

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. 544

By: Herbert

AS INTRODUCED

An Act relating to cities and towns; amending 11 O.S. 1991, Section 14-111, as amended by Section 3, Chapter 322, O.S.L. 1998 (11 O.S. Supp. 1998, Section 14-111), which relates to municipal ordinances; increasing authorization for certain penalties for violation of municipal ordinances; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 11 O.S. 1991, Section 14-111, as amended by Section 3, Chapter 322, O.S.L. 1998 (11 O.S. Supp. 1998, Section 14-111), is amended to read as follows:

Section 14-111. A. The governing body of a municipality may provide for enforcement of its ordinances and establish fines, penalties, or imprisonment, as authorized by subsections B through D of this section, for any offense in violation of its ordinances, which shall be recoverable with costs of suit. The governing body may provide that any person fined for violation of a municipal ordinance who is financially able but refuses or neglects to pay the fine or costs may be compelled to satisfy the amount owed by working on the streets, alleys, avenues, areas, and public grounds of the municipality, subject to the direction of the street commissioner or other proper officer, at a rate per day as the governing body may prescribe by ordinance, but not less than Five Dollars (\$5.00) per day for useful labor, until the fine or costs are satisfied.

B. Cities having a municipal criminal court of record may enact ordinances prescribing maximum fines of One Thousand Two Hundred Dollars (\$1,200.00) and costs or imprisonment not exceeding six (6)

months or both the fine and imprisonment, but shall not have authority to enact any ordinance making ~~unlawful an~~ any act or omission ~~declared by state statute to be punishable as~~ a felony. ~~Provided;~~ provided, that cities having a municipal criminal court of record may enact ordinances prescribing maximum fines of One Thousand Dollars (\$1,000.00) and costs or imprisonment not exceeding six (6) months or both such fine and imprisonment for violations of municipal ordinances regulating the pretreatment of wastewater and regulating stormwater discharges.

C. Municipalities having a municipal court not of record may enact ordinances prescribing maximum fines of ~~Two Hundred Dollars (\$200.00)~~ Five Hundred Dollars (\$500.00) and costs pursuant to the provisions of Section 27-126 of this title or imprisonment not exceeding ~~thirty (30)~~ ninety (90) days or both the fine and imprisonment, ~~;~~ provided, that municipalities having only a municipal court not of record shall not have authority to enact any ordinance making ~~unlawful any act or omission declared by state statute to be punishable as~~ a felony. A municipal ordinance may not impose a penalty, including fine and costs, which is greater than that established by statute for the same offense. ~~Provided;~~ provided, that municipalities having a municipal court not of record may enact ~~ordinance~~ ordinances prescribing maximum fines of One Thousand Dollars (\$1,000.00) and costs or imprisonment not exceeding ninety (90) days or both such fine and imprisonment for violations of municipal ordinances regulating the pretreatment of wastewater and regulating stormwater discharges.

D. Municipalities having both municipal criminal courts of record and municipal courts not of record may enact ordinances, within the authority of this section, for ~~both such courts~~ each court.

E. No municipality may levy a fine of over Fifty Dollars (\$50.00) until it has compiled and published its penal ordinances as required in Sections 14-109 and 14-110 of this title.

SECTION 2. This act shall become effective November 1, 1999.

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