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ORDINANCE NO. 1056

AN ORDINANCE AMENDING THE NICHOLS HILLS CITY CODE REGARDING PENALTIES AND FINES FOR DRUG OR DRUG PARAPHERNALIA OFFENSES; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

**EMERGENCY ORDINANCE**

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

Section 1. Chapter 32 of the Nichols Hills City Code is hereby amended with the addition of a new Section 32-140 as follows, with new language underlined, to wit:

**Sec. 32-140. Possession of drug paraphernalia.**

It shall be unlawful and an offense for any person to be in possession of drug paraphernalia in the City. For purposes of this section, the term "drug paraphernalia" shall have the same definition as set forth in 63 O.S. § 2-101(36).

Section 2. Chapter 14, Section 14-106 of the Nichols Hills City Code is hereby amended as follows, with deleted language dashed through and new language underlined, to wit:

**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:

Charge	Oklahoma Statute/City Code Creating Offense	Fine, Assessments & Costs Total
Affixing improper tag	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 1151(A)(5)	\$234.00

Improperly removing tag	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 4- 107(d)	\$74.00
Inattentive & careless driving	Nichols Hills City Code Sec. 44-95	\$234.00
Leaving the scene of a non-injury Accident	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 10-103	\$234.00
Leaving the scene of an injury accident	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 10-102(A)	\$234.00
Loaning driver's license to another	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 6- 301(1)(b)	\$234.00
<u>Marijuana possession</u>	<u>Nichols Hills City</u> <u>Code Sec. 32-138</u>	<u>\$239.00</u>
No child restraints	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 11-1112(A)	\$84.00 (\$15.00 if first offense and upon proof of purchase or acquisition by loan of a child restraint system)
No license in possession	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 6- 112	\$94.00 (No fine or costs if a driver license, issued and valid at time of arrest, is provided on or before court date)
No Nichols Hills dog tag	Nichols Hills City Code Sec. 6-118	\$25.00

No security verification	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 7- 602.1	\$234.00 (No fine or costs if proof of insurance provided within one business day before first scheduled hearing; \$25.00 if proof of insurance provided on the same day as first scheduled hearing)
No valid operator's license	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 6- 303(A)	\$234.00
Non-use of seatbelts	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 12- 417(A)	\$20.00
Nuisance offences	Nichols Hills City Code Sec. Sec. 30-2; Sec. 30-26; and Sec. 30-27	\$234.00
Operating contrary to restrictions	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 6- 101(D)	\$234.00
Operating without being licensed	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 6- 303(B)	\$234.00
Operating without proper license plate	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 1151(A)(5)	\$74.00
Operating without motorcycle endorsement	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 6- 101(d)	\$234.00
Penalties for non-valid alarms to police department	Nichols Hills City Code Sec. 18-161	\$50.00

Parked facing oncoming traffic	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 11-1004(A)	\$50.00
Parking Between 2:00 a.m. – 5:00 a.m.	Nichols Hills City Code Sec. 44-133(B)	\$35.00
Parking in handicapped space	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 11-1007	\$215.00
Parking on private property	Nichols Hills City Code Sec. 44-141	\$35.00
Parking vehicle for display	Nichols Hills City Code Sec. 44-139(A)	\$215.00
Permitting unlicensed person to drive	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 6- 305	\$234.00
Reckless driving	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 11-901	\$234.00
Sign violation	Nichols Hills City Code Sec. 50-130	\$215.00
Skateboarding	Nichols Hills City Code Sec. 44-9	\$84.00
Solicitation without permit	Nichols Hills City Code Sec. 10-25.	\$234.00
Soliciting where posted	Nichols Hills City Code Sec. 10-35	\$234.00
Speed greater than proper	Nichols Hills City Code Sec. 44-94	\$79.00
Speed in excess	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 11-801(B)	\$79.00
Speeding (radar checked)	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 11-801(A)	\$68.00 plus \$5.00 for every mile over the speed limit

Speeding in a school zone	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 11-801(B)(6)	\$234.00
Spinning wheels	Nichols Hills City Code Sec. 44-96	\$84.00
Sprinkler ordinance	Nichols Hills City Code Sec. 46-54	\$234.00
Tampering with traffic control	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 11-207	\$234.00
Tracking mud on streets	Nichols Hills City Code Sec. 44-199	\$234.00
Texting while driving	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 11-901d	\$100.00
Unlawful use of license	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 6- 301	\$234.00
Unsafe open door traffic side	Nichols Hills City Code Sec. 44-3, adopting 47 O.S. § 11-1105	\$84.00
Wrecked, junked, or abandoned vehicle	Nichols Hills City Code Sec. 30-2(b)(15)	\$234.00
All other moving traffic violations not otherwise specified in this Schedule		\$84.00
All offenses under Chapter 32 of the Nichols Hills City Code (unless otherwise specified in this Code)		\$234.00
All other parking violations not otherwise specified in this Code		\$50.00

Section 3. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 4. 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 5. EMERGENCY SECTION. WHEREAS, in the judgment of the Council it is necessary for the preservation of the peace, health, welfare and safety of the City of Nichols Hills, Oklahoma, and of the inhabitants thereof that the provisions of this ordinance be put into full force and effect immediately, and therefore an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED by the Council of the City of Nichols Hills, Oklahoma, on the 10<sup>th</sup> day of November, 2015.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the 10<sup>th</sup> day of November, 2015.

ATTEST:



City Clerk





Mayor

Reviewed as to Form and Legality:



City Attorney