

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. 791

4
5 An Ordinance amending the Multnomah County Code, Section 5.10.090 and 5.10.160(D),
6 relating to fees assessed to recover the costs of dishonored checks.

7 (Language in brackets [] is to be deleted; underlined language is new).

8 Multnomah County ordains as follows:

9 **Section I: Findings**

10 Multnomah County has checks returned to various County agencies as unrecoverable
11 because of, among other reasons, insufficient funds, and closed or no account. ORS 82.300
12 allows the payee of a dishonored check to recover an amount not to exceed \$25 for the cost of
13 handling and collecting on the check. Presently, MCC 5.10.090 and 5.10.160 could be
14 interpreted to allow the County to collect more than \$25.00 per check.

15 **Section II: Purpose**

16 The purpose of this amendment is to revise MCC 5.10.090 and 5.10.160(D) to expressly
17 provide a maximum fee collectable, consistent with ORS 82.300.

18 **Section III: Amendment to MCC 5.10.090**

19 MCC Chapter 5.10.090 is amended as follows:

20 5.10.090 Fees for recovering costs of dishonored checks.

21 (A) For any check, draft, or order of payment in money given to the County by any
22 person in payment of taxes or fees for any service listed herein, which check, draft, or order of
23 payment in money is dishonored for any cause, including but not limited to non-sufficient funds,
24 closed account or no account, there shall be a fee assessed in the amount of then-current charge
25 made to County by the bank from which the check was returned, plus an additional [\$12.50]
26 amount to cover internal costs, such as extra data entry, processing time, cost of handling and
27 collecting, and unavailability of the revenues represented by the original check. Provided, the
28 total amount assessed by the County for processing the dishonored check shall not exceed \$25.00.

1 (B) At the discretion of the Department which originally accepted the dishonored check,
2 the fee assessed may be reduced to cover only the County's payment to the bank involved. The
3 accepting Department shall be responsible for the [\$12.50] additional amount not assessed.

4 **Section IV: Amendment to MCC 5.10.160(D)**

5 MCC5.10.160(D) is amended as follows:

6 (D) For any check, draft, or order of payment in money given to the division by any
7 person in payment of taxes or fees for any service provided hereinabove, which check, draft, or
8 order of payment in money is dishonored for any cause, including but not limited to nonsufficient
9 funds, closed account or no account, there shall be a fee assessed [in the amount of \$20.00
10 (\$30.00) for foreign items] as provided at MCC 5.10.090. Said fee is collectible by the division
11 in any lawful manner, including but not limited to, addition of said fee to the payer's tax account,
12 filing of appropriate proceedings pursuant to statute or such other means as may legally be
13 pursued.

14 **Section V: Adoption**

15 ADOPTED this 16th day of June, 1994,
16 being the date of its second reading before the Board of County Commissioners of
17 Multnomah County, Oregon.



MULTNOMAH COUNTY, OREGON

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By Beverly Stein
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