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ORDINANCE NO. 987

AN ORDINANCE AMENDING THE NICHOLS HILLS CITY CODE REGARDING PENALTIES AND FINES; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NICHOLS HILLS OKLAHOMA:

Section 1. Chapter 1, Section 1-17, Subsection (d) of the Nichols Hills City Code, regarding general and specific penalties, is hereby amended, with deleted language dashed through and new language underlined, to wit:

Sec. 1-17. - General and specific penalties; suspension or revocation of license or permit.

- (d) Except as ~~otherwise~~ provided in Chapter 14, Section 14-106 of this Code, or as otherwise provided in this Code, a person convicted of a violation of this Code shall be punished by a fine not exceeding \$200.00 and costs. With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense.

Section 2. Chapter 14 of the Nichols Hills City Code is hereby amended with the addition of section 14-106, with new language underlined, to read as follows:

Sec. 14-106. Amount and Schedule of fines.

Unless directed otherwise by the presiding municipal judge, for citations for violations of this Code issued on or after July 17, 2013, the amount of the fine (inclusive of court costs imposed by Section 14-103 of this chapter and State-mandated penalty assessments as provided in Title 20, Oklahoma Statutes, Sections 1313.2, 1313.3, 1313.4 and other applicable state law), which may be accepted by the clerk of the court in satisfaction of certain violations shall be as follows:

<u>Charge</u>	<u>Oklahoma Statute/City Code Creating Offense</u>	<u>Fine, Assessments & Costs Total</u>
<u>Affixing improper tag</u>	<u>47 O.S. § 1151(A)(5)</u>	<u>\$234.00</u>
<u>Alcohol-related offenses</u>	<u>Nichols Hills City Code Chapter 4; 47 O.S. § 11-902(A)(2); 47 O.S. § 11-904(A)(1)</u>	<u>\$234.00</u>
<u>Allowing unlicensed person to drive</u>	<u>47 O.S. § 6-305</u>	<u>\$234.00</u>
<u>Altering or changing tag</u>	<u>47 O.S. § 4-110(A)(2)</u>	<u>\$234.00</u>
<u>Animal at large</u>	<u>Nichols Hills City Code Sec. 6-49 & Nichols Hills City Code Sec. 6-83(b)</u>	<u>\$25.00 plus \$30.00 impounding fee and boarding fees at \$15.00 per day</u>
<u>Cutting through property (gas station)</u>	<u>Nichols Hills City Code Sec. 44-100</u>	<u>\$119.00</u>
<u>Defective vehicles</u>	<u>Nichols Hills City Code Sec. 44-196; 47 O.S. § 12-204</u>	<u>\$84.00</u>
<u>Depositing refuse on streets or sidewalks (Littering)</u>	<u>Nichols Hills City Code Sec. 36-25</u>	<u>\$234.00</u>
<u>Driving across fire hose</u>	<u>47 O.S. § 11-1109</u>	<u>\$234.00</u>
<u>Driving under the influence of drugs</u>	<u>47 O.S. § 11-902(A)(3);</u>	<u>\$234.00</u>
<u>Driving with revoked license</u>	<u>47 O.S. § 6-303(B)</u>	<u>\$234.00</u>
<u>Driving with suspended license</u>	<u>47 O.S. § 6-303.B;</u>	<u>\$234.00</u>
<u>Drug paraphernalia possession</u>	<u>Nichols Hills City Code Sec. 32-138</u>	<u>\$239.00</u>
<u>Expired driver's license</u>	<u>47 O.S. § 6-303(B)</u>	<u>\$74.00 (\$25.00 if proof of updated driver's license provided before court date)</u>
<u>Expired license plate</u>	<u>47 O.S. § 1151(A)(5)</u>	<u>\$74.00(\$25.00 if proof of updated license plate provided before court date)</u>
<u>Failure to appear</u>	<u>Nichols Hills City Code Sec. 32-256</u>	<u>\$234.00</u>

<u>Failure to obey officer</u>	<u>47 O.S. Section 11-103; NH City Code Sec. 44-40</u>	<u>\$114.00</u>
<u>Failure to stop for school bus</u>	<u>47 O.S. § 11-705(A)</u>	<u>\$234.00</u>
<u>Failure to yield to emergency vehicle</u>	<u>47 O.S. §11-405</u>	<u>\$234.00</u>
<u>Improper lights on motor vehicle</u>	<u>47 O.S. § 12-227(B)</u>	<u>\$84.00</u>
<u>Improper tag display</u>	<u>47 O.S. § 4-107(d)</u>	<u>\$74.00</u>
<u>Improperly removing tag</u>	<u>47 O.S. § 4-107(d)</u>	<u>\$74.00</u>
<u>Inattentive & careless driving</u>	<u>Nichols Hills City Code Sec. 44-95</u>	<u>\$234.00</u>
<u>Leaving the scene of a non-injury Accident</u>	<u>47 O.S. § 10-103</u>	<u>\$234.00</u>
<u>Leaving the scene of an injury accident</u>	<u>47 O.S. § 10-102(A)</u>	<u>\$234.00</u>
<u>Loaning driver's license to another</u>	<u>47 O.S. § 6-301(1)(b)</u>	<u>\$234.00</u>
<u>No child restraints</u>	<u>47 O.S. § 11-1112(A)</u>	<u>\$84.00 (\$15.00 if first offense and upon proof of purchase or acquisition by loan of a child restraint system)</u>
<u>No license in possession</u>	<u>47 O.S. § 6-112</u>	<u>\$94.00 (\$25.00 if proof of current driver's license provided)</u>
<u>No Nichols Hills dog tag</u>	<u>Nichols Hills City Code Sec. 6-118</u>	<u>\$25.00</u>
<u>No security verification</u>	<u>47 O.S. § 7-602.1</u>	<u>\$234.00 (No fine or costs if proof of insurance provided within 48 hours of alleged offense; \$25.00 if proof of insurance provided after 48 hours of alleged offense)</u>
<u>No valid operator's license</u>	<u>47 O.S. § 6-303(A)</u>	<u>\$234.00</u>
<u>Non-use of seatbelts</u>	<u>47 O.S. § 12-417(A)</u>	<u>\$20.00</u>
<u>Nuisance offences</u>	<u>Nichols Hills City Code Sec. Sec. 30-2; Sec. 30-26; and Sec. 30-27</u>	<u>\$234.00</u>

<u>Operating contrary to restrictions</u>	<u>47 O.S. § 6-101(D)</u>	<u>\$234.00</u>
<u>Operating without being licensed</u>	<u>47 O.S. § 6-303(B)</u>	<u>\$234.00</u>
<u>Operating without proper license plate</u>	<u>47 O.S. § 1151(A)(5)</u>	<u>\$74.00</u>
<u>Operating without motorcycle endorsement</u>	<u>47 O.S. § 6-101(d)</u>	<u>\$234.00</u>
<u>Penalties for non-valid alarms to police department</u>	<u>Nichols Hills City Code Sec. 18-161</u>	<u>\$50.00</u>
<u>Parked facing oncoming traffic</u>	<u>47 O.S. § 11-1004(A)</u>	<u>\$50.00</u>
<u>Parking Between 2:00 a.m. – 5:00 a.m.</u>	<u>Nichols Hills City Code Sec. 44-133(B)</u>	<u>\$35.00</u>
<u>Parking in handicapped space</u>	<u>47 O.S. § 11-1007</u>	<u>\$215.00</u>
<u>Parking on private property</u>	<u>Nichols Hills City Code Sec. 44-141</u>	<u>\$35.00</u>
<u>Parking vehicle for display</u>	<u>Nichols Hills City Code Sec. 44-139(A)</u>	<u>\$215.00</u>
<u>Permitting unlicensed person to drive</u>	<u>47 O.S. § 6-305</u>	<u>\$234.00</u>
<u>Reckless driving</u>	<u>47 O.S. § 11-901</u>	<u>\$234.00</u>
<u>Sign violation</u>	<u>Nichols Hills City Code Sec. 50-130</u>	<u>\$215.00</u>
<u>Skateboarding</u>	<u>Nichols Hills City Code Sec. 44-9</u>	<u>\$84.00</u>
<u>Solicitation without permit</u>	<u>Nichols Hills City Code Sec. 10-25.</u>	<u>\$234.00</u>
<u>Soliciting where posted</u>	<u>Nichols Hills City Code Sec. 10-35</u>	<u>\$234.00</u>
<u>Speed greater than proper</u>	<u>Nichols Hills City Code Sec. 44-94</u>	<u>\$79.00</u>
<u>Speed in excess</u>	<u>47 O.S. § 11-801(B)</u>	<u>\$79.00</u>
<u>Speeding (radar checked)</u>	<u>47 O.S. § 11-801(A)</u>	<u>\$68.00 plus \$5.00 for every mile over the speed limit</u>
<u>Speeding in a school zone</u>	<u>47 O.S. § 11-801(B)(6)</u>	<u>\$234.00</u>
<u>Spinning wheels</u>	<u>Nichols Hills City Code Sec. 44-96</u>	<u>\$84.00</u>
<u>Sprinkler ordinance</u>	<u>Nichols Hills City Code Sec. 46-54</u>	<u>\$234.00</u>
<u>Tampering with traffic control</u>	<u>47 O.S. § 11-207</u>	<u>\$234.00</u>
<u>Tracking mud on streets</u>	<u>Nichols Hills City Code Sec. 44-199</u>	<u>\$234.00</u>

<u>Unlawful use of license</u>	<u>47 O.S. § 6-301</u>	<u>\$234.00</u>
<u>Unsafe open door traffic side</u>	<u>47 O.S. § 11-1105</u>	<u>\$84.00</u>
<u>Wrecked, junked, or abandoned vehicle</u>	<u>Nichols Hills City Code Sec. 30-2(b)(15)</u>	<u>\$234.00</u>
<u>All other moving traffic violations not otherwise specified in this Schedule</u>		<u>\$84.00</u>
<u>All offenses under Chapter 32 of the Nichols Hills City Code (unless otherwise specified in this Code)</u>		<u>\$234.00</u>
<u>All other parking violations not otherwise specified in this Code</u>		<u>\$50.00</u>

Section 3. Chapter 14 of the Nichols Hills City Code is hereby amended with the addition of section 14-107, with new language underlined, to read as follows:

Sec. 14-107. Payment of Municipal Court fines.

- (a) Any person charged with an offense for which payment of a fine may be made to the clerk of the court shall have the option of paying the fine within the time specified in the notice of arrest at the Office of the Clerk of the Court or by mailing the fine payment to the Office of the Clerk of the Court.
- (b) The payment of a fine to the clerk of the court shall be deemed an acknowledgment of conviction of the alleged offense, and the court of the clerk, upon acceptance of the prescribed fine, shall issue a receipt to the violator acknowledging payment.

Section 4. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 5. The provisions of this ordinance are severable and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

Section 6. This ordinance shall become effective July 17, 2013.

PASSED by the Council of the City of Nichols Hills, Oklahoma, on the 11th day of June, 2013.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the 11th day of June, 2013.

ATTEST:

Kristi Hottel
City Clerk



Kelle Jackson
Mayor

Reviewed as to Form and Legality:

Mr. Michael Williams
City Attorney