

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO.: 1442

AN ORDINANCE ESTABLISHING A TOWN DEFERRAL PROGRAM IN THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, AND ALL MATTERS RELATED THERETO.

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been advised by the Town Attorney that the Town is authorized by Indiana Code §34-28-5-1 to establish a Town Deferral Program, subject to the requirements of Indiana Code §34-28-5-1, for qualifying individuals with moving traffic violations; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, is required to establish the initial user fees and monthly user fees for a Town Deferral Program; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, having reviewed the applicable provisions of the Indiana Code regarding these matters, and being duly advised, now concurs that it is advisable, necessary, and in the best interests of the residents of the Town of St. John that a Town Deferral Program be established for qualifying individuals.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA:

SECTION ONE: The Town of St. John, Lake County, Indiana, hereby establishes a Town Deferral Program pursuant to Indiana Code §34-28-5-1, as amended from time to time, to be known as the "Town Deferral Program".

SECTION TWO: Eligibility. An individual who has being issued a citation for a moving traffic citation in the Town of St. John shall be eligible to participate in the Town Deferral Program if the individual:

- a. has not been charged with a moving traffic violation that is associated with property damage, personal injury, or other related criminal charges;
- b. has not been charged with any other moving violation in any state within the last year; and
- c. has not been charged with an offense of speeding in excess of thirty (30) miles per hour over the posted speed limit.

SECTION THREE: Application. An individual who is eligible and seeks to participate in the Town Deferral Program (hereinafter "Applicant") shall complete the Town Deferral Program Application Agreement located in the Town Police Department. The Town Police Department shall verify that the Applicant is eligible for the Town Deferral Program.

SECTION FOUR: Fees. At the time of the application submission, the Applicant shall pay the following:

- a. current Court Costs, pursuant to the provisions Indiana Code, as amended from time to time,
- b. an initial user fee of \$52.00, and

- c. monthly user fees of \$10.00 per month for each of the six (6) months the Applicant is in the Town Deferral Program.

The total amount of the Court Costs and Fees identified above shall be made payable to the "Clerk, Lake Superior Court", in the form of a certified check, money order, or cashier's check. The fees paid by the applicant are non-refundable and shall not be applied to the fine in the event that the Applicant fails to properly and successfully follow and complete the requirements of the Town Deferral Program. The Court costs shall be distributed as required for traffic violations. The initial user fee and monthly user fees shall be deposited in the Police Department Special Revenue Fund #275 upon proper processing.

SECTION FIVE: Procedure. The Town Police Department shall file the Applicant's citation with the Lake County Court. After assignment of a cause number and at the next regularly scheduled Town Court date, the Town Attorney shall file the executed Deferral Program Application Agreement in the Lake County Court together with the Court Costs and Fees. The Town Police Department shall review the applicant's driving record six (6) months after the filing of said Agreement (hereinafter "Review Period"). In the event that no new moving traffic violations have been issued to by the Applicant, the Town Attorney shall dismiss the original moving traffic violation citation. In the event that the Applicant has been issued a moving traffic violation citation within the Review Period, or otherwise does not comply with terms of the Town Deferral Program, the Town Attorney shall institute further proceedings against the Applicant based upon the original citation.

SECTION SIX: Implementation. The Town Attorney, Town Police Department, and Town Clerk-Treasurer are hereby authorized to develop the appropriate forms and related materials necessary to facilitate the Town Deferral Program.


SECTION SEVEN: That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION EIGHT: If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

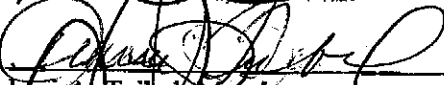
SECTION NINE: That this Ordinance shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of St. John, Lake County, Indiana, and publication in conformance with applicable law.

ALL OF WHICH IS PASSED AND ADOPTED THIS 22nd DAY OF February, 2007, BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.

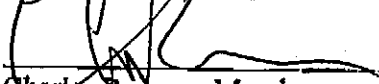
TOWN OF ST. JOHN, LAKE COUNTY,
INDIANA, TOWN COUNCIL



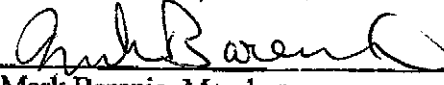
Michael S. Fryer, President



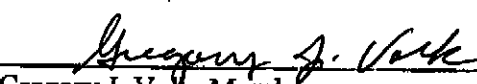
Jerr A. Teibel, Member



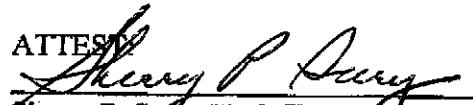
Charles Pearson, Member



Mark Barenic, Member



Gregory J. Volk, Member

ATTEST


Sherry P. Spay, Clerk-Treasurer