

## **CHAPTER 11**

### **MUNICIPAL COURT**

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## **ARTICLE 1**

### **APPLICATION OF CHAPTER; JURISDICTION OF COURT**

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- § 11-102 Jurisdiction of court,

#### **§ 11-101 APPLICATION OF CHAPTER.**

1. This chapter shall govern the organization and operation of the municipal court of the city of Blanchard, Oklahoma, as put into operation and continued by “resolution”, duly passed and filed in accordance with state law, on and after the 20<sup>th</sup> day of January, 1969.

2. To the extent of conflict between any provisions of this chapter and the provisions of any other ordinance of the city of Blanchard, Oklahoma, the provisions of this chapter shall control. (Ord. No. 2009-07, 5/12/09)

#### **§ 11-102 JURISDICTION OF COURT.**

The municipal court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any provision of this code of ordinances or any other ordinance of the city of Blanchard, Oklahoma, is charged, including any such prosecutions transferred to said court, in accordance with applicable laws.

## **ARTICLE 2**

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**§ 11-201 JUDGE; ALTERNATE JUDGE; ACTING JUDGE.**

**Editor's Note:** see chapter 1, §1-307, this code of ordinances.

**§ 11-202 COMPENSATION OF JUDGES.**

1. A judge, other than an alternate or an acting judge, shall be compensated in an amount to be determined by the city manager and approved by the city council, and to be paid in the same manner as the salaries of other municipal officials.

2. An alternate or an acting judge shall be paid (monthly) an amount not to exceed the amount currently established for the municipal judge and in an amount to be determined by the city manager and approved by the city council. (Ord. No. 1990-02, 2/13/90; Ord. No. 1995-10, 9/12/95; Ord. No. 2009-07, 5/12/09)

**§ 11-203    NO CHANGE OF VENUE; DISQUALIFICATION OF JUDGE.**

1. In prosecutions before the municipal court, no change of venue shall be allowed, but the municipal judge before whom the case is pending may certify his disqualification or he may be disqualified from sitting, under the terms, conditions and procedures provided by law for courts of record.

2. If the municipal judge is disqualified, the matter shall be heard by an alternate or acting judge, appointed as provided in this code of ordinances. (Ord. No. 2009-07, 5/12/09)

**§ 11-204    CHIEF OF POLICE.**

All writs or process of the municipal court shall be directed to the chief of police of the city of Blanchard, Oklahoma, who shall be the principal officer of the court. (Ord. No. 2009-07, 5/12/09)

**§ 11-205    MUNICIPAL ATTORNEY.**

The municipal attorney, or his duly designated assistant, shall be the prosecuting officer of the municipal court. He shall be authorized to prosecute all alleged violations of the ordinances of the city of Blanchard, Oklahoma, and to prosecute and resist appeals and proceedings in error and review from the court to any other courts of the state. The municipal attorney shall also be authorized to represent the city of Blanchard, Oklahoma, in all proceedings arising out of matters of the court. (Ord. No. 2009-07, 5/12/09)

**Cross Reference:** see §1-308, this code of ordinances.

**§ 11-206    CLERK OF COURT.**

1. The court clerk, or a designed deputy, shall be the clerk of the court. Duties of the court clerk shall include the following:

- a. He shall assist the municipal judge in recording the proceedings of the court and in preparing writs, process and other papers;
- b. He shall administer oaths required in proceedings before the court;
- c. He shall enter all pleadings, process and proceedings in the dockets of the court;
- d. He shall perform such other clerical duties relating to the proceedings of the court, as the municipal judge shall direct;

- e. He shall receive and receipt for forfeitures, fees, deposits and sums of money payable to the court; and
- f. He shall be responsible for placing, or having placed, all money so received by him (except such special deposits or fees as shall be received to be disbursed by him for special purposes), in the general fund of the municipality, or in such other fund and in such manner as the city council may direct, by motion or resolution.

2. The clerk of the court shall give bond to the city in the sum of one-thousand dollars (\$1,000.00). (Ord. No. 2009-07, 5/12/09)

### **§ 11-207 TRAFFIC VIOLATIONS BUREAU.**

A. There is hereby created a schedule of fees and charges, which shall contain those fees and charges for various specific charges and fines assessed by the municipal court, and other fees and charges as designated by the city council. The schedule shall be kept on file in the office of the clerk of the court, to whom all fees and charges shall be paid unless otherwise provided. A copy may be obtained upon payment of a fee as designated by the City Council.

B. The schedule of fees and charges hereby created shall also be known and may be cited as the fee schedule.

C. The following shall be the bond schedule as of the adoption of this code:

#### **1. RULES OF THE ROAD**

<u>Charge</u>	<u>Fine</u>	<u>§ of Okla. Stat. or Blanchard Municipal Code ("BMC")</u>
a. <u>Speed</u>		
1 to 10 mph over Posted Limit	\$100.00 <sup>1</sup>	BMC § 18-401
11 to 15 mph over Posted Limit	\$150.00	BMC § 18-401
16 to 20 mph over Posted Limit	\$175.00	BMC § 18-401
21 or more over Posted Limit	\$200.00	BMC § 18-401
School Zone	\$200.00	BMC § 18-402
Failure to Reduce Speed Weather/Road	\$150.00	BMC § 18-403
Impede Traffic Movement/Travel		
Unreasonably Slow	\$150.00	BMC § 18-404

Excessive Speed	\$125.00	BMC § 18-405
Travel below Minimum Speed Limit	\$125.00	BMC § 18-405
Operating MV at Speed Not Proper	\$150.00	BMC § 18-526

<sup>1</sup>The total cumulative amount of the fine, costs, and fees for a charge of speeding 1 to 10 mph over posted limit shall not exceed this amount. [Ord. No. 676, 6/26/18]

b. Recklessness or Carelessness

Eluding Police Officer	\$500.00	BMC § 18-213
Reckless Driving	\$350.00	BMC § 18-522
Careless Driving	\$225.00	BMC § 18-524
Failure to Devote Full-time	\$150.00	BMC § 18-525
Engaging in Unlawful Speed Contest	\$225.00	BMC § 18-527
Failure to Exercise Due Care	\$150.00	BMC § 18-1008

c. Following and Backing

Following Emergency Vehicles	\$150.00	BMC § 18-214
Following Too Closely	\$150.00	BMC § 18-508
Improper Backing or/into Intersection	\$150.00	BMC § 18-517

d. Lane Usage

Unauthorized Direction of Traffic	\$150.00	BMC § 18-203
Improper Lane Usage	\$150.00	BMC § 18-501
Making Unsafe Lane Change	\$150.00	BMC § 18-501
Driving Left of Center	\$150.00	BMC § 18-502
Improper Passing on Right Side	\$150.00	BMC § 18-503
Improper Passing on Left Side	\$150.00	BMC § 18-504
Passing When Unsafe to Pass	\$150.00	BMC § 18-505
Wrong Way on One Way	\$150.00	BMC § 18-507
Passing in No Passing Zone	\$150.00	BMC § 18-509
Passing in a School Zone	\$150.00	BMC § 18-513
Passing School Bus Loading Lights	\$250.00	BMC § 18-514
Enter/Exit Controlled Access Hwy	\$150.00	BMC § 18-521
Driving Through Safety Zone	\$150.00	BMC § 18-528
Private Service Drives	\$150.00	BMC § 18-534
Failure to Signal Intent to Turn	\$150.00	BMC § 18-907

e. Failure to Yield

Failure to Yield to Emergency Vehicle	\$225.00	BMC § 18-212
Failure to Yield to Vehicle (Uncontrolled Intersection)	\$150.00	BMC § 18-537
Failure to Yield When Turning Left	\$150.00	BMC § 18-538
Failure to Yield (ROW Street/Hwy)	\$150.00	BMC § 18-539
Failure to Yield (Traffic Thruway)	\$150.00	BMC § 18-540
Failure to Yield to Vehicle (Controlled Intersection)	\$150.00	BMC § 18-541
Failure to Yield (Posted Stop)	\$150.00	BMC § 18-545
Failure to Yield (Posted Yield)	\$150.00	BMC § 18-546
Failure to Yield (Private Drive)	\$150.00	BMC § 18-547
Failure to Yield (To Traffic/Park)	\$150.00	BMC § 18-548
Failure to Yield (Alley or Driveway)	\$150.00	BMC § 18-549
Failure to Yield to Pedestrian	\$175.00	BMC § 18-1002

f. Traffic Signs

Failure to Stop for Bus	\$250.00	BMC § 18-514
Failure to Stop at Stop Sign	\$150.00	BMC § 18-544
Failure to Stop at RR Crossing	\$150.00	BMC § 18-551
Driving Around Crossing Gate	\$150.00	BMC § 18-552
Failure to Make Required Stop	\$150.00	BMC § 18-550
Failure to Obey Traffic Device	\$150.00	BMC § 18-603
Failure to Stop for Red Light	\$150.00	BMC § 18-604
Failure to Stop for Flashing Red	\$150.00	BMC § 18-607
Violate Sign at Hazard/Congested Place	\$150.00	BMC § 18-710

g. Turns

Failure to Make Required Turn	\$125.00	BMC § 18-901
Making Restricted Turn	\$125.00	BMC § 18-902
Making Prohibited Turn (posted)	\$125.00	BMC § 18-903
Improper U-Turn	\$125.00	BMC § 18-904
Turning Vehicle Across Center Line	\$125.00	BMC § 18-905

h. Driver's License

Violation of License Restriction	\$100.00	BMC § 18-216
No Driver's License	\$250.00	BMC § 18-216
No Driver's License in Possession	\$50.00	BMC § 18-216
Driving Without Proper Endorsement	\$150.00	BMC § 18-216



Driving Under Suspension (DUS)	\$250.00	BMC § 18-217(A)
DUS (subsequent)	\$300.00	BMC § 18-217(A)
Lending License or ID	\$250.00	BMC § 18-217(B)
Unlawful Use of License or ID	\$250.00	BMC § 18-217(B)
Altering License or ID	\$250.00	BMC § 18-217(B)
Allowing Unauthorized Driver	\$100.00	BMC § 18-219

i. Insurance & Duties At Accidents

Leaving the Scene of Property Accident	\$250.00	BMC § 18-220
Failure to Provide Information	\$250.00	BMC § 18-220
Leaving Scene of Fixture Accident	\$250.00	BMC § 18-221
Failure to Report Accident	\$250.00	BMC § 18-222
Failure to Carry Security Verify	\$125.00	BMC § 18-229(E)
Failure to Maintain Insurance	\$250.00	BMC § 18-229

j. Equipment

Vehicles Injurious to Street	\$150.00	BMC § 18-301
Driving Vehicle That Is Unsafe	\$150.00	BMC § 18-302
Improper Equipment	\$75.00	BMC § 18-303
Improper Equipment After Warning	\$75.00	BMC § 18-303
Defective Exhaust	\$75.00	BMC § 18-304
Operating Unsafe MV	\$150.00	BMC § 18-306
Unlawful Riding upon Vehicle	\$150.00	BMC § 18-533
Failure to Use Seat Belt	\$20.00	BMC § 18-553
Failure to Use Child Restraint	\$50.00 <sup>1</sup>	BMC § 18-553(C)
Failure to Dim Headlights	\$150.00	47 OS § 12-203.2

<sup>1</sup> If 1<sup>st</sup> offense, fifteen dollar (\$15.00) fine if purchase approved child restraint system and show court clerk proof of purchase.

k. Parking

Unsafe Start from Stop	\$75.00	BMC § 18-529
Opening Door into Traffic	\$75.00	BMC § 18-530
Parking in Excess of Posted Time	\$75.00	BMC § 18-703
Parking Where Sign Prohibited	\$75.00	BMC § 18-703
Parking in Excess of 48 hours	\$75.00	BMC § 18-704
Failure to Set Brakes	\$75.00	BMC § 18-705
Failure to Obey Angle Parking	\$75.00	BMC § 18-707
Failure to Park Within a Parking Space	\$75.00	BMC § 18-708
Violate Terms of Load/Unload Permit	\$75.00	BMC § 18-709

Parking on Sidewalk	\$75.00	BMC§ 18-711(A)(1)
Parking in Front of Private Drive	\$75.00	BMC § 18-11(A)(2)
Parking Within Intersection	\$75.00	BMC § 18-11(A)(3)
Parking Within 15' of Hydrant	\$75.00	BMC § 18-11(A)(4)
Parking on a Crosswalk	\$75.00	BMC § 18-11(A)(5)
Parking Within 20' of Crosswalk	\$75.00	BMC § 18-11(A)(6)
Parking Within 30'		
Stop Sign/Beacon/Signal	\$75.00	BMC § 18-11(A)(7)
Parking Within Safety Zone and Curb	\$75.00	BMC § 18-11(A)(8)
Parking Within 50' of RR Xing	\$75.00	BMC § 18-11(A)(9)
Parking Within 20' of		
Driveway to Fire Station	\$75.00	BMC § 18-11(A)(10)
Parking on Bridge	\$75.00	BMC § 18-11(A)(13)
Blocking Intersection or Crosswalk	\$75.00	BMC § 18-712
Standing/Parking on Left		
(One-Way Street)	\$75.00	BMC § 18-713
Parking Adjacent to Schools	\$75.00	BMC § 18-715
Parking at Intersections	\$75.00	BMC § 18-716
Parking in Alley Leaving Less than 20'	\$75.00	BMC § 18-717
Parking on Traveled Portion of Street	\$75.00	BMC § 18-719
Double Parking	\$75.00	BMC § 18-720
One Ton Parking in Excess of 3 Hours	\$75.00	BMC § 18-721(A)
Parking Prohibited Vehicles	\$75.00	BMC § 18-721(B)
Parking Vehicle for Sale on Road	\$75.00	BMC § 18-722
Improper Parking on Left Side/Road	\$75.00	BMC § 18-723
Failure to Park Vehicle Right Side	\$75.00	BMC § 18-723
Negligent Parking	\$75.00	BMC § 18-724
Parking in Handicap Space	\$500.00	BMC § 18-726
Parking in Loading Zone (Residential)	\$75.00	BMC § 18-804
Parking in Loading Zone (Commercial)	\$75.00	BMC § 18-805
MV Stopping at Bus/Taxi Stop	\$75.00	BMC § 18-807
Bus Parking on Public Street	\$75.00	BMC § 18-808
Taxicab Parking on Public Street	\$75.00	BMC § 18-808

1. Loads

Operating a MV with Unsafe Load	\$150.00	BMC § 18-302
Operating a MV with Overweight Load	\$150.00	BMC § 18-305
Operating a MV That Is Too Long	\$150.00	BMC § 18-305
Operating an Overweight MV	\$150.00	BMC § 18-305
Operating a MV That Is Too High	\$150.00	BMC § 18-305
Operating a MV That Is Too Wide	\$150.00	BMC § 18-305
Driver's View Obstructed	\$150.00	BMC § 18-305

m. Motorcycles

Unlawfully Carrying Passengers	\$150.00	BMC § 18-518
Motorcycles Operate Under 16 Age	\$150.00	BMC § 18-518
Motorcycles Pass Between Lanes	\$150.00	BMC § 18-518
Motorcycles/Scooter on Sidewalk	\$150.00	BMC § 18-518
Operating Without Required Equip	\$150.00	BMC § 18-519(A)
Under 18 Without Helmet	\$150.00	BMC § 18-519(B)
Operating with Modified Exhaust	\$150.00	BMC § 18-519(C)

n. Bicycles

Bicyclist Fails to Obey Lights	\$50.00	BMC § 18-1103
Improper Riding on Bicycle	\$50.00	BMC § 18-1104
Improper Riding on Roadway	\$50.00	BMC § 18-1105
Unsafe Speed of Bicycle	\$50.00	BMC § 18-1106
Bicycle Yield at Right of Way	\$50.00	BMC § 18-1107
Bicyclist Carrying Articles	\$50.00	BMC § 18-1108
Bicycle Park on Street	\$50.00	BMC § 18-1109
Riding Bicycle on Sidewalk (Business District)	\$50.00	BMC § 18-1110
Bicyclist Without Proper Lamps	\$50.00	BMC § 18-1111

o. Pedestrians

Failure to Obey Pedestrian Sign Indicators	\$50.00	BMC § 18-606
Failure to Obey Pedestrian School Xing	\$175.00	BMC § 18-608
Pedestrian Not Crossing Properly	\$50.00	BMC § 18-1004
Pedestrian's Failure to Yield	\$100.00	BMC § 18-1005
Pedestrian Walking on Road Next to Sidewalk	\$100.00	BMC § 18-1006
Pedestrian Soliciting Rides	\$100.00	BMC § 18-1006
Pedestrian Unlawfully Cross Highway	\$100.00	BMC § 18-1009
Pedestrian Crossing Closed/Moving RR Gate	\$175.00	BMC § 18-1010

p. Miscellaneous Rules of the Road

Toy Vehicle/Roller Skates on Roadway	\$50.00	BMC § 18-207
Unlawful Cancel/Solicitation to Cancel Citation	\$150.00	BMC § 18-227
Clinging to Vehicles Prohibited	\$150.00	BMC § 18-520
Interfering with Driver's View/Control	\$150.00	BMC § 18-531
Failure to Comply with Fireman	\$250.00	BMC § 18-204
Unlawfully Crossing Fire Hose	\$150.00	BMC § 18-215
Driving thru Funeral Processions	\$150.00	BMC § 18-510
Text Messaging While Driving	\$100.00	BMC § 18-554
Unauthorized Traffic Control Device	\$150.00	BMC § 18-609
Defacement of Traffic Control Devices	\$150.00	BMC § 18-610

q. Offences Against the State

Failure to Pay Taxes Due State	\$150.00	47 OS § 1151
Failure to Display Valid Tag	\$150.00	BMC § 18-218

## 2. UNIFORM VIOLATIONS

a. Alcohol & Drug Violations

Selling Alcohol Outside Store	\$500.00	BMC § 2-108
Consuming Alcohol on Premise of Store	\$500.00	BMC § 2-109
Selling Alcohol to Intoxicated Person	\$500.00	BMC § 2-110(C)
Transportation of Open Container	\$500.00	BMC § 2-111
Transportation Low-Point Beer	\$500.00	BMC § 2-111
Selling Low-Point Beer to Intoxicated Person	\$500.00	BMC § 2-211
Open Dates/Hrs Which Sale Prohibited	\$500.00	BMC § 2-113
Prohibited Location of Low-Point Beer Establishment	\$500.00	BMC § 2-206
Selling Low-Point Beer Certain Hours	\$500.00	BMC § 2-213
Public Intoxication	\$100.00	BMC §§ 2-212, 13-801
Consuming Low-Point Beer/Alcohol in Public Place	\$100.00	BMC §§ 2-212, 13-801
Hosting Minors Consuming Alcohol	\$500.00	BMC § 2-217
Possession of Marijuana	\$500.00	BMC § 13-804
Possession of Drug Paraphernalia	\$500.00	BMC § 13-805
Consuming (Inhaling) Substances	\$500.00	BMC § 13-806

Driving Under Influence/Alcohol	\$500.00	BMC § 18-523
Driving Under Influence/Drugs	\$500.00	BMC § 18-523
Actual Physical Control/Alcohol or Drug	\$500.00	BMC § 18-523

b. Offenses Against Public

Assault & Battery on Police Officer	\$500.00	OS § 21-649
Aggravated Assault & Battery	\$500.00	OS § 21-646
Assault	\$250.00	BMC § 13-201
Battery	\$500.00	BMC § 13-202
Fighting	\$250.00	BMC § 13-203
Concealing Weapons on Public Property	\$150.00	BMC § 13-302
Trespassing (public)	\$250.00	BMC § 13-302
Trespassing (private)	\$250.00	BMC § 13-303
Tampering with Property	\$250.00	BMC § 13-304
Petit Larceny	\$500.00	BMC § 13-305
Obtaining Property by Fraud	\$500.00	BMC § 13-306
Obtaining Property by Bogus Check	\$500.00	BMC § 13-306(A)
Obtaining Utility Service Without Auth	\$500.00	BMC § 13-307
Disorderly Conduct	\$250.00	BMC § 13-501
Disturbing the Peace	\$250.00	BMC § 13-501
Failure to Disperse upon Command	\$250.00	BMC § 13-502
Fighting Words	\$100.00	BMC § 13-504
Disturbing by Loud Noise	\$150.00	BMC § 13-504
Reporting False Alarms	\$250.00	BMC § 13-505
Obstructing an Officer	\$500.00	BMC § 13-601
Resisting Arrest	\$500.00	BMC § 13-602
Aiding in an Escape	\$500.00	BMC § 13-603
Escape from Custody	\$500.00	BMC § 13-604
Impersonating a Police Officer	\$500.00	BMC § 13-605
Vehicular Trespassing	\$250.00	BMC § 18-718

c. Offenses Against Decency and Morality

Indecent Exposure	\$500.00	BMC § 13-401
Nudity in Public Place	\$500.00	BMC § 13-401
Prostitution	\$500.00	BMC § 13-402
Gambling Games	\$500.00	BMC § 13-404
Slot Machines	\$500.00	BMC § 13-405
Gambling Rooms	\$500.00	BMC § 13-406
Maintaining Disorderly House	\$500.00	BMC § 13-408

d. Minors

Contributing to Delinquency/Minor	\$500.00	21 OS § 856
Furnishing Alcohol to Minor	\$500.00	BMC § 2-110(A)
Minor in Possession of Alcohol	\$200.00	BMC § 2-110(B)
Minors Entering/Employed in Alcohol Establishment	\$500.00	BMC § 2-112
Minor Selling/Handling Alcohol	\$500.00	BMC § 2-112
Sales/Purchase Low-Point Beer Minors	\$500.00	BMC § 2-207
Employing Person Under 18		
Where Low-Point Beer Consumed	\$500.00	BMC § 2-208
Minor in Possession of Low-Point Beer	\$500.00	BMC § 2-209
Admitting Person Under 21	\$500.00	BMC § 2-210
Selling Low-Point Beer to Person Under 21	\$500.00	BMC § 2-210
Minor Consuming Low-Point Beer/Alcohol in Public Place	\$500.00	BMC § 2-216
Curfew - Minor	\$150.00	BMC § 13-901
Curfew - Parent	\$150.00	BMC § 13-901
Minor in Possession of Tobacco 1st	\$70.00	BMC § 13-1003
Minor in Possession of Tobacco 2nd	\$85.00	BMC § 13-1003
Minor in Possession of Tobacco 3rd	\$100.00	BMC § 13-1003
Truancy - Minor or Parent	\$250.00	BMC § 13-1101

e. Failure to Appear or Obey

Malicious Prosecution	\$200.00	BMC § 11-234
Failure to Appear or Obey Promise	\$500.00	BMC § 11-235
Failure to Perform Community Service	Jail	BMC § 11-238
Failure to Comply with Lawful Order	\$500.00	BMC § 11-235

f. Code Violations

Accumulation Weeds and Trash	\$250.00 (1 <sup>st</sup> offense)	BMC § 12-101
	\$100.00 (2 <sup>nd</sup> offense)	
	\$250.00 (3 <sup>rd</sup> offense)	
Unlawful to Deposit Rubbish	\$400.00	BMC § 12-108
Abandoned Refrigerator/Appliance	\$200.00	BMC § 12-114
Junked Motor Vehicle	\$200.00	BMC § 12-403
Storing/Parked/Leaving Junk MV	\$200.00	BMC § 12-403
Violation of Building Code	\$250.00	Chapter 4
Violation of Zoning Ordinance	\$250.00	Chapter 15 & 21
Tampering/Injuring Water System	\$200.00	BMC § 16-203

g. Animals

Permitting Animals to Run at Large	\$25.00 (1 <sup>st</sup> offense)	BMC § 3-102
	\$50.00 (2 <sup>nd</sup> offense)	
	\$150.00 (3 <sup>rd</sup> offense)	
Disturbance by Animals; Nuisance	\$50.00	BMC § 3-103
Keeping Animal as Otherwise Stated	\$150.00	BMC § 3-104
Animal Neglect/Abandonment	\$200.00	BMC § 3-105
Cruelty to Animals	\$200.00	BMC § 3-106
Turning Confined Animals at Large	\$150.00	BMC § 3-107
Pasturing in Public Area	\$50.00	BMC § 3-108
Failure to Have Animal Vaccinated	\$150.00	BMC § 3-109
Failure to Obtain Pet Permit	\$90.00	BMC § 3-401

h. Miscellaneous

Discharge Fireworks Within City	\$100.00	BMC § 7-301
Selling Fireworks Within City	\$100.00	BMC § 7-301
Storing Fireworks in City	\$100.00	BMC § 7-301
Attempting to Commit Offense	\$200.00	BMC § 13-101
Aiding and Abetting an Offense	Offense Specific	BMC § 13-102
Obstruction of Business Street	\$150.00	BMC § 13-503
Obstructing Street/Sidewalk	\$150.00	BMC § 13-503
Unlawful Barricade Removal	\$200.00	BMC § 13-506
Driving on Sidewalk	\$150.00	BMC § 18-516

i. Weapons

Carrying Dangerous Weapons	\$500.00	BMC § 13-701
Reckless Conduct with Firearm	\$500.00	BMC § 13-702
Discharging Firearm in City Limits	\$500.00	BMC § 13-703

D. Court costs of thirty dollars (\$30.00), in addition to other fees and costs authorized by federal, state, or local law, shall be collected on all cases, excepting certain parking, standing, and seatbelt violations (but not to include violations of child restraint systems).

E. All violations not specifically delineated within this section shall be bonded for within the limits established in § 8-301 of this code. All appropriate state assessments are required to be paid in addition to the aforementioned assessments, fines, and costs. (Ord. No. 1988-03, 6/6/88; Ord. No. 1989-31, 10/10/89; Ord. No. 1990-08, 8/14/90; Ord. No. 1995-11, 10/11/95; Ord. No. 2001-01, 2/13/01; Ord. No. 2009-07, 5/12/09; Ord. No. 590, 8/27/13; Ord. No. 624, 11/24/15)

**§ 11-208    ADOPTION OF TITLES 21, 37 & 47 OF THE OKLAHOMA STATUTES BY REFERENCE.**

Titles 21, 37 and 47 of the Oklahoma statutes are hereby adopted by title and reference and incorporated into the Blanchard Municipal Code, and are enforceable by the city within the city limits as if set at length herein. Authorized Blanchard officers and other persons may charge defendants with violation of such state laws in the municipal court, provided that no penalty shall be permitted in the municipal court greater than the penalty provided by state law. It is the intent of this section that as the statutes in such titles are heretofore amended, that such amendments are hereby adopted by reference and may be charged and used in municipal prosecutions. (Ord. No. 2009-07, 5/12/09)

**§ 11-209    DISQUALIFICATION OF JUDGE.**

In prosecutions before the court no change of venue shall be allowed; but the judge before whom the case is pending may certify disqualification or may be disqualified from sitting under the terms, conditions and procedure provided by law for courts of record. If a judge is disqualified, the matter shall be heard by an alternate judge appointed as provided in this chapter. (Ord. No. 2009-07, 5/12/09)

**§ 11-210    PROCEDURE-JUDICIAL NOTICE OF STATUTES AND ORDINANCES-WRITS AND PROCESS-SERVICE OF ARREST WARRANTS.**

Except as otherwise provided for by law, the code of procedure in the municipal court shall be the same as is provided for by law for the trial of misdemeanors. The court shall take judicial notice of state statutes and the ordinances of the city in which it is located. Writs and processes of the court may be issued by the judge or clerk hereof to any proper officer. All writs and processes of the municipal court in which a violation of a municipal ordinance is charged shall be directed to the chief of police of the city, a county sheriff, or to some other appropriate peace officer. A law enforcement officer of the city or county sheriff may serve an arrest warrant issued by the municipal court any place within this state. If the warrant is served by a county sheriff, the municipality shall pay the sheriff's service fee account a fee of twenty dollars (\$20.00). (Ord. No. 2009-07, 5/12/09)

**§ 11-211    MUNICIPAL COURT CLERK.**

The municipal court clerk, or deputy designated by such clerk, both of whom must be independent of the municipal police and judicial department, shall be the clerk of the municipal court. The clerk of the court shall:



1. Assist the judge in recording the proceedings of the court, preparation of writs, processes, or other papers;
2. Administer oaths required in judicial or other proceedings before the court;
3. Be responsible for the entry of all pleadings, processes, and proceedings in the dockets of the court;
4. Perform such other clerical duties in relation to the proceedings of the court as the judge shall direct; and
5. Receive and give receipt for and disburse or deliver to the municipal treasurer all fines, forfeitures, fees, deposits, and sums of money properly payable to the municipal court. Such funds and sums of money while in the custody of the clerk shall be deposited and disbursed upon vouchers as directed by the municipal governing body. (Ord. No. 2009-07, 5/12/09)

**§ 11-212 MUNICIPAL ATTORNEY AS PROSECUTOR.**

The municipal attorney of the city may be the prosecutor of the municipal court. The prosecutor shall have full power to prosecute for the violations of any ordinance of the municipality in the municipal court and shall have the power to prosecute and resist appeals and proceedings in error and review from the municipal court. (Ord. No. 2009-07, 5/12/09)

**§ 11-213 BOND OF CLERK.**

The court clerk of the court shall give bond, in the form provided by § 27-111 of Title 11 of the Oklahoma statutes. When executed, the bond shall be submitted to the governing body for approval. When approved, it shall be filed with the clerk of this municipality and retained in the municipal archives. (Ord. No. 2009-07, 5/12/09)

**§ 11-214 RULES OF COURT.**

The judge may prescribe rules, consistent with the laws of the state and with the ordinances of this municipality for the proper conduct of the business of the court. (Ord. No. 2009-07, 5/12/09)

**§ 11-215 ENFORCEMENT OF RULES.**

Obedience to the orders, rules and judgments made by the judge or by the

court may be enforced by the judge, who may fine or imprison for contempt committed while holding court, or committed against process issued by any authorized person, in the same manner and to the same extent as the district courts of this state. (Ord. No. 2009-07, 5/12/09)

**§ 11-216 PROSECUTIONS BY VERIFIED COMPLAINT.**

A. All prosecutions commenced in the municipal court shall be by complaint which shall be subscribed by the person making the complaint and shall be verified before a judge, the court clerk, a deputy court clerk, or a police officer. No warrant for arrest shall be issued until the complaint has been approved by the judge of the municipal court. All prosecutions for the violation of municipal ordinances shall be styled, "The City of Blanchard vs. \_\_\_\_\_ (naming the person charged.)"

B. The information shall be properly verified if:

1. The issuing officer subscribes the officer's signature on the citation, ticket or complaint to the following statement:

"I, the undersigned issuing office, hereby certify and swear that I have read the foregoing information and know the facts and contents thereof and that the facts supporting the criminal charge stated therein are true."

Such a subscription by an issuing officer, in all respects, shall constitute a sworn statement, as if sworn to upon an oath administered by an official authorized by law to administer oaths; and

2. The citation or ticket states the specific facts supporting the criminal charge and the ordinance or statute alleged to be violated; or

3. A complainant verifies by oath, subscribed on the citation, ticket or complaint, that he has read the information, knows the facts and contents thereof and that the facts supporting the criminal charge stated therein are true. For purposes of such an oath and subscription, any law enforcement officer of the municipality issuing the citation, ticket or complaint shall be authorized to administer the oath to the complainant. (Ord. No. 2009-07, 5/12/09)

**§ 11-217 CREATION OF VIOLATIONS BUREAU.**

A. There shall be established a violations bureau for the city. The judge may establish rules, consistent with the laws of the state and with the ordinances

of this municipality, for the violations bureau.

B. The violations bureau shall accept fines which may be paid in lieu of a court appearance for such offenses as may be designated by the judge under the court's rules. The schedule of fines shall be as set out in §11-207. A copy shall be kept in the clerk's office.

C. Payment of any fine to the violations bureau shall be deemed a final determination of the cause against the defendant.

D. If a defendant who has elected to pay a fine under this section fails to do so, prosecution shall proceed under the provisions of this chapter. (Ord. No. 2009-07, 5/12/09)

### **§ 11-218 TRAFFIC BAIL BOND PROCEDURES.**

A. In addition to other provisions of law for posting bail, any person, whether a resident of this state or a nonresident, who is arrested by a law enforcement officer solely for a misdemeanor violation of a state traffic law or municipal traffic ordinance shall be released by the arresting officer upon personal recognizance if:

1. The arrested person has been issued a valid license to operate a motor vehicle by this state, another state jurisdiction within the United States which is a participant of the nonresident violator compact, or any party jurisdiction of the nonresident violator compact;

2. The arresting officer is satisfied as to the identity of the arrested person;

3. The arrested person signs a written promise to appear as provided for on the citation; and

4. The violation does not constitute:

a. A felony;

b. Negligent homicide;

c. Driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances;

- d. Eluding or attempting to elude a law enforcement officer;
- e. Operating a motor vehicle without having been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation;
- f. An arrest based upon an outstanding warrant;
- g. A traffic violation coupled with any offense stated in subparagraphs a through f of this paragraph;
- h. An overweight violation, or the violation of a special permit exceeding the authorized permit weight; or
- i. A violation relating to the transportation of hazardous materials.

B. If the arrested person is eligible for release on person recognizance as provided for in subsection A of this section, then the arresting officer shall:

- 1. Designate the traffic charge;
- 2. Record information from the arrested person's driver's license on the citation form, including the name, address, date of birth, personal description, type of driver's license, driver's license number, issuing state, and expiration date;
- 3. Record the motor vehicle make, model and tag information;
- 4. Record the arraignment date and time on the citation; and
- 5. Permit the arrested person to sign a written promise to appear as provided for in the citation.

The arresting officer shall then release the person upon personal recognizance based upon the assigned promise to appear. The citation shall contain a written notice to the arrested person that release upon personal recognizance based upon a signed written promise to appear for arraignment is conditional and that failure to timely appear for arraignment shall result in the suspension of the arrested person's drivers' license in this state, or in the nonresident's home state pursuant to the nonresident violator compact.

C. The court, or the court clerk as directed by the court, may continue or reschedule the date and time of arraignment upon request of the arrested

person or his attorney. If the arraignment is continued or rescheduled, the arrested person shall remain on personal recognizance and written promise to appear until such arraignment, in the same manner and with the same consequences as if the continued or rescheduled arraignment was entered on the citation by the arresting officer and signed by the defendant. An arraignment may be continued or rescheduled more than one time; provided however, the court shall require an arraignment to be had within a reasonable time. It shall remain the duty of the defendant to appear for arraignment unless the citation is satisfied as provided for in subsection D of this section. Procedures for arraignment, continuances and scheduling, timely appearances, pleas of guilty or nolo contendere, posting bail, payment of fines and costs, issuance of arrest warrants, and requests for suspension of drivers' license, shall be required by the city or as provided in state law, §§1115.1 through 1115.5 of Title 22 of the Oklahoma statutes.

D. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before he is required to appear for arraignment by indicating such plea on the copy of the citation furnished to him or on a legible copy thereof, together with the date of the plea and his signature. The defendant shall be responsible for assuring full payment of the fine and costs to the court clerk. Payment of the fines and costs may be made by personal, cashier's traveler's, certified or guaranteed bank check, postal or commercial money order, or other form of payment approved by the court in the amount presented as bail for the offense. However, the defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendere as provided for in this subsection, such plea shall be accepted by the court and amount of the fine and costs shall be as prescribed by ordinance for the violation charged or as prescribed by the court or, in the absence of such ordinance, in the amount prescribed by the court.

E. If, pursuant to the provisions of subsection D of this section, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment, the court may issue a warrant for the arrest of the defendant and the municipal or district court clerk, within one-hundred twenty (120) calendar days from the date the citation was issued by the arresting officer, shall notify the state Department of Public Safety that:

1. The defendant was issued a traffic citation and released upon personal recognizance after signing a written promise to appear for arraignment as provided for in the citation;

2. The defendant has failed to appear for arraignment without good cause shown;

3. The defendant has not posted bail, paid a fine, or made any other arrangement with the court to satisfy the citation; and

4. The citation has not been satisfied as provided by law.

F. The court clerk shall request the state Department of Public Safety to either suspend the defendant's driver's license to operate a motor vehicle in this state, or notify the defendant's home state and request suspension of the defendant's driver's license in accordance with the provisions of the nonresident violator compact. Such notice and request shall be on a form approved or furnished by the state Department of Public Safety. The court clerk shall not process the notification and request provided for in this subsection if, with respect to such charges:

1. The defendant was arraigned, posted bail, paid a fine, was jailed, or otherwise settled the case;

2. The defendant was not released upon personal recognizance upon a signed written promise to appear as provided for in this section or if released, was not permitted to remain on such personal recognizance for arraignment;

3. The violation relates to parking or standing, an overweight violation, an overweight permit, or the transportation of hazardous materials; or

4. A period of one-hundred twenty (120) calendar days or more has elapsed from the date the citation was issued by the arresting officer.

G. The court clerk shall maintain a record of each request for driver's license suspension submitted to the state Department of Public Safety pursuant to the provisions of this section. When the court or court clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the court clerk shall furnish proof thereof to such defendant, if defendant personally appears, or shall make such proof by first class mail, postage prepaid, to the defendant at the address noted on the citation or as such other address as is furnished by the defendant. Additionally, the court or court clerk shall notify the home jurisdiction of the defendant as listed on the citation, if such jurisdiction is a member of the nonresident violator compact, and shall in all other cases, notify the state Department of Public Safety of the resolution of the case. The form of proof and the procedures for notification shall be approved by the state Department of Public Safety. Provided however, the court or court clerk's failure to furnish such proof or notice in the manner provided for in this sub§ shall in no event create any civil liability upon the court, the court clerk, the state or any

political subdivision thereof, or any state department or agency or any employee thereof but duplicate proof shall be furnished to the person entitled thereto upon request. (Ord. No. 2009-07, 5/12/09)

**§ 11-219    EXCEPTIONS TO BAIL BOND PROCEDURE.**

A.     If a person arrested for a traffic violation is released upon personal recognizance as provided for in §11-218, but subsequently posts bail and thereafter fails to timely appear as provided for by law, the court may issue a warrant for the person's arrest and the case shall be processed pursuant to §27-118 of Title 11 of the Oklahoma statutes.

B.     If the defendant is not eligible for release upon personal recognizance as provided for in §11-218 of this code, or if eligible but refuses to sign a written promise to appear, the officer shall deliver the person to the judge for arraignment and the judge shall proceed as otherwise provided for by law. If no judge is available, the defendant shall be placed in the custody of the municipal jailer, to be held until a judge is available or bail is posted.

C.     Notwithstanding any other provision of law, a juvenile may be held in custody pursuant to the provisions of this section, but shall be incarcerated separately from any adult offender. Provided, however, the arresting officer shall not be required to:

1.     Place a juvenile into custody as provided for in this section; or
2.     Place any other traffic offender into custody:
  - a.     Who is injured, disabled, or otherwise incapacitated;
  - b.     If custodial arrest may require impoundment of a vehicle containing livestock, perishable cargo, or items requiring special maintenance or care; or
  - c.     If extraordinary circumstances exist, which, in the judgment of the arresting officer, custodial arrest should not be made.

In such cases, the arresting officer may designate the date and time for arraignment on the citation and release the person. If the person fails to appear without good cause shown, the court may issue a warrant for the person's arrest. (Ord. No. 2009-07, 5/12/09)

**§ 11-220 DISHONORED CHECKS OR INSTRUMENTS, WARRANTS.**

A personal check or other instrument tendered to the court clerk for bail or for the payment of fine and costs, if dishonored and returned to the clerk for any reason other than the lack of proper endorsement, shall constitute nonpayment of bail or fine, as the case may be, and the court, in addition to any civil or criminal remedy otherwise provided for by law, may issue a bench warrant for the arrest of the person named on the citation to require his appearance on the charge specified. (Ord. No. 2009-07, 5/12/09)

**§ 11-221 ARREST, CITATION AND BAIL FOR ORDINANCE VIOLATIONS.**

A. If a resident of a municipality served by a municipal court is arrested by a law enforcement officer, for the violation of any traffic ordinance for which §11-218 does not apply, or is arrested for the violation of a non-traffic ordinance, the officer shall immediately release the person if the person acknowledges receipt of a citation by signing it. Provided, however, the arresting officer need not release the person if it reasonably appears to the officer:

1. That the person may cause injury to himself or others or damage to property if released;
2. That the person will not appear in response to the citation; or
3. The person is arrested for an offense against a person or property.

If the person fails to appear in response to the citation, a warrant shall be issued for his arrest and his appearance shall be compelled. If the arrested resident is not released by being permitted to sign a citation as herein provided, he shall be admitted to bail either before or after arraignment, or shall be released on personal recognizance.

B. If a nonresident of a municipality served by a municipal court is arrested by a law enforcement officer for a violation of any ordinance for which this section does not apply, the defendant shall be eligible to be admitted to bail either before or after arraignment. (Ord. No. 2009-07, 5/12/09)

**§ 11-222 SUMMONS FOR ARREST.**

A. Upon the filing of a complaint charging violation of any ordinance, the judge, unless he determines to issue a warrant of arrest, or unless the defendant previously has been issued a citation or has been arrested and has given bond for appearance, he shall issue a summons, naming the person charged, specifying his address or place or residence, if known, stating the



offense with which he is charged and giving him notice to answer the charge in the court on a certain day as specified after the summons is served upon him, and including such other pertinent information as may be necessary.

B. The summons shall be served by delivering a copy to the defendant personally. If he fails to appear and to answer the summons within the prescribed period, a warrant shall be issued for his arrest, as provided by this chapter. (Ord. No. 2009-07, 5/12/09)

### **§ 11-223 FORM OF ARREST WARRANT.**

A. Except as otherwise provided in the ordinances of this municipality, upon the filing of a complaint approved by the endorsement of the attorney of this municipality or by the judge, there shall be issued a warrant of arrest, in substantially the following form:

The city of Blanchard to the police chief of Blanchard, Oklahoma

Complaint upon oath having this day been made by (naming complainant) that the offense (naming the offense in particular but general terms) has been committed and accusing (name of defendant) thereof, you are commanded therefore forthwith to arrest the above named defendant and bring the above named (name of defendant) before me, at the municipal courtroom,

Witness my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Judge of the Municipal Court  
Blanchard, Oklahoma

B. It is the duty of the police chief, personally, or through a duly constituted member of the police force of this municipality, or through any other person lawfully authorized so to act, to execute a warrant as promptly as possible. (Ord. No. 2009-07, 5/12/09)

### **§ 11-224 PROCEDURES FOR BAIL OR BOND.**

A. Upon arrest, or upon appearance without arrest in response to citation or summons, or at any time before trial, before or after arraignment, the defendant shall be eligible to be released upon giving bail for his appearance in an amount and upon conditions fixed by this chapter or the judge, who shall prescribe appropriate rules of court for the receipt of bail. In case of arrests made at night or under other conditions or emergency or when the judge is not

available, the rules shall authorize the chief of police, or his designated representative, to accept a temporary cash bond of not less than ten dollars (\$10.00) nor more than the maximum monetary penalty provided by ordinance for the offense charged.

B. A bail bond schedule may be adopted by the judge and be amended from time to time. (Ord. No. 2009-07, 5/12/09)

#### **§ 11-225 ARRAIGNMENT AND PLEADINGS BY DEFENDANT.**

Upon making his appearance before the court, the defendant shall be arraigned. The judge, or the attorney of the municipality, shall read the complaint to the defendant, inform him of his legal rights, including the right of trial by jury, if available, and of the consequences of conviction, and ask him whether he pleads guilty or not guilty. If the defendant pleads guilty, the court may proceed to judgment and sentence or may continue the matter for subsequent disposition. If the plea is not guilty, and the case is not for jury trial, the court may proceed to try the case, or may set it for hearing at a later date. (Ord. No. 2009-07, 5/12/09)

#### **§ 11-226 TRIALS AND JUDGMENTS.**

A. Before trial commences, either party, upon good cause shown, may obtain a reasonable postponement thereof.

B. The defendant must be present in person at the trial or be represented by counsel if permitted by the judge.

C. In all trials, as to matters not covered in this chapter, or by the statutes relating to municipal criminal courts, or by rules duly promulgated by the supreme court of Oklahoma, the procedure applicable in trials of misdemeanors in the district courts shall apply to the extent that they can be made effective.

D. If the defendant pleads guilty or is convicted after the trial, the court must render judgment thereon, fixing the penalty within the limits prescribed by the applicable ordinance and imposing sentence accordingly.

E. At the close of trial, judgment must be rendered immediately by the judge who shall cause it to be entered in his docket.

F. If judgment is of acquittal, and the defendant is not to be detained for any other legal cause, he must be discharged at once.

G. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine is satisfied at the rate of one day imprisonment for each fifty dollars (\$50.00) of fine or as set out in subsection H hereof for defendants who are without means to make such payment.

H. If the defendant is without means to pay the fine or costs, the municipal judge may direct the total amount due to be entered upon the court minutes and to be certified to the district court of the county wherein the status of government is situated where it shall be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment. Thereupon the same remedies shall be available for the enforcement of the judgment as are available to any other judgment creditor. (Ord. No. 2009-07, 5/12/09)

#### **§ 11-227 WITNESS FEES.**

Witnesses in any proceeding in the court other than the police officers or peace officers shall be entitled to a sum per day of attendance. However, no witness shall receive fees in more than one case for the same period of time or the same travel. A defendant seeking to subpoena witnesses must deposit with the clerk a sum sufficient to cover fees for one day of attendance for each witness to be summoned, but such deposit shall not be required from an indigent defendant who files an affidavit setting out:

1. The names of no more than three (3) witnesses;
  2. That the defendant, by reason of poverty, is unable to provide the fees allowed by law;
  3. That the testimony of the witnesses is material; and
  4. That their attendance at the trial is necessary for his proper defense.
- The fees of such witnesses shall be paid by the municipality. (Ord. No. 2009-07, 5/12/09)

#### **§ 11-228 SENTENCING.**

A. The judge may suspend, modify, defer or reduce a sentence in accordance with §§ 27-123 and 27-124 of Title 11 of the Oklahoma statutes. For all offenses which impose a fine of more than two-hundred dollars (\$200.00), excluding court costs, a jury trial shall be had unless waived by the defendant and the city; effective on and after November 1, 2006, the maximum fine requiring a jury trial if demanded shall be a fine greater than five-hundred dollars (\$500.00), excluding court costs.

B. A judge who is licensed to practice law in this state in imposing a judgment and sentence, at his discretion, is empowered to modify, reduce or suspend or defer the imposition of such sentence or any party thereof and to authorize probation for a period not to exceed six (6) months from the date of sentence, under such terms or conditions as the judge may specify. Procedures relating to suspension of the judgment or costs or both shall be as provided in §27-123 of Title 11 of the Oklahoma statutes. Upon completion of the probation term, the defendant shall be discharged without a court judgment of guilt, and the verdict, judgment of guilty or plea of guilty shall be expunged from the record and the charge dismissed with prejudice to any further action. Upon a finding of the court that the conditions of probation have been violated, the municipal judge may enter a judgment of guilty. The judge may continue or delay imposing a judgment and sentence for a period of time not to exceed six (6) months from the date of sentence. At the expiration of such period of time the judge may allow the municipal attorney to amend the charge to a lesser offense. If a deferred sentence is imposed, an administrative fee of not to exceed one-hundred dollars (\$100.00) may be imposed as costs in the case. If the municipal judge is not a licensed attorney but has complied with the education requirements of subsection 11 O.S. §27-104F and the education requirements of 47 O.S. §18-101, the maximum fine that the judge may impose shall be five-hundred dollars (\$500.00). No city ordinance may impose a penalty, including fine or deferral fee in lieu of a fine and costs, which is greater than that established by statute for the same offense. The maximum fine or deferral fee in lieu of a fine for traffic-related offenses relating to speeding or parking shall not exceed two-hundred dollars (\$200.00). The maximum fine or deferral fee in lieu of a fine for alcohol-related or drug-related offenses shall not exceed eight-hundred dollars (\$800.00). For all other offenses, the maximum fine or deferral fee in lieu of a fine shall not exceed seven-hundred fifty dollars (\$750.00). The court shall remit fifty dollars (\$50.00) of each alcohol fine or deferral fee to a restricted cash account of the city that shall be used to defray costs for enforcement of laws relating to juvenile access to alcohol, other laws relating to alcohol and other intoxicating substances, and traffic-related offenses involving alcohol or other intoxicating substances. (Ord. No. 2009-07, 5/12/09)

**§ 11-229 IMPRISONMENT, WORK BY PRISONERS; COST OF INCARCERATION TO BE COLLECTED.**

A. All sentences of imprisonment shall be executed by the chief of police of the municipality, and any person convicted of a violation of any ordinance of the municipality and sentenced to imprisonment shall be confined in the jail, farm or workhouse, of the municipality, in the discretion of the court, for the time specified in the sentence.

B. If, after conviction, judgment of imprisonment is entered, a copy thereof, certified by the clerk, shall be delivered to the chief of police, the sheriff of the county or other appropriate police officer. Such copy shall be sufficient warrant for execution of the sentence.

C. All prisoners confined to jail on conviction or on plea of guilty may be compelled, if their health permits, to work on the public streets, avenues, alleys, parks buildings, or other public premises or property. For each day of such work, the prisoner shall be credited for serving one day of imprisonment under his sentence.

D. The chief of police, subject to the direction of the governing body, shall direct where the work shall be performed. The head of the department in charge of the place where the work is to be performed, himself, or by some person designated by him, shall oversee the work. If a guard is necessary, the chief of police shall make provision therefore.

E. Assessment of Costs of Incarceration.

1. For purpose of this section, "costs of incarceration" shall mean the costs of booking, receiving and processing out, housing, food, clothing, medical care, dental care, and psychiatric services.

2. Upon conviction or receiving a continued sentence, a person who was actually received into custody at a jail facility utilized by the city for the purposes of housing prisoners for alleged or adjudicated violations of municipal ordinances shall pay for the costs of incarceration. The court shall order the defendant to reimburse the costs of incarceration, including booking, receiving and processing out, housing, food, clothing, medical care, dental care and psychiatric services.

3. The costs for booking, receiving and processing out shall be determined by the chief of police.

4. The costs for housing shall be thirty dollars (\$30.00) per twenty-four (24) hour day or part thereof, measured from 12:01 a.m. to 12:00 midnight.

5. The cost of incarceration shall be collected by the clerk of the municipal court and deposited with the city treasurer as provide for the collection of other costs and fines, which shall be subject to review under the procedures in §VIII, chapter 18, appendix of title 22 of the Oklahoma statutes.

6. The city shall give the defendant notice, either in person or by regular mail of the incarceration costs owed before the costs are collected. The

defendant shall have ten (10) days from the date notice is given to object to the amount of the costs solely on the ground that the number of days served is incorrect. If the defendant chooses to make an objection, the defendant shall be directed to the office of the municipal counselor and the municipal counselor or his designee assistant municipal counselor shall evaluate the objection to determine the appropriate number of days of incarceration. The clerk of the municipal court shall assess the costs for the appropriate number of days as determined by the municipal counselor's office. If no objection is made, the costs may be collected in the amount stated in the notice to the defendant. Costs of incarceration shall be a debt of the defendant owed to the city and may be collected as provided by law for collection of any other civil debt or criminal action.

F. Effective November 1, 2004, any person fined for violation of a municipal ordinance who is financially able but refuses or neglects to pay the fine or costs may be compelled to satisfy the amount owed by working on the streets, alleys, avenues, areas and public grounds of the city, subject to direction by the city manager or other proper officer, at a rate per day of fifty dollars (\$50.00) per day for useful labor, until the fine or costs are satisfied. (Prior Code §11-28; Ord. No. 2008-08, 11/25/08; Ord. No. 2009-07, 5/12/09)

#### **§ 11-230 COSTS.**

Costs in the amount of thirty dollars (\$30.00) plus the fees and mileage of jurors and witnesses shall be charged and collected by the clerk of the municipal court in all cases other than those in which the defendant is acquitted or found not guilty, those which are dismissed without costs upon motion of the defendant or the city attorney, or those for which costs are otherwise limited by law. Court costs in the amount of thirty dollars (\$30.00) shall be charged and collected by the clerk of the municipal court in all cases in which the exemptions above do not apply. (Prior Code §11-24; Ord. No. 1999-13, 11/9/99; Ord. No. 2009-07, 5/12/09; Ord. No. 618, 8/25/15)

**State Law Reference:** Costs, 11 O.S. §27-126; suspension of judgment or costs, 11 O.S. §27-123.

#### **§ 11-231 PENALTY ASSESSMENTS.**

A. For purposes of this section, the word "convicted" shall mean any final adjudication of guilty, whether pursuant to a plea of guilty or nolo contendere or otherwise, and deferred or suspended sentence or judgment.

B. Any person convicted of an offense, including traffic offenses but excluding parking and standing violations, punishable by a fine of ten dollars

(\$10.00) or more or by incarceration or any person forfeiting bond when charged with such an offense, shall be ordered by the court to pay:

1. Fees in the total amounts as assessed by Oklahoma State Statutes and amounts which may be retained, as authorized, shall be deposited into the city's general fund, and with the balance paid into certain CLEET funds as provided by 20 O.S. 1991 §1313.2

2. Fees in the amounts as assessed by Oklahoma State Statutes and amounts which may be retained, as authorized, shall be deposited into the city's general fund, and with the balance paid to the A.F.I.S. fund created by 74 O.S. §150.25.

3. Fees in the amount as assessed by Oklahoma State Statutes and amounts which may be retained, as authorized, shall be deposited into the city's general fund, and with the balance paid to as a Forensic Science Improvement Assessment.

C. These penalty assessments shall be in addition to and not in substitution for any and all fines and penalties and costs otherwise provided for such offense. Such penalty assessments shall be deposited as required by state law. (Ord. No. 1995-11, 9/12/95; Ord. No. 2009-07, 5/12/09; Ord. No. 663, 10/24/17)

**State Law Reference:** Similar provision, 20 O.S. §1313.1 through 1313.3.

## **§ 11-232 ISSUANCE OF SUMMONS AND WARRANT.**

A. Upon the filing of a complaint charging violation of an ordinance, the judge, unless he determines to issue a warrant of arrest, or unless the defendant previously been issued a citation or has been arrested and has given bond for appearance, shall issue a summons, naming the person charged, specifying his address or place of residence, if known, stating the offense with which he is charged and giving him notice to answer the charge in the court on a day certain, containing a provision for the official return of the summons, and including such other pertinent information as may be necessary.

B. The summons shall be served by delivering a copy to the defendant personally. If he fails to appear to answer the summons within the prescribed period, a warrant shall be issued for his arrest.

C. Upon proper application, the judge is hereby authorized to issue a search warrant if he is satisfied of the existence of grounds of the application or

if there is probable cause to believe their existence. Such warrant shall be signed by the judge with his name of office to the police chief, commanding him forthwith to search the person or place named, for the property specified, and to bring it before the magistrate, and also to arrest the person in whose possession the same may be found, to be dealt with according to law. (Ord. No. 2009-07, 5/12/09)

**State Law Reference:** Complaints, 11 O.S. §27-115.

**§ 11-233 SECURITY FOR COSTS BEFORE COMMENCEMENT OF PROSECUTION.**

When application is made by any person to commence any prosecution in the municipal court, the municipal judge may, at his discretion, before any such proceeding is commenced, require the person making such application to give good and sufficient security for costs in the event the prosecution should fail. (Ord. No. 2009-07, 5/12/09)

**§ 11-234 MALICIOUS PROSECUTION; COSTS.**

If upon the trial of any case in the municipal court, it shall appear to the satisfaction of the court that the prosecution was commenced without probable cause, and from malicious motive, the court shall state the name of the complainant in the finding, and shall impose the costs of prosecution upon him; and the judgment shall be rendered against such complainant that he pay such costs and stand committed until the costs are paid. (Ord. No. 2009-07, 5/12/09)

**§ 11-235 FAILURE TO OBEY PROMISE OR NOTICE TO APPEAR.**

A. It shall be unlawful for any person to violate his written promise to appear in the municipal court given to an officer upon the issuance of any promise or notice to appear regardless of the disposition of the charge for which such promise or notice to appear was originally issued.

B. It shall be unlawful for any person to fail to appear in the municipal court pursuant to any notice to appear.

C. A written promise or notice to appear in the municipal court may be complied with by an appearance by counsel. (Ord. No. 2009-07, 5/12/09)



**§ 11-236 DISPOSITION AND RECORDS.**

A. The chief of police, or other responsible officer, shall cause the original copy of every ticket issued to an alleged violator of any ordinance to be deposited with the municipal court in the manner provided by rule.

B. Upon the deposit of such ticket with the municipal court said ticket may be disposed of only by trial in said court, or other official action by a judge of said court, including forfeiture of bail, or by payment of a fine, to the court clerk; provided however, the provisions of this subsection shall not apply to cases which city attorney declines to prosecute or are withdrawn by a citizen complainant.

C. It shall be unlawful and official misconduct for any person to dispose of, alter or deface a ticket or any copies thereof, or the record of the issuance or disposition of any ticket or warrant in a manner other than authorized.

D. The chief of police shall maintain or cause to be maintained a record of all warrants issued by the municipal court and which are delivered to the police department for service, and of the final disposition of all warrants. (Ord. No. 2009-07, 5/12/09)

**§ 11-237 COMMUNITY SERVICE IN LIEU OF IMPRISONMENT; FAILURE TO PERFORM.**

All sentences of imprisonment shall be executed by the chief of police of the municipality, and any person convicted of a violation of any ordinance of the municipality and sentenced to imprisonment shall be confined in the municipal jail, in the discretion of the court, for the time specified in the sentence, provided, however, the court may, in lieu of imprisonment, order the defendant to engage in a term of community service without compensation. If the defendant fails to perform the required community service or if the conditions of community service are violated, the judge may impose a sentence of imprisonment, not to exceed the maximum sentence allowable for the violation for which the defendant was convicted. (Ord. No. 2009-07, 5/12/09)

**§ 11-238 COMMUNITY SERVICE IN LIEU OF A FINE; FAILURE TO PERFORM.**

Whenever any person is convicted in municipal court for violation of a municipal ordinance, the court may order the defendant to a term of community service or remedial action in lieu of fine or in conjunction with imprisonment. If the defendant fails to perform the required community service or if the conditions of community service are violated, the judge may impose a sentence of

imprisonment, not to exceed the maximum sentence allowable for the violation for which the defendant was convicted. (Ord. No. 2009-07, 5/12/09)

**§ 11-239    ASSESSMENTS TO MUNICIPAL FINES.**

A.     For every fine or bond forfeiture of ten dollars (\$10.00) or more collected by the municipal court, a \$20.00 fee shall be assessed, in addition to any other costs or fees assessed on every citation disposed of in the municipal court, except those that are voided, declined for prosecution or on which the defendant is acquitted.

B.     The treasurer shall deposit the revenues generated by this fee into a nontransferable interest bearing account to be known as the technology fund.

C.     The technology fund shall be a separate fund. Expenditures may be made from this account only for technological maintenance and improvements for the city.

D.     It is hereby declared to be the express and sole purpose of the revenues provided by the additional assessment levied by this section to provide revenues in funding technological maintenance and improvements for the city to include, but not be limited to, computer software and equipment, radio equipment and all costs associated therewith, and all expenses incurred for such programs, and is not intended to supplant normal capital funds established within the municipal budget.

E.     The provisions hereof shall be cumulative and in addition to any and all other provisions of the ordinances of the city. (Ord. No. 595, 11/12/13)