



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: O-2021-25

File ID: O-2021-25

Type: Ordinance

Status: Non-Consent Items

Version: 1

Reference: Item 39

In Control: City Council

Department: Legal Department

Cost:

File Created: 11/13/2020

File Name: Housekeeping Amendments to Code

Final Action:

Title: CONSIDERATION OF ORDINANCE O-2021-25 UPON SECOND AND FINAL READING: 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.

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance O-2021-25 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance O-2021-25 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 12/08/2020

Attachments: O-2021-25 Municipal Court Clean, O-2021-25 Municipal Court Annotated

Project Manager: Anthony Purinton, Assistant City Attorney

Entered by: sarah.encinias@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	11/24/2020	Postponed		12/01/2020		
	Action Text:		Postponed				
1	City Council	11/24/2020	Postponed		12/01/2020		
	Action Text:		Postponed				
1	City Council	12/01/2020	Introduced and adopted on First Reading by title only				Pass
	Action Text:		That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call				
1	City Council	12/08/2020					

Text of Legislative File O-2021-25

Body

BACKGROUND: These ordinance amendments are intended to be housekeeping amendments to the City of Norman’s Code governing Municipal Court and traffic violations. These amendments, as discussed below, make provisions of Chapter 14 and Chapter 20 consistent, delete unnecessary provisions as needed, and close loopholes created by changes in state law. Each change is discussed in detail below.

DISCUSSION:

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

This section gives defendants who are charged with certain ordinance violations the option to make a payment to the Court Clerk in lieu of a formal court appearance in Municipal Court. The housekeeping changes made to this provision are intended to make 14-310 consistent with the fine ranges found in Chapter 20. Currently, two offenses listed in 14-310 have an administrative payment that is lower than the minimum fine range for the same offense in Chapter 20. Effectively, this means that a defendant charged with violating either Improper Equipment, Section 20-602, or Vehicle Registration Violations, Section 20-510, would pay less if they paid at the window, than they would if they pled to the same violation during a court appearance in Municipal Court. Under the proposed amendments, administrative payments for each violation would reflect the minimum fine found in Chapter 20 for those offenses - thirty-five dollars (\$35.00).

Other changes include various housekeeping changes. For example, amendments to Subsection (c)(5) deleted the administrative payment schedule for Possession of Marijuana

and, in its place, added an administrative payment schedule for Transporting a Fire Arm Improperly. A specific administrative payment schedule for Possession of Marijuana is redundant, as subsection (c)(11) would also apply to anyone charged with Possession of Marijuana. Transporting a Fire Arm Improperly, which was previously not set out separately, was included to reflect the specific fine range set out in Chapter 20 (\$70.00), which is set by state statute.

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

This change corrects a small typographical error.

Sec. 14-503. - Sentences

This change deletes a reference to a non-existent subsection (c) that had been previously deleted by a prior ordinance.

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

This change allows defendants to plea “nolo contendere” (also known as a “no contest” plea) and receive a deferred sentence. This reflects current Municipal Court practice.

Sec. 20-210. - Penalties.

This section includes several small changes. First, reference to Section 20-526 was deleted, to reflect the recommended deletion of Section 20-526 (see below). Second, Section 20-543 (failure to maintain personal liability insurance) was set out specifically in subsection (i) to reflect the State’s fine range for the same offense. This offense previously had a punishment range of fifty to seven hundred fifty dollars, and/or sixty days imprisonment, which is greater than the State’s maximum punishment. The amendment now reflects state law.

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

This change deletes Section 20-526, as municipalities with courts not of record may no longer prosecute DUI offenses. See 47 O.S. § 11-902(C)(7).

Sec. 20-701. - Authority to impound.

This change closes a loophole that was created with recent changes to state law. Current state law now requires license plates to remain with the original owner of a vehicle after it is sold. See 47 O.S. § 1112.2(A). The previous ordinance allowed the City to tow *vehicles* that had three or more outstanding, unpaid citations. This creates a loophole in the City’s current ordinance, as license plates are no longer necessary linked to a specific vehicle. So, a vehicle owner with three unpaid citations could theoretically sell their vehicle, place their license plate on a new vehicle, and would not be subject to impoundment. With the suggested changes, threat of impoundment would now follow the license plate, not just the vehicle itself, closing the

loophole.

RECOMMENDATION: Staff forwards Ordinance O-2021-25 to Council for consideration.