

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 14-310 OF CHAPTER 14 ADDING AN ADMINISTRATIVE FINE FOR TRANSPORTING AN OPEN CONTAINER AND TRANSPORTING A FIREARM IMPROPERLY, ADDING ADMINISTRATIVE FINES FOR IMPROPER EQUIPMENT AND VEHICLE REGISTRATION VIOLATIONS CONSISTENT WITH CHAPTER 20, AND CLARIFYING WHEN ADMINISTRATIVE FINES ARE AVAILABLE FOR FIRST OFFENSES ONLY; SECTION 14-312 OF CHAPTER 14 TO CORRECT A TYPOGRAPHICAL ERROR; SECTION 14-503 OF CHAPTER 14 TO ELIMINATE A REFERENCE TO AN OBSOLETE SECTION OF THE CODE; SECTION 14-504 OF CHAPTER 14 TO CLARIFY THAT DEFERRED SENTENCING IS ALSO AVAILABLE UPON A PLEA OF NOLO CONTENDRE; SECTION 20-210 OF CHAPTER 20 CLARIFYING REFERENCES TO OTHER SECTIONS AND ADDING A PENALTY APPLICABLE TO VIOLATIONS OF SECTION 20-543, CARRYING OF SECURITY VERIFICATION FORM WHILE OPERATING VEHICLE; SECTION 20-526 OF CHAPTER 20 ELIMINATING VIOLATION FOR DRIVING UNDER THE INFLUENCE OF AN INTOXICANT CONSISTENT WITH STATE LAW; SECTION 20-701 OF CHAPTER 20 MAKING AUTHORITY TO IMPOUND VEHICLES FOR EXPIRED LICENSE TAG CONSISTENT WITH STATE LAW; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. THAT Section 14-310 of Chapter 14 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

Sec. 14-310. - Penalties; administrative payment in lieu of Court appearance.

(a) Except as otherwise provided, any person cited for the following violations of this Code may elect to pay a fine to the Court Clerk in lieu of appearing before the Municipal Court for formal arraignment:

- (1) A violation not carrying jail time;
- (2) The following violations, first offense, with jail time:
  - a. Failure to carry security verification form while operating a vehicle, Section 20-543;
  - b. Driving under suspension or revocation, subsection 20-509(c);
  - c. Failure to appear, Section 15-712;
  - d. Reckless driving, Section 20-519;
  - e. Transporting an open container, Section 20-527.

- (b) Persons electing to so administratively pay their fines shall first file with the Court Clerk an appearance form, a guilty plea form, and a court appearance waiver form.
- (c) Persons electing to so administratively pay their fines shall pay according to the following schedule:
- (1) Improper equipment, Section 20-602, ~~twenty dollars (\$20.00)~~ thirty-five dollars (\$35.00).
  - (2) Speeding:
    - a. In excess of the posted limit, Section 20-1002, five dollars (\$5.00) per mile in excess of the posted limit.
    - b. In a school zone or school crossing zone, subsection 20-1002(2), two hundred dollars (\$200.00).
    - c. Ten (10) miles and under on any interstate, federal-aid primary highways, and state highways, subsection 20-1002(5), which are located on the outskirts of any municipality as determined by § 2-117 of Title 47, ten dollars (\$10.00) plus fifteen dollars (\$15.00) costs.
    - d. In an area designated by the State of Oklahoma or the City of Norman as under construction, maintenance, or repair, and marked as such, two hundred dollars (\$200.00).
  - (3) Violations resulting in personal injury or property damage, one hundred dollars (\$100.00).
  - (4) All other moving traffic violations, fifty dollars (\$50.00).
  - (5) ~~Possession of marijuana, Section 15-408, first offense, two hundred dollars (\$200.00).~~ Transporting a fire arm improperly, Section 20-548, seventy dollars (\$70.00).
  - (6) Failure to appear, Section 15-712, first offense, two hundred dollars (\$200.00).
  - (7) Violations of the Mandatory Use of Seatbelts, Section 20-608, ten dollars (\$10.00) plus ten dollars (\$10.00) cost.
  - (8) Failure to carry security verification form while operating a vehicle, Section 20-543, first offense, two hundred dollars (\$200.00).
  - (9) Transporting an open container, Section 20-527, ~~one hundred fifty dollars (\$150.00)~~ two hundred dollars (\$200.00).
  - (10) Third and subsequent moving violations during any immediate preceding twelve-month period, two hundred dollars (\$200.00).
  - (11)
    - a. ~~[Nontraffic violations:]~~ All nontraffic violations, first offense, that do not carry jail time, two hundred dollars (\$200.00).
    - b. ~~Second or subsequent offenses, maximum fine provided by ordinance.~~
  - (12) Failure to yield to emergency vehicle, Section 20-528, two hundred dollars (\$200.00).

- (13) Racing on the highway, Section 20-547, two hundred dollars (\$200.00).
- (14) School zone violations except as otherwise provided, subsection 20-1002(2), two hundred dollars (\$200.00).
- (15) Violations of the Mandatory Use of Child Passenger Restraint, Section 20-607, fifty dollars (\$50.00).
- (16) Vehicle registration violations, Section 20-510, ~~twenty-five dollars (\$25.00)~~ thirty-five dollars (\$35.00).
- (17) Careless/Failure to Devote full time and attention, Section 20-502, one hundred dollars (\$100.00).
- (18) Reckless Driving, Section 20-519, two hundred dollars (\$200.00).
- (19) Failure to Stop, Section 20-810, one hundred dollars (\$100.00).
- (20) Disregarding railroad signals, Section 20-1105, one hundred dollars (\$100.00).
- (21) Driving under Suspension or Revocation, subsection 20-509(c), two hundred dollars (\$200.00).

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§ 2. THAT Section 14-312 of Chapter 14 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

Sec. 14-312. - Traffic violations, moving; residents and nonresidents.

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(c) *Promise to appear.*

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- (4) A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation ~~u~~ 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 fine 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 an amount prescribed as bail for the offense. Provided, 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 the amount of the fine and costs shall be as prescribed by section 14-310.

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§ 3. THAT Section 14-503 of Chapter 14 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

Sec. 14-503. - Sentences.

- (a) Upon conviction, the Judge must impose the sentence, either at that time or on a day certain to which the matter is continued for that purpose.
- (b) ~~Except as provided in subsection (c), the~~ The Judge shall impose the penalty within the limits prescribed by the applicable provisions the defendant was convicted of violating.

§ 4. THAT Section 14-504 of Chapter 14 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

Sec. 14-504. - Suspension or deferral of sentence.

- (a) Subsequent to conviction, judgment, and sentence, the Judge may suspend the judgment, or costs, or both, and allow the convicted person to be released upon his own recognizance.
- (b) Upon a verdict or plea of guilty or nolo contendere to any charge of violation of any ordinance of the City of Norman, but before a judgment of guilt, the Court may, with the consent of the defendant, defer further proceedings and place the defendant on probation for a period not to exceed six (6) months. Upon successful completion of the probation term, the defendant shall be discharged without a Court judgment of guilt, and said charge shall be dismissed with prejudice.

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§ 5. THAT Section 20-210 of Chapter 20 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

Sec. 20-210. - Penalties.

- (a) Except as otherwise provided, any person convicted of violating the provisions of any section or subsection of this chapter shall be punished by a monetary fine in an amount not less than thirty-five dollars (\$35.00) nor more than two hundred dollars (\$200.00).
- (b) Person convicted of violating the provisions of the following sections of this chapter shall be punished by a monetary fine in an amount of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00), or by imprisonment for a period not to exceed sixty (60) days, or by both such fine and imprisonment:
  - (1) Section 20-301 Duties of drivers involved in accidents.
  - (2) Section 20-519 Driving: Reckless.
  - (3) Section 20-525 Driving: Unauthorized person operating a vehicle.
  - ~~(4) Section 20-526.~~
  - ~~(5)~~(4) Section 20-527 Driving: Transportation of alcoholic beverages.

~~(6)~~(5) Section 20-531 Passing: School bus.

~~(7)~~(6) Section 20-542 Fleeing or attempting to elude a police officer.

~~(8) — Section 20-543.~~

- (c) No person charged with the violation of section 20-509(a) of this Code shall be convicted if that person produces in open Court an operator's or chauffeur's license theretofore issued to him and valid at the time of the issuance of the citation and/or arrest.
- (d) Notwithstanding the above subsections, the Court may impose costs in addition to any monetary fine and/or imprisonment.
- (e) Any person convicted of violation of section 20-607 shall be punished by a fine of fifty dollars (\$50.00).
- (f) Any person convicted of violation of section 20-608 shall be punished by a fine of ten dollars (\$10.00).
- (g) Any person convicted of violation of section 20-509(c) shall be punished by a monetary fine in an amount not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00), or by imprisonment for a period not to exceed sixty (60) days, or by both such fine and imprisonment.
- (h) Any person convicted of violation of section 20-548 shall be punished by a fine of seventy dollars (\$70.00) and court costs.
- (i) Any person convicted of violation of section 20-543 shall be punished by a monetary fine in an amount of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00), or by imprisonment for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

§ 6. THAT Section 20-526 of Chapter 20 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

~~Sec. 20-526. – Reserved. Driving: Under the influence of an intoxicant.~~

~~The provisions of this section as provided in Title 47, § 761 (Operation of motor vehicle while impaired — Penalties—Suspensions—Violation not bondable), 11-902 (Persons under the influence of alcohol or other intoxicating substance or combination thereof—Penalty—Enhancement), and 11-906.4 (Operating or being in actual physical control of motor vehicle while under the influence while under age) of the Oklahoma Statutes, and any subsequent amendments thereto, are hereby incorporated into the Code of the City with the same force and effect as if fully set out in this section.~~

§ 7. THAT Section 20-701 of Chapter 20 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

~~Sec. 20-701. - Authority to impound.~~

(a) The City Police Department is authorized to remove and impound any vehicle to a public or private storage yard when:

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(12) The vehicle is left unattended and parked on public property and either the vehicle or the license plate displayed on the vehicle has three (3) or more parking violations of this chapter which remain unpaid and delinquent on the date of impoundment.

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§8. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2020.

NOT ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Brea Clark, Mayor

\_\_\_\_\_  
Brea Clark, Mayor

ATTEST:

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Brenda Hall, City Clerk