

Chapter 11

MUNICIPAL COURT¹

Art. I. In General, §§ 11-1–11-30

Art. II. Judges, §§ 11-31–11-36

ARTICLE I. IN GENERAL

Sec. 11-1. Definitions.

As used in this chapter, the following words shall have the meanings ascribed to them in this section, unless the context requires a different meaning:

Clerk. The clerk of the city, including any deputy or member of the office staff of the clerk's office.

Court. The municipal court of the city.

Judge. The judge of the municipal court, aforesaid, including any acting judge or alternate judge thereof, as provided for by the statutes of this state, and under this Code.

This judicial district. The district court judicial district of the state wherein the government of this city is situated.

(Code 1977, § 13-3)

Sec. 11-2. Application of chapter.

(a) This chapter shall govern the organization and operation of the municipal court of the city, as put into operation by resolution, duly passed and filed in accordance with law, on and after the twenty-second day of June, 1970.

(b) To the extent of conflict between any provisions of this chapter and the provisions of any other ordinance of the city, the provisions of this chapter shall control.

(c) To the extent of conflict between any provisions of this chapter and state law, the state law shall control.

(Code 1977, § 13-1)

State law reference—Creation of municipal court, resolution of governing body, 11 O.S. §§ 27-101 *et seq.*

Sec. 11-3. Penalty imposed by court.

(a) The municipal court may charge costs for each offense filed in such court in an amount not exceeding the maximum amounts allowed for such costs pursuant to TIT. 11 OKLAHOMA STATUTES, §§ 27-126 AND 14-111(F), as the same are currently enacted, or as the same may be hereafter amended.

(b) In addition to the costs imposed by subsection (a) of this Section, the municipal court may impose a fine not to exceed the maximum amount allowed for such violation or offense pursuant to TIT. 11 OKLAHOMA STATUTES, §14-111, as the same is currently enacted, or as the same may be hereafter amended.

¹*Charter references*—Municipal court, minor violations bureau, pardons, § 2-4, Art. V; oaths, §§ 8-7 *et seq.*

Cross references—General penalty for violations of Code and ordinances, § 1-6; judicial relief obtained by city, § 1-7; administration, Ch. 2; department of law, city attorney, § 2-39; personnel, §§ 2-56 *et seq.*

State constitution reference—Jurisdiction of municipal courts, Art. 7, § 1.

State law references—Municipal courts, 11 O.S. §§ 27-101 *et seq.*; supreme court orders relative to procedures, practices, etc., 11 O.S. § 27-131; procedures generally, 11 O.S. § 27-113; rules for conduct of court business, 11 O.S. § 27-114; warrant of arrest, 22 O.S. §§ 171 *et seq.*; warrant directed to whom, 22 O.S. § 174; municipal prisoners employed by county, 69 O.S. § 619.

PAULS VALLEY CODE

(c) The city council shall adopt a schedule of fines to serve as a guideline as to the amounts of fines to be imposed for particular offenses. Said schedule shall be subject to the discretion of the municipal judge to impose fines not to exceed the maximum fines allowed by subsection (b) of this Section.

(Code 1977, § 13-41; Ord. No. 752, § 3, 10-18-83; Ord. No. 819, §§ 1, 2, 10-20-92; Ord. No. 860, § 1, 3-3-98; Ord. No. 891, § 1, 7-10-01; Ord. No. 925, § 3, 3-11-08)

State law reference—Jury trials, 11 O.S. § 27-119.

Sec. 11-3.1. Municipal Court to Assess Costs of Incarceration; State Statute Adopted.

(a) Section 979a of Title 22 of the Oklahoma Statutes, as may be amended from time to time, is hereby adopted to the extent it applies to municipalities with respect to the assessment of costs of incarceration by municipal courts. Both the version effective July 1, 1998, and the version effective November 1, 1998, as well as subsequent amendments thereto, are hereby so adopted; provided, however, that the application of amounts collected as set forth in subsection A. of the version effective November 1, 1998, is hereby specifically not adopted.

(b) All costs so collected shall be deposited in the general fund of the City of Pauls Valley.

(Ord. No. 870, § 1, 7-27-99)

Sec. 11-4. Enforcement of fines and costs.

If a defendant who is financially able refuses or neglects to pay a fine or costs, or both, payment may be enforced by imprisonment until the same shall be satisfied at the rate of five dollars (\$5.00) per day. If the defendant is without means to pay the fine or costs, the municipal judge may direct the total amount due to be entered upon the court minutes and to be certified to the district court in the county where the situs of the city government is located, where it shall be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment. Thereupon, the same remedies shall be available for the enforcement of the judgment as are available to any other judgment creditor.

(Code 1977, § 13-26)

Sec. 11-5. Jurisdiction.

The court shall exercise original jurisdiction as authorized in 11 O.S. section 27-103.

(Code 1977, § 13-2)

Cross references—General penalty for violation of Code and ordinances, § 1-6; administration, Ch. 2.

Sec. 11-5.1. Jurisdiction of minors.

(a) Pursuant to Section 1102 of Title 10 of the Oklahoma Statutes, the municipal court is authorized to enter into an agreement with the District Court of Garvin County, Oklahoma, or any other applicable district court, to assume jurisdiction of cases involving children under eighteen (18) years of age charged with violations of this Code relating to vandalism, shoplifting, trespassing, assault, battery, assault and battery, truancy, curfews, possession of nonintoxicating beverages as defined in § 161.2 of Title 37 of the Oklahoma Statutes, possession of nonintoxicating beverages as defined in § 506 of Title 37 of the Oklahoma Statutes, and public intoxication. A child under eighteen (18) years of age may be charged and prosecuted for violating a provision of this Code provided that the maximum fine which may be imposed shall not exceed two hundred dollars (\$200.00) exclusive of costs. When assessing punishment, the court also may require appropriate community service work, not to exceed twenty hours, in lieu of a fine if the product of multiplying the number of hours of community service work by the prevailing minimum wage does not result in a number which exceeds two hundred dollars (\$200.00) exclusive of costs; or the court may require restitution or both community service work and restitution. In addition, the court may require the child to receive counseling or other community-based services, as necessary. If a child is prosecuted for an offense in the municipal court, the child shall not be prosecuted for the offense in the district court. All municipal arrest and prosecution records for cases involving children under eighteen (18) years of age charged with violating municipal ordinances relating to vandalism, shoplifting, trespassing, assault, battery, assault and battery, truancy, curfews, possession of nonintoxicating beverages as defined in Section 161.2 of Title 37 of the Oklahoma Statutes, possession of alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes, or public intoxication shall be kept confidential and shall not be open to public inspection except by order of an appropriate court or as otherwise provided by Sections 1125 through 1125.4 of Title 10 of the Oklahoma Statutes and Section 620.6 of Title 10 of the Oklahoma Statutes.

MUNICIPAL COURT

(b) Funds generated from fines paid pursuant to an agreement entered into pursuant to subsection (a) of this Section shall be earmarked and used to fund local programs which address problems of juvenile crime.

(Ord. No. 820, §1, 11-17-92; Ord. No. 880, § 2, 6-27-00)

Sec. 11-6. Clerk of court; clerk's bond.

The city clerk, or a deputy designated by him, shall be ex officio the clerk of the municipal court. He shall assist the judge in recording the proceedings of the court and in preparing writs, processes and other papers. He shall administer oaths required in judicial or other proceedings before the court. He shall be responsible for the entry of all pleadings, processes and proceedings in the dockets of the court. He shall perform such other clerical duties relating to the proceedings of the court as the judge shall direct. He shall receive and give receipts for all fines, forfeitures, fees, deposits and sums of money properly payable to the court. Such funds and sums of money, while in the custody of the clerk, shall be deposited and disbursed upon vouchers as directed by the council. The clerk shall pay to the city treasurer, on the first and the fifteenth day of each month, all money so received by him, except such special deposits or fees as shall be received to be disbursed by him for special purposes. All money paid to the treasurer shall be placed in the general fund of the city, or in such other fund as the governing body may direct, and it shall be used in the operation of the city government in accordance with budgetary arrangements governing the fund in which it is placed.

(Code 1977, § 13-11)

Cross reference—Administration, Ch. 2.

State law reference—Duties of clerk, 11 O.S. § 27-109.

Sec. 11-7. Duties of city attorney.

The city attorney, or his duly designated assistant, shall be the prosecuting officer of the court. He shall prosecute all alleged violations of the ordinances of the city, whenever such allegations are deemed sufficient at law and are based on sufficient facts to constitute an offense. He shall be authorized, in his discretion, to prosecute and resist appeals, proceedings in error and review from this court to any other courts of the state and to represent the city in all proceedings arising out of matters in this court.

(Code 1977, § 13-12)

Cross reference—Department of law, city attorney, § 2-39.

State law reference—Municipal attorney as prosecuting officer, 11 O.S. § 27-108.

Sec. 11-8. Style of prosecutions.

All prosecutions for violation of city ordinances shall be styled "The City of Pauls Valley, Oklahoma, vs. (naming defendant or defendants)." Except as provided hereinafter, prosecutions shall be initiated by the filing of a written complaint, subscribed and verified by the person making complaint and setting forth concisely the offense charged.

(Code 1977, § 13-15)

State law reference—Prosecutions by verified complaint, style, 11 O.S. § 27-115.

Sec. 11-9. Summons.

(a) Upon the filing of a complaint charging violation of an ordinance, the judge, unless he determines to issue a warrant of arrest or unless the defendant previously has been issued a citation or has been arrested and has given bond for appearance, shall issue a summons, naming the person charged, specifying his address or place of residence, if known, stating the offenses with which he is charged and giving him notice to answer the charge in the court (on a day certain, five (5) days, Sundays and holidays excepted, after the summons is served upon him), containing a provision for the official return of the summons, and including such other pertinent information as may be necessary.

PAULS VALLEY CODE

(b) The summons shall be served by delivering a copy to the defendant personally. If he fails to appear and to answer the summons within the prescribed period, a warrant shall be issued for his arrest, as provided by this chapter.

(Code 1977, § 13-16)

State law reference—When warrant of arrest authorized, 11 O.S. § 27-115.

Sec. 11-10. Bail; temporary bonds.

(a) Any person arrested and in custody shall have a right to enter into a bond, with sufficient sureties to be approved by the municipal judge, in a sum fixed by the municipal judge, conditioned that the defendant will appear before the municipal judge at the time and place appointed for the trial and then and there answer the complaint alleged against him. If he fails or refuses to enter into such a bond, the defendant shall be committed to prison and held to answer such complaint.

(b) In the event of arrest while the municipal court is not in session, the chief of police or his authorized designee, may accept a cash bond in a sufficient amount to secure the appearance of the accused, but the maximum said cash bond shall not exceed the maximum fine(s) and costs for each offense charged unless the defendant has a history of failing to appear according to the terms or conditions of a bond, in which case the bail bond amount shall not exceed the amount allowed by Tit. 11 Okla. Stat. § 27-117, or Tit. 11 Okla. Stat. § 27-117.1, as said statutes are currently enacted, or may hereafter be amended from time to time. All hereinafter approved forms of cash bail shall be accepted as bail by said official: United States currency, cashier's checks, postal money orders, traveler's checks, certified checks, and/or guaranteed bank checks.

(c) Anyone who is arrested for a municipal traffic violation or served a traffic ticket for violating a municipal ordinance may, in addition to other provisions for posting bail, or in lieu thereof if the discretion of the arresting officer, be required or allowed to deposit with said officer a valid license to operate a motor vehicle, in exchange for a receipt therefor issued by the arresting officer, which shall be recognized as an operator's license and shall authorize his operation of a motor vehicle to the date of the hearing, but not to exceed twenty (20) days. Said license and traffic ticket shall be rendered by the arresting officer unto the court clerk of the proper state or municipal court having jurisdiction over the offense.

(Code 1977, § 13-20; Ord. No. 880, § 3, 6-27-00; ord. 930, § 1, 8-12-08)

Cross reference—Violations of traffic ordinances, §§ 10-7 *et seq.*

State law reference—Bail, temporary cash bond, 11 O.S. §§ 27-117 *et seq.*

Sec. 11-11. Arraignment.

Upon making his appearance before the court, the defendant shall be arraigned. If the defendant pleads guilty, the court may proceed to judgment and sentence or may continue the matter for subsequent disposition. If the plea is not guilty, and the case is not for jury trial, the court may proceed to try the case or may set it for hearing at a later date.

(Code 1977, § 13-21)

State law reference—Arraignment, 11 O.S. § 27-116.

Sec. 11-12. Postponement of trial.

Before trial commences, either party, upon good cause shown, may obtain a reasonable postponement thereof.

(Code 1977, § 13-22)

MUNICIPAL COURT

Sec. 11-13. Defendant to be present.

The defendant must be present in person at the trial, or make his appearance by and through his attorney.
(Code 1977, § 13-23)

Sec. 11-14. Witness fees.

Witnesses in any proceeding in the court, other than police officers or peace officers, shall be entitled to two dollars (\$2.00) per day of attendance, plus ten cents (\$.10) for each mile actually and necessarily traveled in going to, and returning from, the place of attendance (if their residence is outside the corporate limits of the city). However, no witness shall receive fees or mileage in more than one case for the same period of time or the same travel. A defendant seeking to subpoena witnesses must deposit with the clerk a sum sufficient to cover fees and mileage for one day of attendance for each witness to be summoned, but such deposit shall not be required from an indigent defendant who files an affidavit setting out:

- (1) The name of no more than three (3) witnesses;
- (2) That the defendant, by reason of his poverty, is unable to provide the fees and mileage allowed by law;
- (3) That the testimony of said witnesses is material; and
- (4) That their attendance at the trial is necessary for his proper defense.

The fees of such witnesses shall be paid by the city.

(Code 1977, § 13-27)

State law reference—Fees and mileage of jurors and witnesses, 11 O.S. 27-121.

Sec. 11-15. Judgment.

If the defendant pleads guilty or is convicted after trial, the court must render judgment thereon immediately, fixing the penalty within the limits prescribed by the applicable ordinance, imposing sentence accordingly and causing the judgment to be entered in the docket.

(Code 1977, §§ 13-25, 13-28)

State law reference—Entries by clerk in dockets, 11 O.S. § 27-109.

Sec. 11-16. Acquittal.

If judgment is of acquittal and the defendant is not to be detained for any other legal cause, he must be discharged at once.

(Code 1977, § 13-29)

Sec. 11-17. Costs.

If judgment of conviction is entered, the clerk of the court shall tax the costs to the defendant in accordance with Section 11-3(a) of this Code, plus the fees and mileage of jurors and witnesses all of which costs and fees shall be assessed in addition to any fine for the offense imposed by the municipal court.

(Code 1977, § 13-31; Ord. No. 880, § 5, 6-27-00; Ord. No. 891, § 1, 7-10-01)

State law reference—Costs, 11 O.S. § 27-126.

PAULS VALLEY CODE

Sec. 11-18. Execution of sentence.

If, after conviction, judgment of imprisonment is entered, a copy thereof, certified by the clerk, shall be delivered to the chief of police, the sheriff of the county or other appropriate police officer. Such copy shall be sufficient warrant for execution of the sentence.

(Code 1977, § 13-32)

Secs. 11-19–11-30. Reserved.

ARTICLE II. JUDGES²

Sec. 11-31. Judge; alternate judge; acting judge.

(a) There shall be one judge of the municipal court. A judge shall be a licensed attorney at law. A judge may engage in the practice of law in other courts, but he shall not accept employment inconsistent with his duties as judge, or arising out of facts which give rise to, or are connected with, cases within the jurisdiction of the court, pending therein or which might become the subject of proceedings therein.

(b) There shall be appointed, for each judge of the court, two alternate judges. Their appointment shall be for the same term and made in the same manner as the judge. One of the two alternate judges shall be designated as first alternate. The other of such alternate judges shall be designated as second alternate. The first alternate shall sit as acting judge of the court in any case if the judge of the municipal court is:

- (1) Absent from the court;
- (2) Unable to act as judge; or
- (3) Disqualified from acting as judge in the case.

The second alternate shall sit as acting judge of the court in any case if both the judge of the municipal court and the first alternate are:

- (1) Absent from the court;
- (2) Unable to act as judge; or
- (3) Disqualified from acting as judge in the case.

(Ord. No. 859, 12-2-97)

(c) If, at any time, there is not a judge or alternate judge, duly appointed and qualified, available to sit as judge, the mayor with the consent of the city council, shall appoint some person, possessing the qualifications required by this Code for the judge, who shall preside as acting judge over the court in the disposition of pending matters, until such time as a judge or alternate judge shall be available.

(Code 1977, §§ 1-17, 13-4)

State law references—Judge generally, 11 O.S. § 27-104; alternate judge, § 27-106.

Sec. 11-32. Appointment.

Judges and alternate judges shall be appointed by the mayor, with the consent of the council. A proposed appointment shall be submitted in writing to the council at the next to the last regularly scheduled meeting. The council may decide upon the proposed appointment by a majority vote of a quorum present and acting. Failure of decision upon a proposed appointment shall not prevent action thereon at a later regularly scheduled meeting of the council, unless the mayor, in writing, withdraws the proposed appointment.

(Code 1977, § 13-5)

²Cross reference—Administration, Ch. 2.

MUNICIPAL COURT

Sec. 11-33. Compensation.

(a) A judge, other than an alternate judge or an acting judge, shall receive a salary determined by the council and paid in the same manner as the salaries of the other officials of this city.

(b) An alternate judge or an acting judge shall be paid the sum of ten dollars (\$10.00) for each day devoted to the performance of his duties, except that for any month, the total balance so calculated shall not exceed the salary of the judge in whose stead he sits.

(Code 1977, § 13-6)

State law reference—Compensation of judges, 11 O.S. §§ 27-104, 27-106.

Sec. 11-34. Removal.

Judges shall be subject to removal from office by the governing body for the causes prescribed by the constitution and laws of this state for the removal of public officers. Proceedings for removal shall be instituted by the filing of a verified written petition, setting forth facts sufficient to constitute one or more legal grounds for removal. Petitions may be signed and filed by the mayor or twenty-five (25) or more qualified electors of the city; in the latter event, verification may be executed by one or more of the petitioners. The council shall set a date for hearing the matter, and shall cause notice thereof, together with a copy of the petition, to be served personally upon the judge at least ten (10) days before the hearing. At the hearing, the judge shall be entitled to representation by counsel, to present testimony, to cross-examine the witnesses against him, and to have all evidence against him presented in open hearing. So far as they can be made applicable, the provisions of the Oklahoma Administrative Procedures Act, governing individual proceedings (75 O.S. sections 309 through 317, and any amendments or additions thereto in effect at the time of the hearing), shall govern removal proceedings hereunder. Judgment of removal shall be entered only upon individual votes, by a majority of all members of the council in favor of such removal.

(Code 1977, § 13-7)

State constitution reference—Excessive use of intoxicating liquors as cause for removal, Art. 2, § 11.

State law references—Causes for removal of officers, 22 O.S. § 1181; official misconduct defined, 51 O.S. § 93.

Sec. 11-35. Vacancy in office.

(a) A vacancy in the office of judge shall occur if the incumbent:

- (1) Dies;
- (2) Resigns;
- (3) Ceases to possess qualifications for the office; or
- (4) Is removed, and the removal proceeding has been affirmed finally in judicial proceedings or is no longer subject to judicial review.

(b) Upon the occurrence of a vacancy in the office of judge, the mayor shall appoint a successor to complete the unexpired term, using the same procedure as an original appointment is made.

(Code 1977, § 13-8)

State law reference—Vacancies in office of judge, 11 O.S. § 27-107.

Sec. 11-36. Term.

The municipal judge shall serve for an indefinite term and until his successor is appointed and qualified.

(Code 1977, §§ 1-17, 13-4)

