

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 14-310 OF CHAPTER 14, MUNICIPAL COURT AND AMENDING SECTION 15-110, 15-203, 15-408, 15-413 ALL IN CHAPTER 15 OFFENSES OF THE CODE OF THE CITY OF NORMAN TO CONFORM TO STATE REGULATIONS CONCERNING THE PENALTIES, DEFINITION AND POSSESSION OF MARIJUANA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

- § 1. That Section 14-310 of Chapter 14 of the Code of the City of Norman, Oklahoma, 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.~~ Possession of marijuana, Section 15-408;

b.a. Failure to carry security verification form while operating a vehicle, Section 20-543;

e.b. Driving under suspension or revocation, subsection 20-509(c);

~~d.c.~~ Failure to appear, Section 15-712;

e.d. Reckless driving, Section 20-519.

(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).

(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).
 - (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, two hundred dollars (\$200.00).
 - (9) Transporting an open container, Section 20-527, one hundred fifty dollars (\$150.00).
 - (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).

(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).

(d) Payment of any fine as herein prescribed shall constitute a final determination of the cause against the defendant.

(e) Costs in each case filed in the Municipal Court shall be thirty dollars (\$30.00).

(f) Any person confined in jail for any offense shall be required to pay the costs of the incarceration, including housing, food, clothing, medical care, dental care, and psychiatric services.

(g) Notwithstanding fines and fees set forth above, fines or fees on all alcohol-related offenses are increased fifty dollars (\$50.00) pursuant to Title 11, Section 1411(c) of the Oklahoma Statutes.

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§ 2. That Section 15-110 of Chapter 15 of the Code of the City of Norman, Oklahoma, shall be amended to read as follows:

Sec. 15-110. – Marijuana.

"Marijuana" means ~~all parts of the plant cannabis sativa L.,~~ any part of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or

preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil any other compound, manufacture, or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination. Marijuana shall not include industrial hemp as defined in 2 O.S. § 3-402 that is possessed by a licensee or an agent of a licensee or an agent of a licensee pursuant to the Oklahoma Industrial Hemp Agricultural Pilot Program, 2 O.S. § 3-401 et seq.

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§ 3. That Section 15-203 of Chapter 15 of the Code of the City of Norman, Oklahoma, shall be amended to read as follows:

Sec. 15-203. – Penalties.

(a) Persons convicted of violating the provisions of section 15-302 of this chapter shall be punished by monetary fine in an amount not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

(b) Persons convicted of violation of 15-408 of this article shall be punished by a monetary fine not to exceed four hundred dollars (\$400.00).

~~(b)~~ (c) Persons convicted of ~~violation~~ violating section 15-609 of this article shall be punished by a monetary fine in an amount of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment for a period not to exceed sixty (60) days, or by both such fine and imprisonment.

~~(c)~~ (d) Except as otherwise provided in this section, 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 of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00).

~~(d)~~ (e) Persons convicted of violating the provisions of the following listed articles, sections or subsection 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) 15-301;

(2) 15-305;

(3) 15-404;

(4) 15-405;

- (5) 15-406;
- (6) 15-407;
- ~~(7)~~ ~~15-408~~;
- ~~(8)~~ ~~(7)~~ 15-409;
- ~~(9)~~ ~~(8)~~ 15-413;
- ~~(10)~~ ~~(9)~~ 15-501;
- ~~(11)~~ ~~(10)~~ 15-502;
- ~~(12)~~ ~~(11)~~ 15-503;
- ~~(13)~~ ~~(12)~~ 15-504;
- ~~(14)~~ ~~(13)~~ 15-505;
- ~~(15)~~ ~~(14)~~ 15-506;
- ~~(16)~~ ~~(15)~~ 15-507;
- ~~(17)~~ ~~(16)~~ 15-508;
- ~~(18)~~ ~~(17)~~ 15-601;
- ~~(19)~~ ~~(18)~~ 15-602;
- ~~(20)~~ ~~(19)~~ 15-603;
- ~~(21)~~ ~~(20)~~ 15-604;
- ~~(22)~~ ~~(21)~~ 15-605; and
- ~~(23)~~ ~~(22)~~ Article VII.

~~(e)~~ ~~(f)~~ Notwithstanding the above subsections, the court may impose costs in addition to any monetary fine and/or imprisonment.

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§ 4. That Section 15-408 of Chapter 15 of the Code of the City of Norman, Oklahoma, shall be amended to read as follows:

Sec. 15-408. – Possession of marijuana.

It is unlawful for any person knowingly or intentionally to possess marijuana unless the person has in possession a current and valid permit or license issued by the State of Oklahoma for such possession.

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§ 5. 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, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day

NOT ADOPTED this _____ day

of _____, 20____

of _____, 20____

(Mayor)

(Mayor)

ATTEST:

(City Clerk)