

CITY OF ARDMORE
FINANCE DEPARTMENT

Council Letter No. 5109
Meeting Date: June 21, 2021


Mayor and City Commission
City of Ardmore, Oklahoma

Re: Proposed Ordinance Changes

Dear Commission:

The Finance Department and the Ardmore Municipal Court staff respectfully request your consideration and action to adopt the attached ordinance revisions. The proposed language changes would clarify the procedures and guidelines for complaint dismissals for accidents, reckless driving, drivers' license, expired tags, defective motor vehicles and driving with no insurance.

Respectfully submitted,



Sissy Burge
City Treasurer

Attachments

Reviewed by: _____



Manager

ORDINANCE NO. 3103

AN EMERGENCY ORDINANCE AMENDING CHAPTER 17, ARTICLE III OF THE ARDMORE CODE OF ORDINANCES (CODE) PERTAINING TO PROCEDURES AND GUIDELINES FOR THE MUNICIPAL COURT CLERK REGARDING CERTAIN OFFENSES; PROVIDING FOR REPEALER AND SEVERABILITY AND DECLARING AN EMERGENCY.

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WHEREAS, the Board of Commissioners of the City of Ardmore determine that the changes pertaining to procedures and guidelines for the Municipal Court Clerk set forth below are beneficial to the City of Ardmore.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND THE BOARD OF COMMISSIONERS OF THE CITY OF ARDMORE, OKLAHOMA:

SECTION 1. AMENDATORY. Section 17-26 of the Ardmore Code of Ordinances is hereby amended to read as follows:

Sec. 17-26. - Procedures and guidelines for complaints—Motor vehicles

- (a) **Accidents or Reckless Driving** -The court clerk may not make any changes, grant a deferred sentence or reduce fines or costs on a complaint involving an automobile accident or reckless driving citation. This can only be done by the municipal judge. The court clerk or the deputy court clerk may take a plea of guilty or nolo contendere' and may receive the amount of the scheduled fine for the complaint. (b) **Deferments**- In any other moving traffic violation not involving an accident or reckless driving, the court clerk or the deputy court clerk shall inquire concerning any previous tickets This should be confirmed by checking the city's court records and/or the department of public safety's records. If the offender has no prior tickets then the court clerk or the deputy court clerk may grant a deferred sentence for no less than three (3) months and reduce the scheduled amount of the fine in one-half (½). If the offender has prior tickets they shall see the municipal judge in regard to a plea involving a deferred sentence or a reduction in the fine. No moving violation ticket shall be dismissed without the municipal judge's approval.

Dismissals

- (c) **Drivers' License**-The court clerk may dismiss with no costs given for no drivers' license, if the offender has proof of a valid drivers' license at the time the ticket was written or obtains a valid drivers' license within ten (10) working days from the date of the citation. After the ten (10) day period, the ticket can be dismissed with costs, if the offender shows proof of a valid drivers' license has been issued.

- (d) **Expired Tag-** The court clerk may dismiss with no costs given for expired tags, if the offender has proof of a current tag at the time the ticket was written or obtains a valid tag within ten (10) working days from the date of the citation. After the ten (10) day period, the ticket can be dismissed with costs, if the offender shows proof of a valid tag renewal.

- (e) **Defective Motor Vehicle-** The court clerk may dismiss with no costs given for a defective motor vehicle when the offender shows proof that the defective condition has been remedied to the court clerk or the deputy court clerk. After the ten (10) day period, the ticket can be dismissed with costs, if the offender shows proof that the defective condition has been remedied.

- (f) **No Insurance-** The court clerk may dismiss with no costs given for no insurance offenses if the offender has proof of a valid insurance in effect at the time of the ticket, but were unable to show to the officer at the time the of the citation.

SECTION 2. SEVERABILITY. If any section subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

SECTION 3 REPEALER. Sections 11-11 and 11-11.1 of the Code of Ordinances and all other ordinances in conflict herewith are hereby repealed.

SECTION 4. EMERGENCY. It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the City of Ardmore and the inhabitants thereof that this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and its passage and approval.

PASSED AND APPROVED this _____ day of _____ 2021.

CITY OF ARDMORE
A MUNICIPAL CORPORATION

Mayor

ATTEST:

City Clerk