

CHAPTER 11 MUNICIPAL COURT

- Article 1. Application of Chapter; Jurisdiction of Court.**
Article 2. Organization and Procedure.
Article 3. Penalty.

Article 1. Application of Chapter; Jurisdiction of Court

Section 11-1. Application of Chapter.

1. This Chapter shall govern the organization and operation of the Municipal Court of the Town of Mountain Park, Oklahoma, ~~as put into operation and continued by Resolution.~~

Section 11-2. Jurisdiction of Court.

The Municipal Court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any provision of this Code of Ordinances or of any other Ordinance of the Town of Mountain Park, Oklahoma, is charged, including any such prosecutions transferred to said Court, in accordance with applicable laws.

Sections 11-3 through 11-9. (Reserved for future use.)

Article 2. Organization and Procedure.

Section 11-10. Judge; Alternate Judge; Acting Judge.

(See Chapter 1, Section 1-25, this Code of Ordinances.)

Section 11-11. Compensation of Judges.

1. The compensation of the Judge and the Alternate or Acting Judge of the Municipal Court of the Town of Mountain Park, Oklahoma, shall be as determined by Resolution of the Town Board of Trustees.
2. An Alternate or an Acting Judge ~~shall~~ may be paid monthly or on a schedule determined by the Town Board of Trustees in an amount not to exceed the amount currently established for the Municipal Judge. Any amount paid to the Alternate or Acting Judge may, at the discretion of the Town Board of Trustees, be deducted from the salary which would have been due to the Judge who failed, neglected or was unable to perform such duties as Judge.

Section 11-12. No Change of Venue; Disqualification of Judge.

1. In prosecutions before the Municipal Court, no change of venue shall be allowed. **A Municipal Judge (Regular, Alternate or Acting) may disqualify himself or herself from a case that is before the Municipal Court. If a party desires disqualification of a Municipal Judge (Regular, Alternate or Acting) the party must use the procedures set forth in Rule 15 of the Rules for the District Courts of Oklahoma.**
2. If the Municipal Judge is disqualified, the matter shall be heard by an Alternate or Acting Judge, appointed as provided in this Code of Ordinances.

Section 11-13. Chief of Police.

All writs or process of the Municipal Court shall be directed to the Chief of Police of the Town of Mountain Park, Oklahoma, who shall be the principal officer of the Court.

Section 11-14. Municipal Attorney.

The Municipal Attorney, or a duly designated assistant **or an attorney designated by Resolution by the Town Board of Trustees**, shall be the prosecuting officer of the Municipal Court, and shall be authorized to prosecute all alleged violations of the Ordinances of the Town of Mountain Park, Oklahoma, and to prosecute and resist appeals and proceedings in error and review from the **Municipal** Court to any other courts of the State. The Municipal Attorney shall also be authorized to represent the Town of Mountain Park, Oklahoma, in all proceedings arising out of matters of the **Municipal** Court.

(See Section 1-26, Chapter 1, this Code of Ordinances.)

Section 11-15. Clerk of Court.

1. The Town Clerk-Treasurer, or a designated deputy, shall be the Clerk of the **Municipal** Court. Duties of the Court Clerk shall include, **without limitation**, the following:
 - a. Assisting the Municipal Judge in recording the proceedings of the Court and in preparing writs, process and other papers;
 - b. Administering oaths required in proceedings before the Court;
 - c. Entering all pleadings, process and proceedings in the dockets of the Court;
 - d. Performing such other clerical duties relating to the proceedings of the Court, as the Municipal Judge shall direct;
 - e. Receiving and receipting for forfeitures, fees, deposits and sums of money payable to the Court; and
 - f. Assuming responsibility for placing, or having placed, all money received (except such special deposits or fees as shall be received to be disbursed for special

purposes), in the General Fund of the Municipality, or in such other fund and in such manner as the Town Board of Trustees may direct, by motion or Resolution.

2. The Clerk of the Court shall give bond to the Town in the sum of one thousand dollars (\$1,000.00).

Section 11-16. Traffic Violations Bureau.

1. A Traffic Violations Bureau is hereby established as a division of the Office of the Clerk of the Court, to be administered by the Clerk, or by designated subordinates.
2. Persons who are cited for violation of any of the traffic Ordinances of the Town of Mountain Park, Oklahoma, **other than (a) a second traffic offense within a twelve (12) month period, (b) a driver's license offense, or (c) an offense punishable by a fine of more than two hundred dollars (\$200.00),** may elect **to enter a plea of no contest or guilty** and pay a fine in the Traffic Violations Bureau according to the following schedule:
 - a. School Zone Violations \$200. 00 (or maximum legal fine.)
 - b. Passing Stopped School Bus \$200.00 (or maximum legal fine.)
 - c. Speeding, \$40.00, Plus\$2.00 per Mile in Excess of the Speed Limit, With a Maximum of \$200.00 (or maximum legal fine.)
 - d. Reckless Driving \$200. 00 (or maximum legal fine.)
 - e. Transporting Open Container \$200. 00 (or maximum legal fine.)
 - f. Traffic Violation Resulting in Personal Injury or Property Damage \$200.00 (or maximum legal fine.)
 - g. Driving Under the Influence \$200.00 (or maximum legal fine.)
 - h. Noise Ordinance Violations \$40.00 (or maximum legal fine.)
 - i. Negligent Driving \$40.00 (or maximum legal fine.)
 - j. Improper Equipment Violations \$20.00 (or maximum legal fine.)
 - k. Illegal U-Turn \$20.00
 - l. Parking Violations \$5.00
 - m. Running Stop Sign \$40.00
 - n. All Other Traffic Violations \$50.00
3. The Court may adopt further rules to implement this Section. Payment of a fine under this Section shall constitute a final determination of the case against the defendant. If a defendant who has elected to pay a fine under this Section fails so to do, prosecution shall proceed under other provisions of this Chapter.

Section 11-17. Traffic Violations.

1. If a police officer observes facts which are believed to constitute a violation of the Traffic Ordinances of the Town of Mountain Park, Oklahoma, committed by any person, whether a resident of this State or a non-resident **of this State**, who is arrested by a law

enforcement officer solely for a violation of a Municipal Traffic Ordinance, such person shall be released by the arresting officer upon personal recognizance if:

- a. The arrested person has been issued a valid license to operate a motor vehicle by Oklahoma, another State jurisdiction within the United States, or any participating jurisdiction of the Nonresident Violator Compact, **codified at Title 47 O.S. § 789, et seq.**;
 - b. The arresting officer is satisfied as to the identity of the arrested person;
 - c. The arrested person signs a written promise to appear, as provided for on the citation; and
 - d. The violation does not constitute:
 - (1) A felony;
 - (2) Negligent homicide;
 - (3) Driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances;
 - (4) Eluding, or attempting to elude, a law enforcement officer;
 - (5) Operating a motor vehicle without having been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation;
 - (6) An arrest based upon an outstanding warrant;
 - (7) A traffic violation coupled with an offense stated in Subsection (1) through (6) of this Section;
 - (8) An overweight violation, or the violation of a special Permit exceeding the authorized Permit weight; or
 - (9) A **violation** relating to the transportation of hazardous materials.
2. If the arrested person is eligible for release on personal recognizance as provided for in Subsection 1 of this Section, then the arresting officer shall, in writing, in a form prescribed by the Town Board of Trustees, or a duly designated delegate:
- a. Designate the traffic charge;

- b. Record information from the arrested person's driver's license on the citation form, including the name, address, date of birth, personal description, type of driver's license, driver's license number, issuing State and expiration date;
 - c. Record the motor vehicle make, model and tag information;
 - d. Record the arraignment date and time on the citation; and
 - e. Permit the arrested person to sign a written promise to appear as provided for in the citation. The arresting officer shall then release the person upon personal recognizance based upon the signed promise to appear. The citation shall contain a written notice to the arrested person that release upon personal recognizance, based upon a signed written promise to appear for arraignment, is conditional and that failure to timely appear for arraignment shall result in the suspension of the arrested person's driver's license in Oklahoma, or in the non-resident's home State pursuant to the Nonresident Violator Compact, **codified at Title 47 O.S. § 789, et seq.**
3. The Court, or the Court Clerk, as directed by the Court, may continue or reschedule the date and time of arraignment upon request of the arrested person or an attorney. If the arraignment is continued or rescheduled, the arrested person shall remain on personal recognizance and written promise to appear until such arraignment, in the same manner and with the same consequences, as if the continued or rescheduled arraignment were entered on the citation by the arresting officer and signed by the defendant. An arraignment may be continued or rescheduled more than one (1) time; provided, however, that, the Court shall require an arraignment to be had within a reasonable time. It shall remain the duty of the defendant to appear for arraignment unless the citation is satisfied as provided for in Subsection 4 of this Section.
4. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before a requirement to appear for arraignment, by indicating such plea on the copy of the furnished citation, or on a legible copy thereof, together with the date of the plea and a signature. The defendant shall be responsible for assuring full payment of the fine and costs to the appropriate Court Clerk. Payment of the fine and costs may be made by personal, cashier's, traveler's, certified or guaranteed bank check, postal or commercial money order, or other form of payment approved by the Court, in an amount prescribed as bail for the offense; provided, however, that, the defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendere, as provided for in this Subsection, such plea shall be accepted by the Court and the amount of the fine and costs shall be as prescribed in this Chapter as bail for the violation.
5. If, pursuant to the provisions of Subsection 4 of this Section, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment, a complaint shall be filed and the case shall be prosecuted as otherwise

provided in this Chapter; the Municipal Court Clerk, within one hundred and twenty (120) calendar days from the date the citation was issued by the arresting officer, shall notify the Department of Public Safety that:

- a. The defendant was issued a traffic citation and released upon personal recognizance after signing a written promise to appear for arraignment, as provided for in the citation;
 - b. The defendant has failed to appear for arraignment without good cause shown;
 - c. The violation related to parking or standing, an overweight violation, an overweight Permit, or the transportation of hazardous materials; and
 - d. The citation has not been satisfied, as provided by law.
6. Additionally, the Court Clerk shall request the Department of Public Safety to either suspend the defendant's driver's license to operate a motor vehicle in this State, or notify the defendant's home State and request suspension of the defendant's driver's license in accordance with the provisions of the Nonresident Violator Compact, **codified at Title 47 O.S. § 789, et seq.** Such notice and request shall be on a form approved or furnished by the Department of Public Safety.
7. The Court Clerk shall not process the notification and request provided for in this Subsection if, with respect to such charges:
- a. The defendant was arraigned, posted bail, paid a fine, was jailed, or otherwise settled the case; or
 - b. The defendant was not released upon personal recognizance upon a signed written promise to appear, as provided for in this Section, or if released, was not permitted to remain on such personal recognizance for arraignment; or
 - c. The violation related to parking or standing, an overweight violation, an overweight Permit, or the transportation of hazardous materials; or
 - d. A period of one hundred and twenty (120) calendar days or more has elapsed from the date the citation was issued by the arresting officer.
8. The Municipal Court Clerk shall maintain a record of each request for driver's license suspension submitted to the Department of Public Safety pursuant to the provisions of this Section. When the Court or Court Clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the Court Clerk shall furnish proof thereof to such defendant, if the defendant personally appears, or shall mail such proof by first class mail, postage prepaid, to the defendant at the address noted on the citation, or at such other address as is furnished by the defendant. Additionally, the Court or Court Clerk shall notify the home jurisdiction of the defendant, as listed on the citation, if such jurisdiction is a member of the Nonresident Violator Compact, **codified at Title 47 O.S. § 789, et seq.**

and shall, in all other cases, notify the Department of the resolution of the case. The form of proof and the procedures for notification shall be approved by the Department of Public Safety; provided, however, that, the Court or Court Clerk's failure to furnish such proof or notice in the manner provided for in this Subsection shall in no event create any civil liability upon the Court, the Court Clerk, the State of Oklahoma or any political subdivision thereof, or any State Department or Agency, or employee thereof. Duplicate proof shall be furnished to the person entitled thereto, upon request.

9. If a resident of the Town of Mountain Park, Oklahoma, is arrested by a law enforcement officer for the violation of any traffic Ordinance for which Subsections 1 through 8 hereof do not apply, the officer shall immediately release the person if the person acknowledges receipt of a citation by signing it; provided, however, that, the arresting officer need not release said person if it reasonably appears to the officer that the person may cause self-injury or injury to others, or damage to property if released, that the person will not appear in response to the citation, or the person is arrested for an offense against a person or property. If the person fails to appear in response to the citation, a complaint shall be filed and the case shall be prosecuted as otherwise provided in this Article.
10. If the arrested resident is not released by being permitted to sign a citation as provided for in Subsection 9, the person shall be admitted to bail either before or after arraignment, or shall be released on personal recognizance. A fine for up to the maximum amount authorized by Courts Not of Record may be assessed for failure of a person to have a valid driver's license, when charged with a traffic violation.
11. If a resident or non-resident of the Town of Mountain Park, Oklahoma, is arrested by a law enforcement officer for a violation of any Ordinance for which Subsections 1 through 8 hereof do not apply, the defendant shall be eligible to be admitted to bail either before or after arraignment.
12. The amount and conditions of bail granted pursuant to the provisions of Subsections 9, 10 and 11 of this Section shall be determined by the Judge, who shall prescribe rules for the receipt of bail and the release on personal recognizance. In the event of arrests at night, emergencies, or when the Judge is not available, a Court Official, the Chief of Police or a designated representative may be authorized by the Judge, subject to such conditions as shall be prescribed by the Judge, to accept a temporary cash bond in a sufficient amount to secure the appearance of the accused. The cash bond shall not exceed the maximum fine provided for by Ordinance for each offense charged. The Court Official, Chief of Police or a designated representative is authorized, subject to such conditions as shall be prescribed by the Judge, to release a resident of the Municipality on personal recognizance.
13. If the defendant is not eligible for release upon personal recognizance, as provided for in Subsections 1 through 9 of this Section, or is eligible but refuses to sign a written promise to appear, the officer shall deliver the person to an appropriate Judge for arraignment and the Judge shall proceed as otherwise provided for by law. If no Judge is

available, the defendant shall be placed in the custody of the appropriate Jailor or Custodian, to be held until a Judge is available, or bail is posted as provided for by Ordinance, before or after arraignment.

14. If a resident or non-resident is arrested for any overweight violation, a violation of a special Permit exceeding authorized Permit weight, or violation relating to the transportation of hazardous material, the arresting officer may release the defendant if the defendant deposits with the arresting officer appropriate bail or payment of the fine and costs in an amount and in the form as provided in this Article, except currency.
15. In the event the defendant is additionally arrested for any violation for which personal recognizance is authorized pursuant to Subsections 1 through 8 hereof, the arresting officer, for such additional violation, may either release the defendant upon such recognizance, or require bail as provided for in this Subsection.
16. If the defendant is unable to post bail with the arresting officer, then the officer shall proceed as otherwise provided for in this Section.
17. Notwithstanding any other provision of law, a juvenile may be held in custody pursuant to the provisions of this Section, but shall be incarcerated separately from any adult offender; provided, however, that, the arresting officer shall not be required to:
 - a. Place a juvenile into custody as provided for in this Section; or
 - b. Place any other traffic offender into custody;
 - (1) Who is injured, disabled or otherwise incapacitated; or
 - (2) Whose custodial arrest may require impoundment of a vehicle containing livestock, perishable cargo or items requiring special maintenance or care; or
 - (3) if extraordinary circumstances exist in the judgment of the arresting officer, custodial arrest should not be made.
 - c. In such cases, the arresting officer may designate the date and time for arraignment on the citation and release the person. If the person fails to appear without good cause shown, the Court may issue a warrant for the person's arrest.
 - d. The provisions of this Subsection shall not be construed to:
 - (1) Create any duty on the part of the officer to release a person from custody;
 - (2) Create any duty on the part of the officer to make any inquiry or investigation relating to any condition which may justify release under this Subsection; or

- (3) Create any liability upon any officer, the State or any political subdivision thereof, arising from the decision to release or not to release such person from custody pursuant to the provisions of this Subsection.
18. If the alleged offense is a violation of an Ordinance restricting or regulating the parking of vehicles, including any regulations issued under such an Ordinance, and the operator is not present, the police officer shall place on the vehicle, at a place reasonably likely to come to the notice of the operator, a citation conforming substantially to that prescribed in this Section, with such variation as the circumstances require. The operator of the vehicle shall be under full obligation to respond to the citation.

Section 11-18. Style of Prosecutions.

All prosecutions for **violations of ordinances of the Town of Mountain Park, Oklahoma** shall be styled "The Town of Mountain Park, Oklahoma, Plaintiff, vs. (naming defendant or defendants)." Except as otherwise provided with respect to traffic violations, prosecutions shall be initiated by the filing of a written complaint, subscribed and verified by the person making the complaint and setting forth concisely the offense charged.

Section 11-19. Summons.

1. Upon the filing of a complaint charging a violation of **an ordinance** of the Town of Mountain Park, Oklahoma, the Municipal Judge, unless Judge determines to issue a warrant of arrest, unless the defendant previously has been issued a citation, or unless said defendant has been arrested and given bond for such appearance, shall issue a summons, naming the person charged, specifying the address or place of residence (if known), stating the offense charged and giving notice to answer the charge in the Municipal Court on a day certain, **at least five (5) days prior to the date of the hearing or appearance commanded (excluding Saturdays, Sundays and holidays excepted)**, or the next Municipal Court date after the summons is served, containing a provision for the official return of the summons and including such other pertinent information as may be necessary.
2. The summons shall be served by delivering a copy to the defendant personally. Failure to appear and answer the summons within the prescribed period shall constitute indirect contempt of Court, and a warrant shall be issued for the defendant's arrest, as provided by this Chapter.

Section 11-20. Complaints Against a Corporation.

1. Upon complaint against a corporation being filed with the Municipal Judge of the Town of Mountain Park, Oklahoma, said Judge shall issue a summons in a form as outlined in

this Chapter, signed with the title of office, requiring the corporation to appear before the judge at a specific time and place to answer the complaint.

2. The summons must be served at least two (2) days, exclusive of Saturdays, Sundays and holidays, before the day of appearance fixed therein, by delivering a copy thereof and showing the original to the president, secretary, cashier or managing agent or director of the corporation.
3. At the time appointed in the summons or another date determined by the Judge, the Municipal Judge may try the complaint in the same manner as in the case of any other person brought before the Court.
4. When a fine is imposed upon conviction, it may be collected by the Municipal Judge together with the judgment of the Court duly certified and filed with the Clerk of the District court, and execution shall be issued thereon and served by the Sheriff of the County, as in cases of execution generally.

Section 11-21. Warrant of Arrest.

1. Except as may otherwise be provided in this Code of Ordinances, upon the filing of a complaint, approved by the endorsement of the a Judge of the Municipal Court, there shall be issued a warrant of arrest in substantially the following form:

“The Town of Mountain Park, Oklahoma, to the Chief of Police of the Municipal Court of Mountain Park, Oklahoma:

Complaint upon oath having this day been made by _____ that the offense of _____ has been committed and accusing _____ thereof, you are commanded therefore forthwith to arrest the above-named (Defendant or Defendants) and bring (him, her, them) before me at my office at the Mountain Park, Oklahoma, Municipal Court Room.

Witness my hand this _____ day of _____, _____.

Judge of the Municipal Court of the
Town of Mountain Park, Oklahoma.

2. It shall be the duty of the Chief of Police to execute such warrant as promptly as possible, either (a) personally, (b) through a duly constituted member of the police force of the Town of Mountain Park, Oklahoma, or (c) through any other person lawfully authorized to act .

Section 11-22. Bail; Temporary Bonds.

1. Whenever a resident of the Town of Mountain Park, Oklahoma, is arrested for a violation of any Ordinance by a Police Officer of the Town, the officer shall immediately release such person if the individual acknowledges receipt of a citation by signing it, unless it reasonably appears to the officer that the person may cause self-injury or injury to others, or damage to property, if released, or if it reasonably appears that the person will not appear in response to the citation. (If such person fails to appear in response to the citation, an arrest warrant shall be issued and an appearance in Court shall be compelled.)
2. Whenever a resident of the Town of Mountain Park, Oklahoma, is arrested by a Police Officer of the Town for the violation of any Ordinance, and is not released by being permitted to sign a citation as provided hereinabove (Subsection 2) the resident shall be admitted to bail either before or after arraignment, or released on the person's own recognizance.
3. Whenever a non-resident of the Town of Mountain Park, Oklahoma, is arrested by a Police Officer of the Town for a violation other than a traffic violation, the defendant shall be eligible to be admitted to bail either before or after arraignment.
4. The Town of Mountain Park, Oklahoma, may require any person who is arrested by a Police Officer of the Town for a Municipal traffic violation to comply with Statutory procedures for State traffic violations, with respect to the release of the arrested person. The following methods of posting bail shall apply:
 - a. Posting cash bail, in exchange for a receipt therefor, issued by the arresting officer;
 - b. Depositing with the arresting officer a "guaranteed arrest bond certificate;" or
5. The amount and any conditions of bail granted under this Section shall be determined by the Municipal Judge, who shall prescribe rules for the receipt of bail and for release by personal recognizance. In the event of arrests at night, other emergencies, or when the Municipal Judge is not available, the Chief of Police (or a designated representative) shall be authorized by the Municipal Judge, under such conditions as shall be prescribed by said Judge, to accept a temporary cash bond in a sufficient amount to secure the appearance of the accused, but in no event shall the cash bond be more than the allowable maximum fine for each offense charged. The Chief of Police (or his designated representative) is authorized, subject to such conditions as shall be prescribed by the Municipal Judge, to release a resident of the Town of Mountain Park, Oklahoma, on ~~said~~ the person's own recognizance.

Section 11-23. Arraignment.

Upon making an appearance before the Municipal Court, the defendant shall be arraigned. The Municipal Judge or the Town Attorney shall read the complaint to the defendant, inform the defendant of all legal rights, of the consequences of conviction, and ask whether the plea is guilty or not guilty or no contest. If the defendant pleads guilty or no contest, the Court may proceed to judgment and sentence, or may continue the matter for subsequent disposition. If

the plea is not guilty, the Court may proceed to try the case, or may set it for hearing at a later date.

Section 11-24. **Postponement of Trial.**

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

Section 11-25. **Trial Procedure.**

In all trials in the Municipal Court as to matters not covered (a) in this Chapter, (b) by the Statutes relating to Municipal Criminal Courts or (c) by rules duly promulgated by the Supreme Court of Oklahoma, the procedure applicable in trials of misdemeanors in the District Courts shall apply, to the extent that they can be made effective.

Section 11-26. **Contempt.**

1. Obedience to the orders, rules and judgments made by the Municipal Judge or by the Municipal Court, may be enforced by the Judge, who may fine or imprison for contempt committed while holding Court, or committed against process issued by the Judge, in the same manner and to the same extent, as the District Courts of this State.
2. It shall be an offense to be in contempt, directly or indirectly, of the Municipal Court of the Town of Mountain Park, Oklahoma, and of its orders.

Section 11-27. **Defendant to be Present at Trial; Failure to Appear.**

1. The defendant must be personally present at the trial in the Municipal Court. If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of the bond, either for hearing, arraignment, trial or judgment, or upon any other occasion when presence in Court or before the magistrate may be lawfully required, the Municipal Judge may direct that fact to be entered upon the Court minutes, thereby declaring the bond to be forfeited and a warrant for the arrest of the defendant may issue.

Section 11-28. **Judgment.**

1. At the close of a trial in the Municipal Court judgment must be rendered by the Municipal Judge who shall cause it to be entered in his docket.
2. If the judgment of the Municipal Court is of acquittal and the defendant is not to be detained for any other legal cause the defendant must be discharged at once.

3. If the defendant pleads guilty or no contest or is convicted after trial the Municipal Court must render judgment thereof fixing the penalty within the limits prescribed by this Code of Ordinances, and imposing sentence accordingly.

Section 11-29. Costs Upon Judgment of Conviction; Court Costs; Training Fund.

1. If judgment of conviction is entered, the Clerk of the Court shall tax the costs to the defendant, in a sum not to exceed five hundred dollars (\$500.00), including the fees and mileage of witnesses, but not including Court costs or LEOTF contributions.
2. Court costs shall be no more than twenty-five Dollars (\$25. 00) per case and shall be added on top of any fine; all monies collected shall be deposited in the appropriate Municipal Fund.
3. For every fine or bond forfeiture of ten dollars (\$10.00) or more collected by the Municipal Court or the Traffic Violations Bureau of the Town of Mountain Park, Oklahoma, the amount required by current State Law, shall be paid to the Court as a separate penalty assessment (which shall be in addition to all other fines and costs), to be used to reimburse the State Law Enforcement Officers Training Fund (LEOTF) ; the Town Treasurer, or other individual designated by the Town Board of Trustees, shall forward the total reimbursement to the State, as long as required by, and in accordance with, State Law.

Section 11-30. Enforcement by Imprisonment; Persons Unable to Pay.

1. 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 established in accordance with Oklahoma law for reimbursement of incarceration fees and costs.
2. If the defendant is without means to pay the fine or costs, the Municipal Judge of the Town of Mountain Park, Oklahoma, may direct the total amount due to be entered upon the Court minutes and may direct any lawful action for the collection of the same.

Section 11-31. Sentence Suspension; Community Service; Collection Fee.

1. After conviction and sentence of a defendant in the Municipal Court of the Town of Mountain Park, Oklahoma, the Municipal Judge may suspend sentence in accordance with the provisions of, and subject to the conditions and procedures imposed by, applicable provisions of Oklahoma law.
2. The Municipal Judge may, in lieu of imprisonment or fines, order the defendant to engage in a term of specified community service, without compensation.
3. A fee of thirty-five Percent (35%) of each herein below referenced debt of any type owed the Town of Mountain Park, Oklahoma, may be added to each such debt incurred because

of lack of timely payment of Municipal Court debt, utility service charges, or any other debt owed to said Town and submitted for collection by the Town Board of Trustees, prior to the submittal of the debt to any agency authorized by action of the Town Board of Trustees to collect such debt. The fee shall ultimately be allowed to be retained by an authorized Collection Agency, under the terms of a signed, written agreement with the Town for such services.

Section 11-32. Witness Fees.

1. Witnesses in any proceeding in the Municipal Court, other than Police Officers or peace officers, shall be entitled to **witness fees and mileage in accordance with Oklahoma law**. No witness shall receive fees or mileage in more than one (1) case for the same period of time or the same travel.
2. A defendant seeking to subpoena witnesses **via the Court Clerk** must deposit, with the Clerk of the Court, a sum sufficient to cover fees and mileage for one (1) day of attendance for each witness to be summoned; such deposit shall not be required from an indigent defendant who files an affidavit setting out:
 - a. The **complete** names of **all witnesses to be subpoenaed**;
 - b. That the defendant, by reason of poverty, is unable to provide fees and mileage allowed by Law;
 - c. That the testimony of such witnesses is material; and
 - d. That their attendance at the trial is necessary for proper defense .
3. The fees of witnesses in such cases (Subsection 2 above) shall be paid by the Town of Mountain Park, Oklahoma.

Sections 11-33 through 11-39.

(Reserved for future use.)

Article 3. Penalty.

Section 11-40. Penalty.

1. If the Judge of the Municipal Court of the Town of Mountain Park, Oklahoma, is a licensed attorney and the trial is to the Court, the Court may **impose the maximum fine and penalty permissble under Oklahoma law**.
2. If the Judge **of the Municipal Court of Medicine Park, Oklahoma** is not a licensed attorney, the Court may impose a fine not to exceed fifty dollars (\$50.00).
3. **Town Municipal Court may not** levy a fine of over fifty dollars (\$50.00) until it has compiled and published its penal Ordinances, as required by Law.

4. **The Town Municipal Court may not** levy a fine of more than ten dollars (\$10.00), nor Court Costs of more than fifteen dollars (\$15.00) for exceeding the posted speed limit by no more than ten (10) miles per hour upon any portion of the National System of Interstate and Defense Highways, Federal-Aid Primary Highways and the State Highway System, which are located on the outskirts of any Municipality.
5. **The Town Municipal Court** may not impose a penalty, including fine and costs, which is greater than that established by State Law for the same offense. The maximum fine for traffic offenses related to speeding or parking shall not exceed two hundred dollars (\$200.00). For all other offenses, the maximum fine shall not exceed five hundred dollars (\$500.00). The ordinances of **the Town of Mountain Park** may prescribe costs pursuant to appropriate State Law, or imprisonment not exceeding sixty (60) days, or both fine and imprisonment.
6. In all prosecutions in the Municipal Court **of the Town of Mountain Park, Oklahoma** for any offense for which the **Town** seeks imposition of a fine of more than five hundred dollars (\$500.00), excluding Court Costs, or imprisonment, or both, a jury trial may be had **upon request of the defendant or the Town,**