

Sec. 15-19. Civil Hearings; default judgments.

(a) If no witness for the State, excluding the defendant, appears at the time set for hearing, the court shall dismiss the complaint and return any deposit, unless the court, for good cause shown, continues the hearing to another date.

(b) Except where subsection (c) of this section is applicable, if the defendant fails to appear as required, the allegations of the complaint shall be deemed admitted, and the court shall enter judgment for the State, impose a civil sanction as set forth in the adopted schedule, and direct the defendant to comply with the provisions of the code at issue. For those complaints filed prior to the effective date of this ordinance and meeting the requirements of this section, the court may enter a default judgment in accordance with the provisions of this section.

(c) If it appears that the defendant is in active military service, no default judgment may be entered.

(d) Upon written motion for mistake, inadvertence, surprise, excusable neglect, newly discovered evidence, fraud or any other reason necessary to prevent a manifest injustice, the court may set aside a judgment entered upon a failure to appear. Such written motion shall be filed within thirty (30) days after issuance of a default judgment.

(Ord. No. 07-21, 07/14/07, enacted) SUPP 2007-03

(Ord. No. 07-25, 08/21/07, amended) SUPP 2007-03