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ADMINISTRATION

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CHAPTER 1
ARNETT TOWN CODE

SECTION:

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1-1-1: **TITLE:** Upon adoption by the board of trustees, this code is hereby declared to be and shall hereafter constitute the official town code of Arnett. This code of ordinances shall be known and cited as the *ARNETT TOWN CODE* and is hereby published by authority of the board of trustees and shall be supplemented to incorporate the most recent legislation of the town as provided in section 1-1-3 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this code by title in any legal documents. (2013 Code)

1-1-2: **ACCEPTANCE:** This code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of the state as the ordinances of the town of general and permanent effect, except the excluded ordinances enumerated in section 1-2-1 of this title. (2013 Code)

1-1-3: **AMENDMENTS:** Any ordinance amending this code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordi-

nance of any part of this code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers, and the said ordinance material shall be prepared for insertion in its proper place in each copy of this code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of this code. (2013 Code)

1-1-4: **AUTHORITY OF CODE:** This code is a revision and codification of the general ordinances of the town which have been enacted and published in accordance with the authority granted in 11 Oklahoma Statutes sections 14-108 and 14-109. (1999 Code § 1-103)

1-1-5: **REFERENCES INCLUDE AMENDMENTS; CONSTRUCTION:**

- A. Any reference in this code to an ordinance or provision of this code means such ordinance or provision as may now exist or is hereafter amended. (1999 Code § 1-105)
- B. Any references in this code to titles, chapters, articles or sections shall be to the titles, chapters, articles or sections of this code, unless otherwise specified. (1999 Code § 1-105; amd. 2013 Code)

1-1-6: **JURISDICTION:**

- A. All ordinances of the town now in effect within the town are hereby extended to all real property belonging to, or under the control of, the town outside the corporate limits of the town, and are in full effect therein, insofar as they are applicable.
- B. All ordinances of the town which shall go into effect in the future shall also apply to, and be in full effect within, the boundaries of all outlying real property, insofar as they may be applicable.
- C. Any words in any ordinance indicating that the effect of an ordinance provision is limited to the corporate limits of the town shall be deemed to mean and include also the outlying real property belonging to, or under the control of, the town, unless the context clearly indicates otherwise. (1999 Code § 1-113)

1-1-7: **CODE ALTERATIONS:** It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this code in such a manner that the meaning of any phrase or order may be changed or omitted. Said code, while in actual possession of officials and other interested persons, shall be and remain the property of the town and shall be returned to the office of the town clerk-treasurer when directed so to do by order of the town board of trustees. (2013 Code)

CHAPTER 2
SAVING CLAUSE

SECTION:

- 1-2-1: Repeal Of General Ordinances; Exceptions
- 1-2-2: Public Ways And Public Utility Ordinances
- 1-2-3: Effect Of Repeal; Court Proceedings
- 1-2-4: Conflicting Provisions
- 1-2-5: Code Provisions As Continuance Of Existing Ordinances
- 1-2-6: Severability Clause

1-2-1: **REPEAL OF GENERAL ORDINANCES; EXCEPTIONS:**

- A. All general ordinances of the town passed prior to the adoption of this code are hereby repealed, except such as are included in this code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed:
1. Ordinances promising or guaranteeing the payment of money for the town, or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness.
 2. Any appropriation ordinance providing for the levy of taxes or prescribing salaries for town officers.
 3. Ordinances relating to boundaries and annexations.
 4. Franchise ordinances and other ordinances granting special rights to persons or corporations.
 5. Contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants, or accepting the beneficial interest in any trust.

6. Ordinances establishing, naming or vacating streets, alleys or other public places.

7. Improvement ordinances.

8. Bond ordinances.

9. Ordinances relating to elections.

10. Ordinances relating to the transfer or acceptance of real estate by or from the town.

11. All special ordinances.

B. All such ordinances shall continue in full force and effect to the same extent as if fully set out herein. (2013 Code)

1-2-2: **PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES:** No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this code or by virtue of section 1-2-1 of this chapter, except as this code may contain provisions for such matters, in which case, this code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (2013 Code)

1-2-3: **EFFECT OF REPEAL; COURT PROCEEDINGS:**

A. Reviving Prior Ordinances: The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

B. Offenses: No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or

punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

- C. **Extend To All Repeals:** This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.
- D. **Current Pending Actions:** Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the town herein repealed, and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the town under any ordinance or provision thereof in force at the effective date hereof. (2013 Code)

1-2-4: CONFLICTING PROVISIONS:

- A. If the provisions of different titles, chapters, articles or sections of this code conflict with or contravene each other, the provisions of each title, chapter, article or section shall prevail as to all matters and questions growing out of the subject matter of that title, chapter, article or section.
- B. If clearly conflicting provisions are found in different sections of the same chapter, the provisions of the section last enacted shall prevail unless the construction is inconsistent with the meaning of that section. (1999 Code § 1-104; amd. 2013 Code)

1-2-5: CODE PROVISIONS AS CONTINUANCE OF EXISTING ORDINANCES: The provisions appearing in this code, insofar as they relate to the same subject matter and are substantially the same as those ordinance provisions previously adopted by the town and existing at the effective date of this code, shall be considered as restatements and continuations thereof and not as new enactments. (1999 Code § 1-107)

1-2-6: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this code, or any part hereof or any portion adopted by reference or any codes or portions of codes adopted herein, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this code, or any part hereof or any portion adopted by reference or any codes or portions of codes adopted herein. The board of trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1999 Code § 1-114; amd. 2013 Code)

CHAPTER 3

DEFINITIONS AND INTERPRETATIONS

SECTION:

- 1-3-1: Construction Of Words; Interpretations
- 1-3-2: General Definitions
- 1-3-3: Catchlines

1-3-1: **CONSTRUCTION OF WORDS; INTERPRETATIONS:**

- A. Liberal Construction: All general provisions, terms, phrases and expressions contained in this code shall be liberally construed in order that the true intent and meaning of the mayor and town board of trustees may be fully carried out.
- B. Minimum Requirements: In the interpretation and application of any provision of this code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare.
- C. Ordinance: The word "ordinance" contained in the ordinances of the town has been changed in the content of this code to "title", "chapter", "section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to town ordinances is not meant to amend passage and effective dates of such original ordinances.
- D. Delegation Of Authority: Whenever a provision appears requiring the head of a department or some other town officer to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

- E. Gender: The use of any gender based pronoun should not be construed to be gender biased, but is only used for grammatical simplicity.
- F. Joint Authority: All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.
- G. May; Shall: The word "may" is permissive and discretionary; the word "shall" is mandatory.
- H. Or; And: "Or" may be read "and", and "and" may be read "or", if the sense requires it.
- I. Nontechnical And Technical Words: Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- J. Number: A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. Words used in the plural number may also include the singular unless a contrary intention plainly appears.
- K. Officers And Employees Generally: Whenever any officer or employee is referred to by title only, such reference shall be construed as if followed by the words "of the town of Arnett".
- L. Tense: Words used in the past or present tense include the future, past and present where applicable unless the context clearly indicates otherwise. (1999 Code § 1-102; amd. 2013 Code)

1-3-2: **GENERAL DEFINITIONS:** Whenever the following words or terms are used in this code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

AGENT: A person acting on behalf of another with authority conferred, either expressly or by implication.

BOARD OF TRUSTEES OR TOWN BOARD:	The board of trustees of the town of Arnett, Oklahoma.
BOND:	An obligation in writing, binding the signatory to pay a sum certain upon the happening or failure of an event.
BUILDING:	Any structure intended to have walls and a roof.
BUILDING OFFICIAL:	The person appointed by the town and designated as the town building official.
BUSINESS:	Any profession, trade, occupation and any other commercial enterprise conducted for monetary reward.
CLERK OR CLERK-TREASURER:	The town clerk-treasurer.
CODE:	The town code of the town of Arnett, Oklahoma.
COUNTY:	Ellis County, Oklahoma.
DESIGNEE:	Following an official of the town, means the authorized agent, employee or representative of such official.
FISCAL YEAR:	The fiscal year shall begin July 1 and end June 30 of the following year.
HEALTH OFFICER:	Administrator of the cooperative department of the county and the town.
KEEPER:	One in possession of or who has the care, custody or superintendence of a thing, place or business whether or not the owner or proprietor, and includes any person, firm, association, corporation, club and copartnership whether acting by themselves or by a servant, agent or employee.
LAW:	Applicable federal law and court decisions, court decisions and provisions of the constitu-

tion and statutes of the state, and ordinances of the town, and, when appropriate, any and all rules and regulations promulgated thereunder.

LICENSE:	The permission granted for the carrying on of a business, profession or occupation.
MAYOR:	The mayor of the town.
MONTH:	A calendar month.
OS:	Oklahoma Statutes, as amended.
OATH:	Any form of attestation by which a person signifies that he is bound in conscience to perform an act or to speak faithfully and truthfully, and includes an affirmation or declaration in cases where by law an affirmation may be substituted for an oath.
OCCUPANT:	As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.
OFFENSE:	Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.
OPERATE:	Carry on, keep, conduct, maintain, manage, direct or superintend.
ORDINANCES:	The ordinances of the town and all amendments and supplements thereto.
OWNER:	One who has complete dominion over particular property and who is the one in whom legal or equitable title rests; when applied to a building or land, "owner" means any part owner, joint owner, owner of a community or partnership interest, life tenant, tenant in common, or joint tenant, of the whole or part of such building or land.

PERSON:	Any individual, natural person, joint stock company, partnership, voluntary association, club, firm, company, corporation, business trust, organization, or any other bodies corporate or politic or group acting as a unit, or the manager, lessee, agent, servant, partner, member, director, officer or employee of any of them including an executor, clerk, trustee, receiver, or other representative appointed according to law.
PERSONAL PROPERTY:	Any money, goods, movable chattels, things in action, evidence of debt, all objects and rights which are capable of ownership, and every other species of property except real property.
PRECEDING, FOLLOWING:	Next before and next after, respectively.
PROPERTY:	Shall include real and personal property.
PROPRIETOR:	An owner of the property or premises, including any person, firm, association, corporation, club, partnership or other group acting as a unit, whether acting by themselves or by a servant, agent or employee.
PUBLIC PLACE:	Means and includes any public street, road or highway, alley, lane, sidewalk, crosswalk, or other public way, or any public resort, place of amusement, stadium, athletic field, park, playground, public building or grounds appurtenant thereto, school building or school grounds, public parking lot or any vacant lot, the elevator, lobby, halls, corridors and areas open to the public of any store, office, or apartment building, or any other place commonly open to the public.
REAL PROPERTY:	Land together with all things attached to the land so as to become a part thereof.
RETAILER:	Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.

RIGHT OF WAY:	The privilege of the immediate use of the roadway or other property.
SIDEWALK:	That portion of a street between the curb line and the adjacent property along the margin of a street or other highway, designed, constructed and intended for the use of pedestrians to the exclusion of vehicles.
SIGNATURE AND SUBSCRIPTION:	The name of a person, mark or symbol appended by him to a writing with intent to authenticate the instrument as one made or put into effect by him.
STATE:	The state of Oklahoma.
STATUTORY REFERENCES:	References to statutes of the state of Oklahoma as they now are or as they may be amended.
STREET:	All streets, highways, avenues, boulevards, parkways, roads, lanes, viaducts, bridges and the approaches thereto, docks built on the public street, alleys, courts, places, squares, curbs, sidewalks, recreation and park lands used for vehicular traffic, or other public ways or thoroughfares in the town, over which it has jurisdiction, which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the state.
TENANT:	Any person occupying the premises, building or land of another in subordination to such other person's title and with his express or implied assent, whether he occupies the whole or a part of those premises, building or land, whether alone or with others.
TIME:	The hour of the day according to the official time of the day.
TIME OF PERFORMANCE:	The time within which an act is to be done as provided in any section or any order issued pursuant to any section, when expressed in

days, and is computed by excluding the first and including the last day. If the last day is a Sunday or legal holiday, that day shall not be counted in the computation. When the time is expressed in hours, the whole of Sunday or a legal holiday from twelve o'clock (12:00) midnight to twelve o'clock (12:00) midnight is excluded.

TOWN:	The town of Arnett, county of Ellis, state of Oklahoma.
TOWN LIMITS:	Within the town and includes not only the corporate limits of the town but also any property which it owns or which is under its jurisdiction.
TREASURER:	The town clerk-treasurer.
WATERCOURSE:	Any drain, ditch and stream, flowing in a definite direction or course in a bed with banks.
WEEK:	Seven (7) days.
WHOLESALE DEALER:	Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.
WRITING AND WRITTEN:	Any representation of words, letters or figures, whether by printing or otherwise, capable of comprehension by ordinary visual means.
YEAR:	A calendar year. (1999 Code § 1-102; amd. 2013 Code)

1-3-3: **CATCHLINES:** All designations and headings of titles, chapters, articles and sections are intended only for convenience in arrangement and as mere catchwords to indicate the contents of such titles, chapters, articles or sections. They shall not be deemed or taken to be any part of such titles, chapters, articles or sections; nor, unless expressly so provided, shall they be so deemed upon amendment or reenactment; nor shall they be construed to govern, limit, modify, alter or in

any other manner affect the scope, meaning or intent of any of the provisions of this code. (1999 Code § 1-106; amd. 2013 Code)

CHAPTER 4

GENERAL PENALTY

SECTION:

- 1-4-1: General Penalty
- 1-4-2: Civil Relief From Violations
- 1-4-3: Territorial Applicability
- 1-4-4: Application Of Provisions
- 1-4-5: Liability Of Officers

1-4-1: **GENERAL PENALTY¹:**

- A. **Penalty Imposed:** Whenever in this code, in any ordinance of the town, or in any rule or regulation promulgated pursuant to this code, any act or failure to do a required act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided herein or therefor, the violation of any such provision of this code or any ordinance or rule shall be punishable by a fine not exceeding five hundred dollars (\$500.00), or the maximum allowed by state law, except where another specific penalty is established in this code. If a penalty is limited by state law, such violations shall be punishable by not to exceed the maximum permitted by state law. Each day any person is in violation of any provision of this code, and each day any such violation occurs or continues to exist, shall be a separate offense. (1999 Code §§ 1-108, 1-109; amd. 2013 Code)
- B. **Prohibited Acts Include Causing, Permitting Or Concealing:** Whenever in this code any act or omission is made unlawful or prohibited, it shall include causing, allowing, permitting, aiding, abetting or concealing the fact of such act or omission. (1999 Code § 1-110)
- C. **License Suspension Or Revocation:** The suspension or revocation of any license, certificate or other privilege conferred by the town shall

1. 11 OS §§ 14-111, 27-104.

not be regarded as a penalty for the purposes of this code but shall be in addition thereto. (1999 Code § 1-108)

1-4-2: **CIVIL RELIEF FROM VIOLATIONS:** No penalty imposed by or pursuant to section 1-4-1 of this chapter or any other section of this code or other ordinance of the town shall interfere with the right of the town to apply to the proper courts of the state for a writ of mandamus, an injunction or other appropriate relief in the case of violations of this code or other ordinances. (1999 Code § 1-111)

1-4-3: **TERRITORIAL APPLICABILITY:** Except as provided otherwise, this code refers only to the commission or omission of acts within the territorial limits of the town and to that territory outside the town over which the town has jurisdiction, ownership or control by virtue of any constitutional or statutory provision, or any law. (1999 Code § 1-112)

1-4-4: **APPLICATION OF PROVISIONS:**

- A. Application Of Penalty: The penalty provided in this chapter shall be applicable to every section of this code the same as though it were a part of each and every separate section.
- B. Acts Punishable Under Different Sections: In all cases where the same offense is made punishable or is created by different clauses or sections of this code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- C. Breach Of Provisions: Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply. (2013 Code)

1-4-5: **LIABILITY OF OFFICERS:** No provision of this code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty

provided for a failure to perform such duty, unless the intention of the town board to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (2013 Code)

CHAPTER 5

MISCELLANEOUS ADMINISTRATIVE PROVISIONS

SECTION:

- 1-5-1: Corporate Limits; Official Map
1-5-2: Elections Conducted By County Election Board

1-5-1: **CORPORATE LIMITS; OFFICIAL MAP:** The map of the town showing its territorial limits, as maintained in the office of the town clerk-treasurer, is hereby designated as the official map of the town, and the corporate limits as shown thereon, and as amended, are declared to be the true and correct corporate limits of the town, including all annexations made to the town through and including the date of April 1, 1999. (1999 Code § 1-201)

1-5-2: **ELECTIONS CONDUCTED BY COUNTY ELECTION BOARD:**

- A. Pursuant to 11 Oklahoma Statutes section 16-302, the town hereby declares that it shall not be governed by the Oklahoma town meeting act as a means of electing its officers and deciding initiative and referendum questions.
- B. The town shall hereby elect its officers and decide initiative and referendum questions through elections conducted by the county election board pursuant to 11 Oklahoma Statutes section 16-101 et seq. (Ord. 322, 11-18-2002)

CHAPTER 6

TOWN BOARD OF TRUSTEES AND MAYOR

SECTION:

- 1-6-1: Form Of Government
- 1-6-2: Mayor; Election From Board Members; Duties
- 1-6-3: Meetings
- 1-6-4: Compensation

1-6-1: **FORM OF GOVERNMENT:** The town is governed under the board of trustees form of government. The board of trustees shall consist of five (5) trustees. All powers of the town shall be exercised in the manner prescribed by this code, by state statute and in such manner prescribed by ordinances adopted by the town board of trustees. (1999 Code § 2-101)

1-6-2: **MAYOR; ELECTION FROM BOARD MEMBERS; DUTIES:**

- A. Election; Term: The board of trustees shall elect from among its members a mayor. The mayor shall be elected in each odd numbered year at the first board of trustees meeting held after the trustee terms begin, or as soon thereafter as practicable. The mayor shall serve until his successor has been elected and qualified.
- B. Duties: The mayor shall preside at meetings of the board and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as head of the town government for all ceremonial purposes and shall have such other powers, duties, and functions as may be prescribed by law or ordinance. The mayor shall have all the powers, rights, duties and responsibilities of a trustee, including the right to vote on questions.
- C. Acting Mayor: During the absence, disability or suspension of the mayor, the board shall elect from among its members an acting mayor.

- D. Filling Vacancy: When a vacancy occurs in the office of the mayor, the board shall elect another mayor from among its members to serve for the duration of the unexpired term. (1999 Code § 2-103; amd. 2013 Code)

1-6-3: **MEETINGS:**

A. Regular And Adjourned Meetings:

1. Regular meetings of the board of trustees shall be held on the next to the last Monday of every month at seven o'clock (7:00) P.M. at the town hall, unless, in the case of an emergency, the board of trustees designates another place. If such a Monday falls on a town holiday, the regular meeting may be held at that time on the next day which is not a holiday.

2. Any adjourned meeting may be held at any other place in the town designated by the board of trustees.

- B. Rules Governing Proceedings: The board of trustees may from time to time adopt rules to govern the proceedings of the board of trustees. (1999 Code § 2-102)
- C. Special Meetings: Special meetings may be called by the mayor or any three (3) trustees.
- D. Quorum: A majority of all the members of the board shall constitute a quorum to do business, but a smaller number may adjourn from day to day
- E. Open Meetings: Meetings of the town board shall be open to the public, pursuant to 25 Oklahoma Statutes section 301 et seq. (2013 Code)

- 1-6-4: **COMPENSATION:** Compensation of elected officers of the town shall be as provided by the ordinances of the town. (1999 Code § 2-110)

CHAPTER 6

TOWN BOARD OF TRUSTEES AND MAYOR

ARTICLE A. PARTICIPATION IN TOWN MEETINGS

SECTION:

- 1-6A-1: Statement Of Policy
- 1-6A-2: Right To Speak And To Participate
- 1-6A-3: Disruption Of Town Meetings
- 1-6A-4: Dissemination Of Information
- 1-6A-5: Enforcement
- 1-6A-6: Penalty

1-6A-1: **STATEMENT OF POLICY:**

- A. It shall be the policy of the town that participation of residents of the town and other interested persons be encouraged in the meetings of the town board of trustees and the Arnett public facilities authority.
- B. The rights of freedom of speech and to petition the town governing bodies for redress of grievances shall not be abridged, and no regulation of time, place, and/or manner of such participation shall be construed to regulate speech on the basis of content. (Ord. 341, 1-22-2008)

1-6A-2: **RIGHT TO SPEAK AND TO PARTICIPATE:** There shall be no restriction on the rights of residents of the town to verbally address the board of trustees, nor upon the legal representatives of such residents, except as follows:

- A. Residents: Any resident or legal representative may speak on any agenda item or upon any proper item of discussion permitted by the Oklahoma open meeting act for three (3) minutes only; provided, however, that the board of trustees may call for the pending question with a two-thirds ($\frac{2}{3}$) majority of all members present and voting; and

further, the board of trustees may vote by simple majority of all members present and voting to end an item set for discussion only, in the event that the board of trustees determine that any further discussion would be cumulative.

- B. Nonresidents: Nonresidents of the town and their legal representatives may speak for three (3) minutes only on any agenda item or upon any proper item of discussion in which they are directly interested or upon which proposed action or discussion they would or may experience a legally recognized harm, subject to the limitations on debate or discussion set forth in subsection A of this section.
- C. Time Limit Exception: Time spent by board members who verbally respond to resident and nonresident participants under this article shall not count against the three (3) minute time limit.
- D. Additional Discussion By Technical Experts: The board of trustees, by a majority vote, may permit additional discussion by technical experts, consultants and professionals who are in favor or opposed to any proposed action by the town board of trustees upon terms that are neutral and which are in furtherance of open debate.
- E. Written Request To Be Heard; Time Limitation:
 - 1. Those who wish to be heard at the board of trustees meeting shall fill out a "request to be heard" form for each agenda item to be discussed or commented upon, said form to be adopted by resolution, giving name, address and the agenda item upon which the person wishes to comment. Neither this provision nor the three (3) minute time limit shall apply to those officers, agents, servants, and employees of the town or the Arnett public facilities authority who have been requested by a member of the board of trustees to speak on a specific agents item.
 - 2. During new matters, emergency matters and discussion only items, the three (3) minute time shall apply, regardless of the number of issues the speaker may wish to address. Speaking time may not be loaned or shared.
 - 3. Completed forms will be given to the town clerk-treasurer prior to the beginning of each meeting. Blank forms, sufficient in number, shall be available at the municipal office prior to each meeting.

- F. Presenting Written Materials Or Documents: Any person shall be permitted to submit written materials or documents to the board of trustees. (Ord. 341, 1-22-2008)

1-6A-3: **DISRUPTION OF TOWN MEETINGS:** No person, whether a town resident, nonresident, a legal representative or otherwise, may, alone or in concert with others, wilfully disturb, disrupt or interfere with the meetings of the board of trustees or the Arnett public facilities authority by:

- A. Engaging in violent, tumultuous or threatening behavior;
- B. Using abusive or obscene language or making an obscene gesture;
- C. Failing to yield the floor podium when the speaker is requested to do so by the presiding officer of the meeting pursuant to a lawful order, such as in cases when the speaker's time is expired, or the question is successfully called for by the requisite majority; or
- D. Failing to state, when requested by the presiding officer of the public meeting, the speaker's own name and address for the record of the meeting. (Ord. 341, 1-22-2008)

1-6A-4: **DISSEMINATION OF INFORMATION:** This article which states the terms and requirements for participation in town board of trustees meetings shall be available to the public prior to each board of trustees meeting. (Ord. 341, 1-22-2008)

1-6A-5: **ENFORCEMENT:** The provisions of section 1-6A-3 of this article shall be enforced by the town law enforcement officer present at the meeting, including the Arnett public facilities authority, with or without direction of the presiding officer. (Ord. 341, 1-22-2008)

1-6A-6: **PENALTY:** Violation of section 1-6A-3 of this article shall be an offense, and any person violating such provisions shall be deemed guilty of an offense, and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this title. (Ord. 341, 1-22-2008; amd. 2013 Code)

CHAPTER 7

TOWN OFFICERS AND EMPLOYEES

SECTION:

- 1-7-1: Administrative Departments, Officers And Agencies
- 1-7-2: Bonds Of Officers And Employees
- 1-7-3: Books Delivered To Successor
- 1-7-4: Social Security
- 1-7-5: Firefighters Pension And Retirement System
- 1-7-6: Employee Retirement System

1-7-1: **ADMINISTRATIVE DEPARTMENTS, OFFICERS AND AGENCIES:** There shall be such administrative departments, agencies and officers as the board of trustees may establish. (1999 Code § 2-108)

1-7-2: **BONDS OF OFFICERS AND EMPLOYEES:**

- A. **Bonds Required:** The town clerk-treasurer and such officers and employees as are designated by the town board of trustees shall, before entering upon the discharge of their duties, execute and file with the town clerk-treasurer surety bonds issued by a surety company authorized to operate in the state, conditioned upon the faithful performance of their duties.
- B. **Premium Paid By Town:** The town shall pay the premium on such bonds. (1999 Code § 2-109)

1-7-3: **BOOKS DELIVERED TO SUCCESSOR:** All books, vouchers, monies or other property belonging to the town in the charge or possession of any officer of the town shall be delivered to his successor when qualified. (1999 Code § 2-111; amd. 2013 Code)

1-7-4: SOCIAL SECURITY:

- A. **Declaration Of Policy:** It is hereby declared to be the policy of the town to extend, at the earliest date, to the employees and officials thereof, not excluded by law or this section, and whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance as authorized by the federal social security act, and amendments thereto. In pursuance of this policy, the town shall take such action as may be required by applicable state or federal laws or regulations. (1999 Code § 2-201)
- B. **Execution Of Agreement With State Agency:** The mayor is hereby authorized and directed to execute all necessary agreements and amendments thereto with the state public welfare commission as agent or agency, to secure coverage of employees and officials as provided in subsection A of this section. (1999 Code § 2-201; amd. 2013 Code)
- C. **Withholdings:** Withholdings from salaries or wages of employees and officials for the purpose provided in subsection A of this section are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by the laws or regulations.
- D. **Employer Contributions:** There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer contributions, which shall be paid over to the state or federal agency designated by said laws or regulations.
- E. **Records:** The town shall keep such records and make such reports as may be required by applicable state or federal laws or regulations.
- F. **Exclusions:**
1. There is hereby excluded from this section any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the town.

2. There is hereby excluded from this section any authority to make an agreement with respect to any position or any employee or official, compensation for which is on a fee basis, or any position or any employee or official not authorized to be covered by applicable state or federal laws or regulations. (1999 Code § 2-201)

1-7-5: **FIREFIGHTERS PENSION AND RETIREMENT SYSTEM:**

A. System Created: There is hereby created, for the purpose of providing pension retirement allowance and other benefits for firefighters of the town, a firefighters pension and retirement system. It is declared to be the official policy of the town to participate in the pension system as provided by state law. (1999 Code § 2-211)

B. Compliance With State Law:

1. The firefighters pension and retirement system, as established by 11 Oklahoma Statutes section 49-100.1 et seq., is hereby adopted by reference.

2. The local board of trustees of the firefighters pension and retirement system, servicing the firefighters of the town, shall be constituted as provided by state law and shall have the powers and duties prescribed thereby. (1999 Code § 2-212)

1-7-6: **EMPLOYEE RETIREMENT SYSTEM:** Pursuant to the authority conferred by the laws of the state, 74 Oklahoma Statutes chapter 29, and for the purpose of encouraging continuity and meritorious service on the part of town employees and thereby promote public efficiency, there is hereby adopted, effective as of January 1, 1989, the funded pension plan designated "Oklahoma Public Employees Retirement System" (OPERS)¹. (Per motion dated 12-13-1988)

1. 74 OS § 901 et seq.

CHAPTER 8
SPECIFIC TOWN OFFICIALS

SECTION:

- 1-8-1: Town Superintendent
1-8-2: Town Clerk-Treasurer
1-8-3: Town Attorney

1-8-1: **TOWN SUPERINTENDENT:**

- A. Appointment: The town superintendent shall be appointed by, and serve at the pleasure of, the town board of trustees.
- B. Duties: The town superintendent shall be the director of facilities and operations (DFO) for the town and related facilities, and shall faithfully perform the normal duties of the town superintendent as prescribed in the job description, as follows:
1. Plan, direct and coordinate a comprehensive program for town streets, alleys, parks, cemeteries, water system, sewer system, and all property owned by the town so as to ensure the highest level of maintenance at the most favorable costs within the budget.
 2. Anticipate seasonal maintenance needs and other services and plans for availability of equipment, personnel, and materials.
 3. Maintain accurate records relating to repair and maintenance of streets, alleys, parks, cemeteries, water system, sewer system, and all other systems and equipment of the town as a guide to analyzing recurring problems.
 4. Operate, when necessary, any equipment required to complete daily tasks, including mechanical or shop powered equipment and hand tools.

5. Plan various preventive and corrective maintenance services on town equipment and vehicles to ensure safe and proper operation.
6. Help the town clerk-treasurer and governing board in developing an operational budget for the town.
7. Annually, project equipment needs and provide supporting data to justify major items on the budget.
8. Participate with the governing board in determining overall policy and direction for the town.
9. Establish priorities for short range and long range projects and coordinate implementation.
10. Approve purchases of all supplies needed for various projects throughout the town.
11. Supervise and assign work to general maintenance workers.
12. Provide on the job direction to seasonal or temporary employees, as required in certain situations. (2013 Code)

1-8-2: **TOWN CLERK-TREASURER:**

- A. Officer Of Town: The town clerk-treasurer is an officer of the town.
- B. Clerk Duties Of Clerk-Treasurer: As clerk, the town clerk-treasurer shall:
 1. Keep the journal of proceedings of the board of trustees.
 2. Enroll all ordinances and resolutions passed by the board of trustees in a book or set of books kept for that purpose.
 3. Have custody of documents, records, and archives as may be provided for by law or by ordinance, and have custody of the town seal.
 4. Attest and affix the seal of the town to documents as required by law or ordinance.

5. Have such other powers, duties and functions related to the statutory duties of the clerk as may be prescribed by law or ordinance. (1999 Code § 2-105)

C. **Treasurer Duties Of Clerk-Treasurer:** The clerk-treasurer shall have the following treasurer duties:

1. Maintain accounts and books to show where and from what source all monies paid to the town have been derived and to whom and when any monies have been paid;

2. Deposit daily funds received for the town in depositories as the board of trustees may designate; and

3. Have such other powers, duties and functions related to the statutory duties of the treasurer as may be prescribed by law or ordinance. (1999 Code § 2-106)

D. **Additional Administrative Duties:**

1. The person serving as town clerk-treasurer may be employed by the town to perform additional administrative duties not specified by state law, as a town employee. The additional duties may be performed by the person serving as town clerk-treasurer or as otherwise provided by motion or other action of the town board. The person performing additional administrative duties shall serve at the pleasure of the board and shall perform such duties as may be prescribed by the board.

2. The pay period for performing the additional administrative duties shall be the same as for other town employees and shall be paid each pay period the amount set by the board. Benefits, holidays and sick leave for such position shall be in accordance with any personnel policy or other policy of the town. The salary for performing any additional administrative duties shall not be subject to constitutional restrictions. (1999 Code § 2-105)

1-8-3: **TOWN ATTORNEY:** The town attorney is an officer of the town, appointed by the mayor with the confirmation of the board of trustees. The town attorney shall have such duties as are prescribed by the town board. (1999 Code § 2-107)

CHAPTER 9
TOWN RECORDS

SECTION:

- 1-9-1: Official Custodian; Public Records Listed
- 1-9-2: Designation Of Additional Record Custodians
- 1-9-3: Duties Of Custodians
- 1-9-4: Requests Directed To Custodians
- 1-9-5: Inspection And Copying Of Records
- 1-9-6: Inspection Of Records
- 1-9-7: Copies Of Records
- 1-9-8: Fees

1-9-1: **OFFICIAL CUSTODIAN; PUBLIC RECORDS LISTED:** The town clerk-treasurer is hereby appointed as official custodian for purposes of the Oklahoma open records act¹ and is charged with responsibility for compliance with that act with respect to the following listed public records:

All public records kept and maintained in the office of the town clerk-treasurer, and all other public records not provided for elsewhere in this chapter. (1999 Code § 2-301)

1-9-2: **DESIGNATION OF ADDITIONAL RECORD CUSTODIANS:**

- A. The official custodian appointed in section 1-9-1 of this chapter is hereby authorized to designate any subordinate officers or employees to serve as record custodians. The record custodians shall have such duties and powers as are set out in the Oklahoma open records act.
- B. Whenever an official custodian shall appoint another person as a record custodian, he shall notify the town clerk-treasurer of such

1. 51 OS § 24A.1 et seq.

designation and the clerk-treasurer shall maintain a register of all such designations. (1999 Code § 2-302)

1-9-3: DUTIES OF CUSTODIANS:

- A. Duties: All town officials and employees appointed or designated under this chapter shall: protect public records from damage and disorganization; prevent excessive disruption of the essential functions of the town; provide assistance and information upon request; ensure efficient and timely action and response to all applications for inspection of public records; and shall carry out the procedures adopted by the town for inspecting and copying open public records.
- B. Place For Keeping: All town records shall be kept at the town hall. (1999 Code § 2-303)

1-9-4: REQUESTS DIRECTED TO CUSTODIANS:

- A. Requests To Proper Custodian:
1. All members of the public, in seeking access to, or copies of, a public record in accordance with the provisions of the Oklahoma open records act shall address their requests to the custodian charged with responsibility for the maintenance of the record sought to be inspected or copied.
 2. Whenever any town official or employee appointed or designated as a custodian under this chapter is presented with a request for access to, or copy of, a public record, which record the custodian does not have in his possession and which he has not been given responsibility to keep and maintain, the custodian shall so advise the person requesting the record. The person making the request shall be informed as to which custodian the request should be addressed, if such is known by the custodian receiving the request.
- B. Prior Notice Required: Anyone requesting public records shall provide at least twelve (12) hours' notice to the town clerk-treasurer. Records may be inspected only during hours that the town hall is open for business. (1999 Code § 2-304)

1-9-5: INSPECTION AND COPYING OF RECORDS:

- A. Procedures: The following procedures are hereby adopted and shall be applied by each official custodian and record custodian:
1. Consistent with the policy, duties and procedures established by the Oklahoma open records act, record custodians shall provide full access and assistance in a timely and efficient manner to persons who request access to open public records.
 2. Record custodians shall protect the integrity and organization of public records with respect to the manner in which such records are inspected and copied.
 3. Record custodians may prevent excessive disruptions of essential functions and provide the record at the earliest possible time.
 4. All inspections and copying of open public records shall be performed by, or under the supervision of, the record custodian responsible for such records.
 5. All persons requesting the inspection of or a copy of open public records shall make such request in writing prior to the request being honored, except that no form shall be required for requests made for records which have been reproduced for free public distribution.
 6. All record inspection and copying forms are to be completed by the person requesting the record. The record custodian may demand reasonable identification of any person requesting a record.
 7. Any fees for record inspection or for copies are due at the time the records, or copies thereof, are provided to the requester, unless the record custodian has demanded that prepayment of all or part of such fees be made. Fees shall be paid to the record custodian or town clerk-treasurer.
 8. The record custodian or town clerk-treasurer shall demand full or partial prepayment of fees whenever the estimate for such fees exceeds the amount set out in section 1-9-8 of this chapter.
 9. No record search or copying fee shall be assessed against officers or employees of the town who make requests which are reasonably necessary to the performance of their official duties.

10. Hours for making requests for inspection or copying shall be all regular working hours for each day the office maintains regular office hours.

11. Removal of open public records from the office where kept and maintained, for purposes of inspection or the making of copies, shall not be permitted.

- B. Posting Of Procedures: The procedures listed in subsection A of this section, as well as any other inspection and copying procedures, shall be posted in a conspicuous place in the office of the record custodian. (1999 Code § 2-305)

1-9-6: **INSPECTION OF RECORDS:** The following procedures are hereby adopted and shall be applied by every official custodian and record custodian:

- A. Record custodians shall handle all inspection requests in accordance with their duties to protect and preserve public records and to assist persons requesting inspection of open public records.
- B. All request forms must be completed by the party requesting the record. In all cases, the party so requesting must sign his or her individual name to the form. Written requests shall be made on the form provided by the record custodian and presented to the record custodian.
- C. A written request is sufficient if it reasonably describes the record sought. In instances where the requester cannot provide sufficient information to identify a record, the custodian shall assist in making such identification.
- D. The record custodian shall, upon making a denial of an inspection request, forward a copy of the denial to the town clerk-treasurer. (1999 Code § 2-306)

1-9-7: **COPIES OF RECORDS:** The following procedures apply regarding copies of records:

- A. Record custodians shall handle all copy requests in accordance with their duties to protect and preserve public records and to assist persons requesting copies of open public records.

- B. All request forms must be completed by the party requesting the copies. In all cases, the party so requesting must sign his or her individual name to the form. Written requests shall be made on the form provided by the record custodian.
- C. Mechanical reproduction of a record shall not be undertaken when it is the judgment of the record custodian that any available means of mechanically reproducing the subject record is likely to cause damage to such records.
- D. No copy fee shall be assessed when multiple copies of the record requested have been prepared for free public distribution, or when the record custodian determines that the cost of charging and handling the fee exceeds the cost of providing a copy without charge. (1999 Code § 2-307)

1-9-8: **FEES:**

- A. Where a request has been made for the inspection of an open public record, no fee shall be charged.
- B. A fee per page as set by the board of trustees by motion or resolution shall be charged for photocopying an open public record, such fee to cover the cost of labor, materials and equipment.
- C. For copying any open public record which cannot be reproduced by photocopying, such as a computer printout or a blueprint, the requester shall be charged the actual cost to the town, including the cost of labor, materials and equipment.
- D. A search fee shall be charged a requester who is using the record solely for a commercial purpose. Such fee shall be the actual cost to the town of producing the record, including the cost of labor, materials and equipment.
- E. A record custodian may demand prepayment of a fee whenever the estimated amount exceeds twenty dollars (\$20.00). The prepayment amount shall be an estimate of the cost of copying, mechanical reproduction or searching for the record. Any overage or underage in the prepayment amount shall be settled prior to producing the requested record or delivering the copy or mechanical reproduction of the record. (1999 Code § 2-308)

CHAPTER 10
MUNICIPAL COURT

SECTION:

- 1-10- 1: Organization And Operation Of Court
- 1-10- 2: Definitions
- 1-10- 3: Jurisdiction
- 1-10- 4: Judge Of The Court
- 1-10- 5: Change Of Venue; Disqualification Of Judge
- 1-10- 6: Chief Of Police As Principal Officer Of Court
- 1-10- 7: Clerk Of The Court
- 1-10- 8: Town Attorney; Powers And Duties
- 1-10- 9: Traffic Violations Bureau; Payment Of Fines
- 1-10-10: Schedule Of Fines
- 1-10-11: Prosecutions; Filing Of Complaint; Fees
- 1-10-12: Ordinance Violations; Citation Issuance
- 1-10-13: Traffic Bail Bond Provisions
- 1-10-14: Issuance Of Summons; Failure To Appear
- 1-10-15: Failure To Appear; Bond Forfeiture; Bench Warrant
- 1-10-16: Complainant; Witnesses; Failure To Appear
- 1-10-17: Issuance Of Warrant
- 1-10-18: Arraignment
- 1-10-19: Trial By Jury
- 1-10-20: Judgment After Trial
- 1-10-21: Payment Of Costs By Defendant
- 1-10-22: Enforcement Of Fines And Costs; Imprisonment; Work
- 1-10-23: Same Offense Punishable By Different Sections Of Code
- 1-10-24: Contempt Of Court
- 1-10-25: Penalty Assessments
- 1-10-26: Fines Recoverable By Civil Action

1-10-1: **ORGANIZATION AND OPERATION OF COURT:** This chapter shall govern the organization and operation of the municipal court of the town, as put into operation by resolution duly passed and filed in accordance with law, as authorized by state statutes. To the extent of conflict between any provisions of this chapter and the provisions

of any other ordinance of the town, the provisions of this chapter shall control. (Ord., 8-22-2005; amd. 2013 Code)

1-10-2: **DEFINITIONS:** For the purpose of this chapter, the following terms shall have the meanings ascribed to them in this section:

CHIEF OF POLICE: The peace officer in charge of the police force of the town.

CLERK: The court clerk as appointed by the town, including any deputy or member of the office staff of the clerk-treasurer while performing duties of the clerk's office.

COURT: The municipal court of this town.

JUDGE: The judge of the municipal court, including any acting judge or alternate judge thereof as provided for by the statutes of this state and this chapter.

THIS JUDICIAL DISTRICT: The district court judicial district of the state wherein the government of this town is situated. (Ord., 8-22-2005; amd. 2013 Code)

1-10-3: **JURISDICTION:** The court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any ordinance of the town is charged, including any such prosecutions transferred to the court in accordance with applicable law. (Ord., 8-22-2005)

1-10-4: **JUDGE OF THE COURT:**

A. Office Created; Qualifications:

1. There shall be one judge of the court.
2. A judge need not be a licensed attorney at law, but, if not, he must be a resident of the town of the age of twenty one (21) years, possessed of good moral character. A judge who is a licensed attorney may engage in the practice of law in other courts, but he

shall not accept employment inconsistent with his duties as judge, or arising out of facts which give rise to or are connected with cases within the jurisdiction of the court, pending therein or which might become subject of proceedings therein. (Ord., 8-22-2005)

B. Term: The official term of the judge shall be two (2) years, expiring on December 31 in each odd numbered year. (Ord., 8-22-2005; amd. 2013 Code)

C. Appointment Of Judge, Alternate Judge:

1. Judges shall be appointed by the mayor with the consent of the town board of trustees. A proposed appointment shall be submitted in writing to the town board of trustees at the next to the last regularly scheduled meeting prior to the day upon which the appointment is to take effect, and shall be acted upon at the next regularly scheduled meeting. The town board of trustees may decide upon the proposed appointment by a majority vote of all the members of the board of trustees. Failure of decision upon a proposed appointment shall not prevent action thereon at a later regularly scheduled meeting of the board of trustees unless the mayor, in writing, withdraws the proposed appointment.

2. There may be appointed for each judge of the court an alternate judge possessed of the same qualifications as the judge. His appointment shall be for the same term and made in the same manner as the judge. He shall sit as judge of the court in any case if the judge is absent from court, unable to act as judge, or disqualified from acting as judge in the case.

D. Acting Judge: If at any time there is no judge duly appointed and qualified available to sit as judge, a person possessing the qualifications required by this chapter for the judge shall be appointed as acting judge. The acting judge shall preside as acting judge over the court in the disposition of pending matters until such time as a judge or alternate judge shall be available.

E. Compensation: A judge shall receive such salary as may be established and shall be paid as established by the town.

F. Removal Of Judge From Office:

1. Judges shall be subject to removal from office by the board of trustees for the causes prescribed by the constitution and laws of the state for the removal of public officers. Proceedings for removal shall

be instituted by the filing of a verified written petition, setting forth facts sufficient to constitute one or more legal grounds for removal. Petitions may be signed and filed by the mayor, or twenty five (25) or more qualified electors of the town. In the latter event, verification may be executed by one or more of the petitioners.

2. The board of trustees shall set a date for hearing the matter and shall cause notice thereof, together with a copy of the petition, to be served personally upon the judge at least ten (10) days before the hearing. At the hearing, the judge shall be entitled to representation by counsel, to present testimony and to cross examine the witnesses against him, and to have all evidence against him presented in open hearing.

3. So far as can be made applicable, the provisions of the Oklahoma administrative procedure act governing individual proceedings¹ shall govern removal proceedings hereunder.

4. Judgment of removal shall be entered only upon individual votes, by a majority of all members of the board of trustees, in favor of such removal.

G. Vacancy:

1. A vacancy in the office of judge shall occur if the incumbent:

a. Dies;

b. Resigns;

c. Ceases to possess the qualifications for the office; or

d. Is removed, and the removal proceeding has been affirmed finally in judicial proceedings or is no longer subject to judicial review.

2. Upon the occurrence of a vacancy in the office of judge, the mayor shall appoint a successor to complete the unexpired term, upon the same procedure as an original appointment is made.

1. 75 OS §§ 309 - 317 and any amendments or additions thereto in effect at the time of the hearing.

- H. Authority To Prescribe Rules: The judge may prescribe rules, consistent with the laws of the state and with the ordinances of the town, for the proper conduct of the business of the court. (Ord., 8-22-2005)

1-10-5: **CHANGE OF VENUE; DISQUALIFICATION OF JUDGE:** In prosecutions before the court, no change of venue shall be allowed. The judge before whom the case is pending may certify his disqualification or he 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 acting judge, appointed as provided in this chapter. (Ord., 8-22-2005)

1-10-6: **CHIEF OF POLICE AS PRINCIPAL OFFICER OF COURT:**
All writs or processes of the court shall be directed, in his official title, to the chief of police, who shall be the principal officer of the court. (Ord., 8-22-2005)

1-10-7: **CLERK OF THE COURT:**

- A. Designation: The town clerk-treasurer or a deputy designated by him shall be the clerk of the court.
- B. Duties: The clerk shall:
1. Assist the judge in recording the proceedings of the court and in preparing writs, processes and other papers;
 2. Administer oaths required in proceedings before the court;
 3. Enter all pleadings, processes and proceedings in the dockets of the court;
 4. Perform such other clerical duties relating to the proceedings of the court as the judge shall direct; and (Ord., 8-22-2005)
 5. Receive and give receipt for and disburse forfeitures, fees, deposits and sums of money payable to the court and as may be established by the court or the town board of trustees. (Ord., 8-22-2005; amd. 2013 Code)

- C. Monies To General Fund: The clerk shall pay to the clerk-treasurer of the town all monies so received by him, except such special deposits or fees as shall be received to be disbursed by him for special purposes. All monies paid to the clerk-treasurer shall be placed in the general fund of the town, or in such other fund as the board of trustees may direct.
- D. Bond: The clerk of the court shall give bond in such sum as set by the board of trustees, in the form provided by state law. When executed, the bond shall be submitted to the board of trustees for approval. When approved, it shall be filed with the clerk-treasurer and retained in the municipal archives. (Ord., 8-22-2005)

1-10-8: **TOWN ATTORNEY; POWERS AND DUTIES:** The town attorney or his duly designated assistant may be the prosecuting officer of the court. He may prosecute, in his discretion, all alleged violations of the ordinances of the town. He shall be authorized, in his discretion, to prosecute and resist appeals, proceedings in error and review from this court to any other courts of the state, and to represent the town in all proceedings arising out of matters in this court. (Ord., 8-22-2005)

1-10-9: **TRAFFIC VIOLATIONS BUREAU; PAYMENT OF FINES:**

- A. Bureau Established: A traffic violations bureau is established as a division of the office of the clerk of the court, to be administered by the clerk or by subordinates designated for that purpose. (Ord., 8-22-2005)
- B. Payment Of Fine: Persons who are cited for violation of one of the traffic ordinances of the town, other than a driver's license offense, or an offense punishable by more than five hundred dollars (\$500.00), may elect to pay a fine in the violations bureau according to a schedule of fines prescribed from time to time by the town board of trustees. The payment shall constitute a final determination of the cause against the defendant. (Ord., 8-22-2005; amd. 2013 Code)
- C. Failure To Pay Fine: The court may adopt rules to carry into effect this section. If a defendant who has elected to pay a fine under this section fails so to do, prosecution shall proceed under the provisions of this chapter. (Ord., 8-22-2005)

1-10-10: **SCHEDULE OF FINES:** The town board of trustees may establish a minimum fine schedule. The minimum fine schedule, when established, shall provide for a minimum amount which a person may pay upon a plea of guilty or nolo contendere to the listed offenses. The minimum fine schedule shall include fine, court costs and any assessments set by state law within the specified amount. Upon plea of guilty or nolo contendere and payment of the required minimum fine prior to the date scheduled for court appearance, no further court appearance shall be required. The judge may authorize the court clerk to accept pleas of guilty and nolo contendere where the amount of the minimum fine is paid at the time of such plea and prior to the scheduled court appearance date. (Ord., 8-22-2005)

1-10-11: **PROSECUTIONS; FILING OF COMPLAINT; FEES:**

- A. Initiation Of Prosecutions: All prosecutions for violation of ordinances of the town shall be styled "The Town of Arnett, Oklahoma vs. (naming defendant or defendants)". Except as provided hereinafter, prosecutions shall be initiated by the filing of a written complaint, subscribed and verified by the person making the complaint, and setting forth concisely the offense charged.
- B. Prosecution Of Actions: There is no duty on the part of the town or any of its officers or employees to formally prosecute actions in the court. In the absence of a prosecuting officer, the judge shall proceed with the case and hear evidence and examine witnesses in such manner as he may deem necessary to effect justice.
- C. Deposit Of Court Costs: Any person, except a police officer or other employee of the town, filing a criminal offense complaint in the municipal court shall deposit with the clerk of the court, unless waived by order of the court, the court cost fee as provided in this chapter. The court costs so deposited by such a complainant shall be refunded to the complainant or person depositing same upon conviction or acquittal of the defendant. The court costs shall not be refunded if the charges are dismissed at the request of the complainant who made the deposit because the complainant fails or refuses to appear in court to testify or aid in the prosecution of the charge filed by such complainant.
- D. Defective Complaints: All defects in the form or substance apparent on the face of a complaint charging a violation of an ordinance of the town, and being grounds for motion or demur, may only be raised by an accused in writing and prior to trial.

- E. **Amendment Of Complaint:** A complaint may be amended in matter of substance or form at any time before the defendant pleads, without leave, and may be amended after plea or order of the court where the same can be done without material prejudice to the rights of the defendant. No amendment shall cause any delay of the trial, unless good cause is shown by affidavit. (Ord., 8-22-2005)

1-10-12: **ORDINANCE VIOLATIONS; CITATION ISSUANCE:**

A. **Release Of Arrested Resident:**

1. If a resident of the town is arrested by a law enforcement officer for the violation of any traffic ordinance for which other provisions of this chapter do not apply, or is arrested for the violation of a nontraffic ordinance, the officer shall immediately release the person if the person acknowledges receipt of a citation by signing it. However, the arresting officer need not release the person if it reasonably appears to the officer that the person may cause injury to himself or others or damage to property if released, that the person will not appear in response to the citation, or 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.

2. If the arrested resident is not released by being permitted to sign a citation as provided in this subsection, he shall be admitted to bail either before or after arraignment, or shall be released on personal recognizance.

- B. **Release Of Arrested Nonresident:** If a nonresident of the town is arrested by a law enforcement officer for a violation of any ordinance for which section 1-10-13 of this chapter does not apply, the defendant shall be eligible to be admitted to bail either before or after arraignment.

- C. **Parking Violation; Citation Placed On Vehicle:** If the alleged offense be a violation of an ordinance restricting or regulating the parking of vehicles, including any regulations issued under such an ordinance, and the operator be not present, the police officer shall place on the vehicle, at a place reasonably likely to come to the notice of the operator, a citation conforming substantially to that prescribed in this section, with such variation as the circumstances require. The operator of this vehicle shall be under the same obligation to

respond to the citation as if it had been issued to him personally under subsection A1 of this section. (Ord., 8-22-2005)

1-10-13: **TRAFFIC BAIL BOND PROVISIONS:**

- A. Release By Officer: In addition to other provisions of law for posting bail, any person, whether a resident of the 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 recognition if:
1. The arrested person has been issued a valid license to operate a motor vehicle by the state, another state jurisdiction within the United States which is a party to 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 subsections A4a through A4f of this section;

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. Duties Of Arresting Officer:

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

a. Designate the traffic charge;

b. 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;

c. Record the motor vehicle make, model and tag information;

d. Record the arraignment date and time on the citation; and

e. Permit the arrested person to sign a written promise to appear as provided for in the citation.

2. The arresting officer shall then release the person upon personal recognizance based upon the signed 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 driver's license in the state, or in the nonresident's home state pursuant to the nonresident violator compact.

C. Compliance With State Law: 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 driver's license, shall be as required in state law, 22 Oklahoma Statutes sections 1115.1 through 1115.5.

D. Plea By Defendant: 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. 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 the amount of the fine and costs shall be as prescribed by ordinance for the violation charged or as prescribed by the court.

E. Failure To Respond Or Appear; Notify State:

1. 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:

a. 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;

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

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

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

2. 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 the 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:

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

b. 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;

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

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

- F. Record Of Driver's License Suspension Requests To State: 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 the defendant personally appears, or shall mail such proof by first class mail, postage prepaid, to the defendant at the address noted on the citation or at 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 subsection 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., 8-22-2005)

1-10-14: ISSUANCE OF SUMMONS; FAILURE TO APPEAR:

- A. Issuance Of Summons: 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 has 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. Failure To Answer Summons; Warrant For Arrest: The summons shall be served by delivering a copy to the defendant personally or by certified mail. 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.
- C. Penalty For Failure To Appear: Any person who has been duly served with a summons or traffic citation and who has signed a written promise to appear in court as directed in the summons or the citation or as subsequently directed by the court, and who fails to appear pursuant to his written promise or as directed by the court, shall be deemed guilty of an offense, which shall be punishable as provided in section 1-4-1 of this title. (Ord., 8-22-2005)

1-10-15: FAILURE TO APPEAR; BOND FORFEITURE; BENCH WARRANT:

- A. Failure To Appear; Action By Judge: If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of his bond, either for hearing, arraignment, trial or judgment, or upon any other occasion when his presence in court or before the judge may be lawfully required or ordered, the judge may direct that fact to be entered upon the court minutes, thereby declaring the bond to be forfeited. The judge may also order a bench warrant to be issued for the defendant as provided in this chapter. (Ord., 8-22-2005)
- B. Forfeiture Certified To District Court: The judge, without advancing court costs, may also cause the forfeiture to be certified to the district court of the county, where it shall be entered upon the judgment docket and shall have the full force and effect of a district court judgment. At such time as the forfeiture is entered upon the district court judgment docket, the district court clerk shall proceed in accordance with the provisions of 59 Oklahoma Statutes sections 1332, 1333 and 1335, and a surety shall have all remedies available under the provisions of 22 Oklahoma Statutes section 1108 and 59 Oklahoma Statutes sections 1301 through 1340. (Ord., 8-22-2005; amd. 2013 Code)

- C. Collection Of Court Costs: Court costs shall be collectible from the proceeds of the bond. (Ord., 8-22-2005)

1-10-16: **COMPLAINANT; WITNESSES; FAILURE TO APPEAR:** No person, having signed a complaint in the municipal court of the town alleging the violation of an ordinance or any other person in response to an order of the court, shall fail, refuse or neglect to appear for the purpose of testifying as a witness at the trial of the case, after having been notified of the time, date and place at which the case is set for trial. (Ord., 8-22-2005)

1-10-17: **ISSUANCE OF WARRANT:**

- A. Warrant Of Arrest Form: Except as otherwise provided by town ordinance, upon the filing of a complaint approved by endorsement by the town attorney or by the judge, there shall be issued a warrant of arrest, in substantially the following form: (Ord., 8-22-2005)

The Town of Arnett, Oklahoma, to the police chief of the Town of Arnett, Oklahoma, or to the police officers of the Town of Arnett, Oklahoma.

Complaint upon oath this day has been made by (naming complainant) that the offense of (naming the offense in general terms) has been committed and accusing (name of defendant) thereof, you are commanded therefore forthwith to arrest the above named (name of defendant) and bring (insert him, her or them, as appropriate) before me, at (naming the place).

Witness my hand this ___ day of _____, 20__

*Judge of the Municipal Court
of Arnett, Oklahoma*

(Ord., 8-22-2005; amd. 2013 Code)

- B. Execution Of Warrant: It is the duty of the police chief personally, or through a duly constituted member of the town police force or through any other person lawfully authorized so to act, to execute the warrant as promptly as possible. (Ord., 8-22-2005)

1-10-18: **ARRAIGNMENT:** Upon making his appearance before the court, the defendant shall be arraigned. The judge, or the town attorney, 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., 8-22-2005)

1-10-19: **TRIAL BY JURY:**

- A. Postponement Of Trial: Before trial commences, either party, upon good cause shown, may obtain a reasonable postponement thereof.
- B. Defendant's Presence Required: The defendant must be present in person at the trial of his case in court. (Ord., 8-22-2005)
- C. Procedure For Trials Not Within Scope Of Chapter: In all trials, as to matters not covered in this chapter, by the statutes relating to municipal courts, or by rules duly promulgated by the state supreme court, the procedure applicable in trials of misdemeanors in the district courts shall apply to the extent that they can be made effective.
- D. Right To Trial By Jury, Waiver:
 - 1. In all prosecutions for violations of ordinances punishable by fine of more than five hundred dollars (\$500.00), or by imprisonment, or by both fine and imprisonment, trial shall be by jury unless waived by the defendant. If trial by jury is waived, trial shall be by the court. (Ord., 8-22-2005; amd. 2013 Code)
 - 2. At arraignment, the defendant shall be asked whether he demands or waives trial by jury. His election shall be recorded in the minutes of the arraignment and entered on the docket of the court respecting proceedings in the case.
 - 3. An election waiving jury trial, made at arraignment, may be changed by the defendant at any time prior to the day for which trial by the court is set. An election demanding jury trial may be changed at any time prior to the commencement of proceedings to impanel the jury for the trial; but if that change occurs after the case has

been set for jury trial, it may not thereafter be recharged so as again to demand trial by jury. (Ord., 8-22-2005)

1-10-20: **JUDGMENT AFTER TRIAL:**

- A. Judgment: At the close of trial, judgment must be rendered without undue delay by the judge, who shall cause it to be entered in his docket:
1. If judgment is of acquittal, and the defendant is not to be detained for any other legal cause, he must be discharged at once;
 2. If the defendant pleads guilty or is convicted after trial, the court must render judgment thereon, fixing the penalty within the limits prescribed by the applicable ordinance and imposing sentence accordingly; and
 3. A judgment that the defendant pay a fine may direct also that he be imprisoned until the fine is satisfied, as provided in section 1-10-22 of this chapter.
- B. Judgment Of Imprisonment: 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 officer. Such copy shall be sufficient warrant for execution of the sentence.
- C. Suspension Or Deferment Of Judgment, Powers:
1. The judge of the court 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 part thereof and to authorize the person to be released upon his own recognizance for a period not to exceed six (6) months from the date of the sentence, under such terms or conditions as the judge may specify. The judge may, with the consent of the defendant, defer further proceedings, after a verdict, finding or plea of guilty, but before passing a judgment of guilt and imposing a fine, and place the defendant on probation for a period not to exceed six (6) months, under such terms and conditions as prescribed by the court, which may include, but not be limited to, work on the streets, parks or other town owned or maintained projects, with proper supervision.

2. A defendant is not entitled to a deferred sentence if the defendant has been previously convicted of a felony.

3. Upon a finding of the court that the conditions of release have been violated, the municipal judge may enter a judgment of guilty and may cause a warrant to be issued for the defendant.

4. Upon the issuance of the warrant or judgment of guilty being entered, the person shall be delivered forthwith to the place of confinement to which he is sentenced and shall serve out the full term or pay the full fine for which he was originally sentenced as may be directed by the judge.

5. 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 the sentence. At the expiration of such period, the judge may allow the town attorney to amend the charge to a lesser offense. (Ord., 8-22-2005)

6. If a deferred sentence is imposed, an administrative fee of five hundred dollars (\$500.00) may be imposed as costs in the case. The court may make payment of the fee a condition of granting or continuing the imposition of a sentence, if the defendant is able to pay. (Ord., 8-22-2005; amd. 2013 Code)

7. The court may also require restitution and, in the event there was damage done to public or private property during the commission of the offense, the court may require the defendant to repair or replace such damaged property as a condition to a deferred sentence as may be directed by the court. (Ord., 8-22-2005)

1-10-21: **PAYMENT OF COSTS BY DEFENDANT:** If judgment of conviction is entered, the clerk of the court shall tax the costs to the defendant in the sum of thirty dollars (\$30.00), or the maximum sum permitted by state law, whichever is greater, plus the fees and mileage of jurors and witnesses, all of which the defendant shall pay, in addition to any fine that may be imposed. (Ord., 8-22-2005; amd. 2013 Code)

1-10-22: **ENFORCEMENT OF FINES AND COSTS; IMPRISONMENT;
WORK:**

A. Imprisonment To Satisfy Fine: If a defendant who is financially able refuses or neglects to pay a fine or costs or both, payment may be

enforced by imprisonment until the same shall be satisfied at the rate of twenty five dollars (\$25.00) per day. (Ord., 8-22-2005; amd. 2013 Code)

- B. Inability To Pay; Costs Certified To District Court: 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 where it shall be entered upon the district court docket and shall have the full force and effect of a district court judgment. Thereupon, the same remedies shall be available for the enforcement as are available to any other judgment creditor.
- C. Work On Community Projects:
1. All prisoners confined to jail on conviction or on plea of guilty may be compelled, if their health permits, to work on community projects, the public streets, avenues or ways, public buildings or other public premises or property. For each day of such work, the prisoner or defendant shall be credited for two (2) days of imprisonment toward any fine or costs, or witness or juror fees or mileage until the same are satisfied.
 2. The town shall direct where the work shall be performed. The appropriate officer shall oversee the work. If a guard is necessary, the chief of police shall make provision therefor. (Ord., 8-22-2005)

1-10-23: **SAME OFFENSE PUNISHABLE BY DIFFERENT SECTIONS OF CODE:** In all cases where the same offense is made punishable or is created by different sections of this code, the town attorney may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense. (Ord., 8-22-2005)

1-10-24: **CONTEMPT OF COURT:** Obedience to the orders, rules and judgments made by the court may be enforced by the judge, who may fine or imprison for contempt committed as to him while holding court, or committed against process issued by him, in the same manner and to the same extent as the district courts of the state. (Ord., 8-22-2005)

1-10-25: PENALTY ASSESSMENTS:

- A. Conviction Defined: For the purpose of this section, "conviction" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred or suspended sentence or judgment.
- B. Payment Of Penalties And Additional Charges: Any person:
1. Convicted of an offense punishable by a fine of ten dollars (\$10.00) or more or by imprisonment, excluding parking and standing violations; or
 2. Forfeiting bond when charged with such an offense under subsection B1 of this section;
- shall pay a sum as set by state law as a separate penalty assessment for law enforcement training, and as a separate fingerprinting fee, which shall be in addition to, and not in substitution for any and all, fines and penalties and costs otherwise provided for such offense. The court shall provide for separate bail for the assessments; however, a defendant admitted to bail on an undertaking by a surety may include the amount of the assessment in the undertaking.
- C. Collection And Disposition Of Monies: Upon conviction or bond forfeiture, the court shall collect the assessment and deposit the monies for payment as required by state law.
- D. Various Funds Deposited With State: At the end of every quarter, the town shall deposit with the Oklahoma state treasury the funds deposited in the law enforcement training funds and the AFIS (automated fingerprint identification) fund as required by law. The court clerk shall also furnish to the state treasury reports required on the funds collected and penalty assessments imposed each quarter. (Ord., 8-22-2005)

1-10-26: FINES RECOVERABLE BY CIVIL ACTION:

- A. Civil Action Allowed: All fines shall be recoverable by civil action before any court of competent jurisdiction, in addition to any other method provided by law.

B. Failure To Pay Fine; Penalties:

1. The failure to pay a fine levied pursuant to this code shall constitute a separate offense against the town, subject to a fine as provided in section 1-4-1 of this code.

2. If a fine is not paid by the defendant, the fine may be collected by committing the defendant to the town jail, where he shall remain until his fine and any costs assessed against him are discharged, either by payment or by confinement in jail, or by working in accordance with other provisions of this code or state law. (Ord., 8-22-2005)