

## ORDINANCE 2016-13

### AN ORDINANCE AMENDING CHAPTER 2 ADMINISTRATION, SECTION 2, INFRACTION DEFERRAL PROGRAM, IN ITS ENTIRETY.

**WHEREAS**, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs; and

**WHEREAS**, IC 36-1-3-6(b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

**WHEREAS**, the Town Council for the Town of Griffith wishes to re-establish a deferral program for qualifying motorists who are issued a traffic citation for a motor vehicle moving violation as prescribed the Town Code; and

**WHEREAS**, it is the intent of the Town Council that the amended deferral program be compliant with state law and all directives issued by the State Board of Accounts; and

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Griffith, Lake County, Indiana that Chapter 2, Administration, Section 2-2, Infraction Deferral Program, be amended in its entirety to read as follows:

#### Sec. 2-2 Ordinance Deferral Program

- (a) There is hereby established an ordinance deferral program to be administered by the attorney for the municipal corporation or his designee, pursuant to IC 34-28-5-1 et seq. This may not be applied to a moving violation committed by a motorist who possesses a commercial driver's license ("CDL").
- (b) Pursuant thereto, the attorney for the municipal corporation is authorized to establish an ordinance deferral program which will be implemented in the event the following conditions are met:
  - (1) The defendant in the action agrees to the conditions of the deferral program offered;
  - (2) The defendant in the action agrees to pay the clerk of the court an initial user's fee and monthly user's fee set by the attorney for the municipal corporation in conjunction with the Town Council of the Town of Griffith in accordance with IC 33-37-4-2(e);
  - (3) The terms of the agreement are recorded in an instrument signed by the defendant and the attorney for the municipal corporation;
  - (4) The defendant in the action agrees to pay court costs including all state, county, and jury fees pursuant to the relevant Indiana Code Sections as amended from time to time; and
  - (5) The agreement is filed in the court in which the action is brought.
- (c) When the defendant complies with the terms of the agreement as set forth above, the town attorney shall file a motion with the court requesting that the court dismiss the action, and an action dismissed under this plan shall not be subject to refileing absent a finding of fraud or misrepresentation on the part of the Defendant.

## ORDINANCE 2016-13

- (d) Pursuant to IC 33-37-4-2, the town council hereby establishes an initial user fee of \$40.50 and a monthly user fee of \$10.00 per month in addition to any court costs and fees promulgated by state statute and by Lake County, Indiana, as may be amended from time to time.
- (e) A person charged with the offense of exceeding the posted speed limit in excess of 20 miles per hour over the posted limit or a person who has had a previous moving violation conviction in the one year prior to the date of the ordinance violation that is sought to be deferred shall not be entitled to participate in this program.
- (f) All fees and costs associated with this Ordinance Deferral Program are to be paid to the "Lake County Traffic Clerk".


**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that if any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance; and

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that an emergency exists for this ordinance to be in full force and effect from and after its passage and following posting in accordance with IC 36-5-2-10.

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that any and all such ordinances or parts of ordinances of the Town of Griffith that are in conflict with the provisions of this Ordinance are hereby repealed and of no further force or effect.

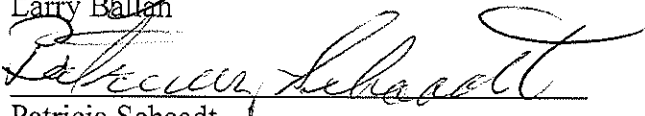
**PASSED AND ADOPTED** by the Town Council for the Town of Griffith, Lake County, Indiana this 19<sup>th</sup> day of April, 2016.

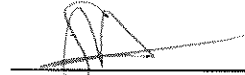
COUNCIL MEMBERS OF THE TOWN OF  
GRIFFITH, LAKE COUNTY, INDIANA

  
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George N. Jerome  
Clerk-Treasurer