Added by St.1981, c. 87. Amended by St.1991, c. 226; St.1996, c. 273; St.1996, c. 450, § 99.

HISTORICAL AND STATUTORY NOTES

St.1981, c. 87, was approved April 14, 1981.

St.1991, c. 226, approved Sept. 26, 1991, in the first paragraph, in the proviso, substituted "one thousand five hundred dollars" for "five hundred dollars" and "twenty-five dollars" for "five dollars".

St.1992, c. 133, § 376, approved July 20, 1992, and by § 599 made effective as of July 1, 1992, purported to amend this section but was without effect.

St.1996, c. 273, approved Aug. 8, 1996, in the first paragraph, substituted "If a check in payment of a municipal or district service, fee or charge imposed by a city, town or district for a municipal or district" for "If any check in payment of any municipal service, fee or charge imposed by any city or town for any municipal" and "city, town or district treasurer" for "city or town treasurer".

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