

CHAPTER 30: GENERAL PROVISIONS

Section

30.01 Deferral program

§ 30.01 DEFERRAL PROGRAM.

(A) There is hereby established a deferral program for deferring actions for alleged ordinance violations, including moving traffic offenses.

(B) Pursuant to I.C. 34-28-5-1, the City Attorney may defer actions to enforce an ordinance, if:

- (1) The defendant in the action agrees to the conditions of the deferral program;
- (2) The defendant in the action agrees to pay to the Clerk of the court an initial user's fee and monthly user's fee set by the City Attorney in accordance with I.C. 33-37-4-2(e);
- (3) The terms of the agreement are recorded in an instrument signed by the defendant and the City Attorney;
- (4) The defendant in the action agrees to pay court costs of \$25 to the Clerk of the court if the action involves a moving traffic offense (as defined in I.C. 9-13-2-110) together with a \$2 jury fee; and
- (5) The agreement is filed in the court in which the action is brought.

(C) When a defendant complies with the terms of the agreement filed under this section, the City Attorney shall request the court to dismiss the action.

(D) The fees generated by the deferral program shall be paid to the Clerk of the county's Circuit Court and the Clerk-Treasurer may, by claims process, request disbursement of those funds to which the city is entitled. The fees generated by the deferral program and received by the Clerk-Treasurer shall be deposited into a special fund to be maintained by the Clerk-Treasurer and designated "Deferral Program Fund" which Fund is, by the passage and adoption of this section, hereby authorized and created.

(E) The Clerk-Treasurer shall periodically, upon the request of the Chief of Police and with approval of the Council, disburse monies from the Fund.

(F) The Police Department will use monies generated by the Fund for equipment and for training schools.

(Ord. 2005-2, passed 2-14-2005)