

## **ORDINANCE NO. 433**

**AN ORDINANCE OF THE CITY OF NICOMA PARK, OKLAHOMA, AMENDING THE NICOMA PARK CITY CODE BY ADDING SECTION 26-42 TO PROVIDE FOR PROCEDURE IN THE EVENT OF FAILURE TO PAY FINES OR COSTS FROM MUNICIPAL COURT, PROVIDING FOR NOTICE OF SUSPENSION OF LICENSE AND NOTICE TO THE DEPARTMENT OF PUBLIC SAFETY; DECLARING REPEALER; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NICOMA PARK, OKLAHOMA:**

**SECTION 1:** That a new Section 26-42 is hereby adopted to read as follows:

- (a) In the event that a person who was guilty of any offense in the Nicoma Park Municipal Court for a moving traffic violation wherein fines and costs were assessed by the Court, and these fines and costs are not paid within 90 days from the date the person was originally ordered to make payment, the Court Clerk shall send notice of non-payment of any Court ordered fines and costs for moving violation to the Department of Public Safety with the recommendation of suspension of driving privileges of the defendant until the total amount of any fine and cost have been paid. The provisions of Oklahoma Statutes 22 § 983(b) and 47 § 6-206(c) are incorporated herein by reference.
- (b) After a judicial determination that defendant is able to pay the fine, cost, fee or assessment in installments, the Court may order the fine, cost, fee, or assessment to be paid in installments and shall set the amount and date for each installment. In the event that any fine or costs are not paid when ordered after this judicial finding, the provisions of subsection 1 above shall apply.

**SECTION 2: REPEALER.**

All former Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

**SECTION 3: 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, said 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.

**SECTION 4: EMERGENCY.**

It being immediately necessary for the preservation of the public health, peace and safety of the City of Nicoma Park and the inhabitants thereof, an emergency is hereby declared to exist by reason whereof, this ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

PASSED BY, APPROVED, and the Emergency Clause voted upon separately and passed and approved, this 11th day of June, 2019.

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Mayor

ATTEST:

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CITY CLERK

APPROVED as to form this 11th day of June, 2019.

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ROBERT C. THOMPSON, City Attorney