

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 114

By: Paddack

4
5
6 AS INTRODUCED

7 An Act relating to municipal ordinances; amending 11
8 O.S. 2001, Section 14-111, as last amended by Section
9 1, Chapter 413, O.S.L. 2008 (11 O.S. Supp. 2010,
10 Section 14-111), which relates to enforcement and
11 penalties for violations; prohibiting municipality
12 from imposing fine for illegal placement of candidate
13 signs in excess of certain amount; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 11 O.S. 2001, Section 14-111, as
17 last amended by Section 1, Chapter 413, O.S.L. 2008 (11 O.S. Supp.
18 2010, Section 14-111), is amended to read as follows:

19 Section 14-111. A. The governing body of a municipality may
20 provide for enforcement of its ordinances and establish fines,
21 penalties, or imprisonment, as authorized by subsections B through D
22 of this section, for any offense in violation of its ordinances,
23 which shall be recoverable together with costs of suit. The
24 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

1 by working on the streets, alleys, avenues, areas, and public
2 grounds of the municipality, subject to the direction of the street
3 commissioner or other proper officer, at a rate per day as the
4 governing body may prescribe by ordinance, but not less than Fifty
5 Dollars (\$50.00) per day for useful labor, until the fine or costs
6 are satisfied.

7 B. 1. Except for municipal ordinances related to prostitution
8 and as otherwise provided in this section, cities having a municipal
9 criminal court of record may enact ordinances prescribing maximum
10 fines of One Thousand Two Hundred Dollars (\$1,200.00) and costs or
11 imprisonment not exceeding six (6) months or both the fine and
12 imprisonment, but shall not have authority to enact any ordinance
13 making unlawful an act or omission declared by state statute to be
14 punishable as a felony. Cities having a municipal criminal court of
15 record may enact ordinances prescribing maximum fines of One
16 Thousand Dollars (\$1,000.00) and costs or imprisonment not exceeding
17 six (6) months or both such fine and imprisonment for violations of
18 municipal ordinances regulating the pretreatment of wastewater and
19 regulating stormwater discharges. Cities having a municipal
20 criminal court of record may enact ordinances prescribing maximum
21 fines of One Thousand Two Hundred Fifty Dollars (\$1,250.00) and
22 costs or imprisonment not exceeding six (6) months or both such fine
23 and imprisonment for alcohol-related or drug-related traffic
24 offenses. The court shall remit Fifty Dollars (\$50.00) of each

1 alcohol fine or deferral fee to a fund of the municipality that
2 shall be used to defray costs for enforcement of laws relating to
3 juvenile access to alcohol, other laws relating to alcohol and other
4 intoxicating substances, and traffic-related offenses involving
5 alcohol or other intoxicating substances.

6 2. For violations of municipal ordinances relating to
7 prostitution, including but not limited to engaging in prostitution
8 or soliciting or procuring prostitution, a municipal criminal court
9 of record may enact ordinances prescribing an imprisonment not to
10 exceed six (6) months, and fines as follows: a fine not to exceed
11 Two Thousand Five Hundred Dollars (\$2,500.00) upon the first
12 conviction for violation of any such ordinances, a fine of not more
13 than Five Thousand Dollars (\$5,000.00) upon the second conviction
14 for violation of any of such ordinances, and a fine of not more than
15 Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third or
16 subsequent convictions for violation of any of such ordinances, or
17 both such fine and imprisonment as well as a term of community
18 service of not less than forty (40) nor more than eighty (80) hours.

19 C. Municipalities having a municipal court not of record may
20 enact ordinances prescribing maximum fines pursuant to the
21 provisions of this subsection. A municipal ordinance may not impose
22 a penalty, including fine or deferral fee in lieu of a fine and
23 costs, which is greater than that established by statute for the
24 same offense. The maximum fine or deferral fee in lieu of a fine

1 for traffic-related offenses relating to speeding or parking shall
2 not exceed Two Hundred Dollars (\$200.00). The maximum fine or
3 deferral fee in lieu of a fine for alcohol-related or drug-related
4 offenses shall not exceed Eight Hundred Dollars (\$800.00). For all
5 other offenses, the maximum fine or deferral fee in lieu of a fine
6 shall not exceed Seven Hundred Fifty Dollars (\$750.00). The court
7 shall remit Fifty Dollars (\$50.00) of each alcohol fine or deferral
8 fee to a fund of the municipality that shall be used to defray costs
9 for enforcement of laws relating to juvenile access to alcohol,
10 other laws relating to alcohol and other intoxicating substances,
11 and traffic-related offenses involving alcohol or other intoxicating
12 substances. The ordinances may prescribe costs pursuant to the
13 provisions of Section 27-126 of this title or imprisonment not
14 exceeding sixty (60) days or both the fine and imprisonment;
15 provided, that municipalities having only a municipal court not of
16 record shall not have authority to enact any ordinance making
17 unlawful any act or omission declared by state statute to be
18 punishable as a felony; provided further, that municipalities having
19 a municipal court not of record may enact ordinances prescribing
20 maximum fines of One Thousand Dollars (\$1,000.00) and costs or
21 imprisonment not exceeding ninety (90) days or both such fine and
22 imprisonment for violations of municipal ordinances regulating the
23 pretreatment of wastewater and regulating stormwater discharges. If
24

1 imprisonment is available for the offense, then that person charged
2 shall have a right to a jury trial.

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

6 E. No municipality may levy a fine or deferral fee in lieu of a
7 fine of over Fifty Dollars (\$50.00) until it has compiled and
8 published its penal ordinances as required in Sections 14-109 and
9 14-110 of this title.

10 F. No municipality may levy a fine of more than Ten Dollars
11 (\$10.00) nor court costs of more than Fifteen Dollars (\$15.00) for
12 exceeding the posted speed limit by no more than ten (10) miles per
13 hour upon any portion of the National System of Interstate and
14 Defense Highways, federal-aid primary highways, and the state
15 highway system which are located on the outskirts of any
16 municipality as determined in Section 2-117 of Title 47 of the
17 Oklahoma Statutes.

18 G. No municipality may levy a fine for illegal placement of
19 signs in favor of a candidate for statewide public office which is
20 in excess of the amount actually expended by the municipality to
21 collect and dispose of such signs.

22 SECTION 2. This act shall become effective November 1, 2011.

23

24 53-1-412 CD 1/4/2011 2:14:47 PM