

YALE CITY CODE

Chapter 15

MUNICIPAL COURT

Article 1. Municipal Court in General

Sec. 15-1. Purpose.

This Chapter shall govern the organization and operation of the Municipal Court of the City of Yale, as authorized by Title 11, Sections 27-101 and 27-102. To the extent of conflict between any provisions of this Chapter and the provisions of any other ordinance of this City, the provisions of this Chapter shall control.

Sec. 15-2. General penalties.

(a) Whenever in this code or in other ordinances of the City of Yale, Oklahoma, or in any rule, regulation or order promulgated by any officer or agency of the City under authority duly vested in such officer, any act that is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful, or an offense, or a misdemeanor, where no specific penalty is provided therefore, the violation of any such provision of this code or any other ordinance of the City of Yale, or such rule, regulation, or order shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) excluding costs.

(b) Each act or violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided for herein, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted by the amendatory ordinance.

(c) 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 City of Yale, under the direction of the City Manager at a rate equal to the prevailing federal minimum wage, until the fine and costs are satisfied.

(d) No penalty imposed by and pursuant to any provisions of this Code or other ordinances of the City of Yale shall interfere with the right of the City to also apply to the proper court for a mandamus, injunction or other appropriate action against the person, persons or firm

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against whom the penalty is imposed. (ORD. NO. 400)

Sec. 15-3. Definitions.

As used in this Chapter, unless the context requires a different meaning, the following words shall have the following meanings:

- (1) "Court" means the Municipal Court of the City of Yale, Oklahoma;

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- (2) "Judge" means the Judge of the municipal Court aforesaid, including any acting Judge thereof as provided for by the Statutes of this state, and this ordinance;
- (3) "Municipality" or "this municipality" means the City of Yale, Oklahoma;
- (4) "Clerk" means the City Clerk of this municipality, including deputy or member of the office of the City Clerk all performing duties of the City Clerk's office;
- (5) "City Attorney" means the duly appointed and acting City Attorney for the City of Yale, Oklahoma;
- (6) "Governing Body" means the City Commission of this municipality;
- (7) "Chief of Police" means the peace officer in charge of the police force of this municipality;
- (8) "This Judicial District" means the District Court Judicial District of the State of Oklahoma wherein the government of the City of Yale is situated.

Sec. 15-4. Jurisdiction.

(a) The Court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any ordinance of this municipality is charged, including any such prosecutions transferred to the Court in accordance with applicable law.

(b) The Court shall have and possess the original jurisdiction to hear and determine all offenses under the traffic regulations of the City, without previous proceedings, in juvenile Court, and cases where the person informed against has attained the age of sixteen (16) years of age, or where the person informed against is between the age of sixteen (16) years of age and fourteen (14) years of age, and is the holder of an operator's or restricted operator's license issued by the Department of Public Safety for the state authorizing such person to operate a motor vehicle.

(c) The Court may enter into an agreement with the Payne County District Court to assume jurisdiction of cases involving children under eighteen (18) years of age charged with violating municipal ordinances relating to disorderly conduct, possession of tobacco products, vandalism, petit larceny, trespassing, assault, battery, assault and battery, truancy, curfew violation, possession of beer as defined in Title 37A, Oklahoma Statutes, possession of alcoholic beverages as defined in Title 37A, Oklahoma Statutes, or public intoxication. A child under eighteen (18) years of age may be charged and prosecuted for violating such a municipal ordinance provided that the maximum fine which may be imposed shall not exceed the

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maximum fine authorized by Oklahoma Statutes. When assessing punishment, the Court also may require appropriate community service work, not to exceed ninety hours, in lieu of a fine if the produce of multiplying the numbers of hours of community service work by the prevailing minimum wage does not result in a number which exceeds the maximum fine authorized by statutes, or 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 same offense in the District Court. All City of Yale arrest and prosecution records for cases involving children under eighteen (18) years of age charged with violating municipal ordinances relating to disorderly conduct, possession of tobacco products, vandalism, petit larceny, trespassing, assault, battery, assault and battery, truancy, curfew violation, possession of beer as defined in Title 37A, Oklahoma Statutes, possession of alcoholic beverages as defined in Title 37A, Oklahoma Statutes, or public intoxication shall be kept confidential and shall not be open to public inspection except by order of the District Court. Any funds generated from fines paid by a juvenile for prosecution of any municipal ordinance relating to disorderly conduct, possession of tobacco products, vandalism, petit larceny, trespassing, assault, battery, assault and battery, truancy, curfew violation, possession of beer as defined in Title 37A, Oklahoma Statutes, possession of alcoholic beverages as defined in Title 37A, Oklahoma Statutes, and public intoxication shall be earmarked and used by the City of Yale to fund local programs which address problems of juvenile crime.

Sec. 15-5. Municipal Court Judge.

There shall be one Judge of the Court. The Judge must be duly licensed to practice law in the State of Oklahoma. The Judge may engage in the practice of law in other Courts, but the Judge shall not accept employment inconsistent with his or her 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 to proceedings therein. The Judge need not reside within the City of Yale. The Judge may serve as Judge of other municipal Courts, if such service may be accomplished consistently with the duties of the Judge of the Yale Municipal Court.

Effective July 1, 2026, no person shall be appointed as the Yale Municipal Court Judge unless such person has completed a certification program as approved by the Oklahoma

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Municipal Judges Association or such requirements as may be provided for in Title 11, Section 27-104 of the Oklahoma Statutes. (ORD. NO. 407)

Sec. 15-6. Term of Judge.

The official term of the Judge shall be for an indefinite term at the pleasure of the City Commission. The Judge, unless sooner removed shall serve until a successor is appointed and qualified.

Sec. 15-7. Alternate/acting Judge.

(a) In the event of the disqualification of the Judge in a particular case, or his absence or inability to act, the City Commission may appoint some person, possessing the qualifications required by this chapter for the Judge as acting Judge of the Court in the place of the Judge during his absence or inability to act or in a case wherein the Judge is disqualified.

(b) There may be appointed, for each Judge of the Court, an alternate Judge, possessed of the same term and made in the same manner as the Judge. He shall sit as acting Judge of the Court in any case if the Judge is absent from Court, unable to act as Judge, or disqualified from acting as Judge in the case.

Sec. 15-8. Salary of Judge.

(a) The Judge shall receive a salary as may be fixed from time to time by the Yale City Commission.

(b) An alternate/acting Judge shall be paid the sum of Two Hundred Fifty Dollars (\$250.00) for each day devoted to the performance his duties, except that, for any month, the total salary of an alternate or acting Judge shall not exceed the salary of the Judge in whose stead he or she sits. An alternate or acting Judge who sits for an entire month shall receive a salary equal to the monthly salary of the regular Municipal Court Judge. (ORD. NO. 407)

Sec. 15-9. Appointment of Judge.

Judges and alternate Judges shall be appointed by the City Commission.

Sec. 15-10. Dismissal of Judge.

Judges and alternate Judges shall be subject to dismissal by the City Commission of City of Yale.

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Sec. 15-11. Vacancy.

- (a) A vacancy in the office of Judge shall occur if the incumbent:
- (1) dies;
 - (2) resigns;
 - (3) ceases to possess the qualifications for the office; or
 - (4) is removed, and the removal proceedings are no longer subject to judicial review.

(b) Upon the occurrence of a vacancy in the office of Judge, the City Commission shall appoint a successor to complete the unexpired term.

Sec. 15-12. No change of venue.

In prosecutions before the Court no change of venue shall be allowed; but the Judge before whom the case is pending may certify his disqualification or he may be disqualified from sitting under the terms, conditions and procedure provided by law for a Court of record. If a Judge is disqualified, the matter shall be heard by an acting Judge, appointed as provided in this chapter.

Sec. 15-13. Chief of Police.

All writs or process of the Court shall be directed, in his official title, to the Chief of Police of the City of Yale, who shall be ex-official marshal and principal officer of the Court.

Sec. 15-14. Judge may prescribe rules.

The Judge may prescribe rules, consistent with the Statutes of the State of Oklahoma, and with the ordinances of the City of Yale, for the proper conduct of the business of the Court.

Sec. 15-15. Procedure.

In all trials, as to matters not covered in this chapter, or by the statutes relating to Municipal Courts, or 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.

Sec. 15-16. Contempt.

Obedience to the order, rules and judgments made by the Judge or by the Court may be enforced by the Judge, who may fine or imprison for contempt committed as to the Judge while

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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.

Sec. 15-17. Court Clerk.

(a) The City Clerk, or a deputy designated by the Clerk, shall be the Clerk of the Court. The Clerk shall assist the Judge in recording proceedings of the Court and in preparing writs, processes and other papers. The Clerk shall enter all pleadings, processes and proceedings in the dockets of the Court. The Clerk shall perform such other clerical duties relating to the proceedings in the dockets of the Court. The Clerk shall perform such other clerical duties relating to the proceedings of the Court as the Judge shall direct. The Clerk shall receive and receipt for forfeitures, fees, deposits, and sums of money of this municipality, at least weekly, all money so received by the Clerk, except such special deposits or fees as shall be received to be disbursed by the Clerk for special purposes. All money shall be paid to the general fund as the City Commission may direct, and it shall be used in the operation of the municipal government in accordance with budgetary arrangements governing the fund in which it is placed.

(b) The Municipal Court Clerk, Chief of Police or the Chief of Police's designee is authorized to charge and collect fees for the following:

- (1) For preparing and furnishing, upon request, a copy of a motor vehicle accident report on file in the traffic division of the police department, twenty-five cents (\$.25) to be charged for each page;
- (2) For preparing and furnishing, upon request, a copy of the record of arrest, commonly known as transcript, for the violation of statutes and/or ordinances, twenty-five cents (\$.25) to be charged for each page;
- (3) For searching, upon request, the records on file in the police department, One Dollar fifty cents (\$1.50) to be charged for each name;
- (4) The fees set out in this section shall not be charged or collected for any such services rendered for or upon request of an agent or officer of the federal, state, county, city or other governmental bodies.
- (5) For certifying the authenticity of any document copied, One Dollar (\$1.00), per document certified.

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Sec. 15-18. Clerk's bond.

The clerk of the Court shall give bond, in the form provided by Title 11 Section 27-111 in a sum not less than Twenty-five Thousand Dollars (\$25,000.00). When executed, said bond shall be submitted to the governing body for approval. When approved, it shall be filed with the clerk of the City of Yale and retained in the municipal archives.

Sec. 15-19. City Attorney.

The attorney for this municipality, or his duly designated assistant, shall be the prosecuting officer of the city. The City Attorney shall prosecute all alleged violations of the City Code. 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 this municipality in all proceedings arising out of the matters in this Court.

Sec. 15-20. Style of Prosecution.

All prosecutions for violation of ordinances of this municipality shall be styled "The City of Yale versus (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 the complaint and setting forth precisely the offense charged. A complaint may be amended in matter of substance or form at any time before the Defendant pleads, without leave, and may be amended after plea on order of the Court where the same can be done without material prejudice to the rights of the Defendant; no amendment shall cause any delay of the trial, unless good cause is shown by affidavit.

Sec. 15-21. Traffic violations bureau.

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 subordinates designated by the Clerk for that purpose. Persons who are cited for violation of one of the traffic regulatory ordinances of this municipality, with such exceptions as the Judge may by rule prescribe, may elect to pay a fine in the traffic violations bureau according to a schedule of fines to be prescribed by the Judge. Payment of a fine under this section shall constitute a final determination of the cause against the Defendant. If a Defendant who has elected to pay a fine under this section fails to do so, prosecution shall proceed under the provisions of this chapter.

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Sec. 15-22. 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 offense with which he is charged and giving him notice to answer the charge in the Court on a day certain, containing a provision for the official return of the summons, and including such other pertinent information as may be necessary.

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

(c) It shall be unlawful for any person who has been lawfully subpoenaed within the Yale Municipal Court to fail to appear in response to the command as contained in said subpoena. It is further provided that the intent of this section is to make it a separate offense for any person either willfully or otherwise to fail to appear before the Yale Municipal Court at the appointed time and place, when said person has been commanded to do so by a lawfully issued and served subpoena.

Sec 15-23. Warrant of arrest.

Except as otherwise provided in the ordinances of this municipality, upon the filing of a complaint approved by the endorsement of the attorney of this municipality, or by the Judge, there shall be issued a warrant of arrest, in substantially the following form:

The City of Yale, Oklahoma, to the Marshal of the Municipal Criminal Court of Yale, Oklahoma:

A 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 _____ and bring before me, at _____.

WITNESS MY HAND this ____ day of _____, 201__.

JUDGE OF THE MUNICIPAL CRIMINAL
COURT OF YALE, OKLAHOMA

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It shall be the duty of the aforesaid marshal, personally, or through a duly constituted member of the police force of this municipality, or through any other persons lawfully authorized so to act, to execute said warrant as promptly as possible.

Sec. 15-24. Bail.

(a) There is hereby adopted by reference, that certain act referred to as the State and Municipal Traffic Bail Bond Procedure Act and contained in Title 22 Sections 1115, through 1115.5 and Title 11 Sections 27-117, 27-117.1, for the establishment of the conditions of bail. The Judge shall prescribe appropriate conditions and rules of the Court for the receipt of bail. Each and all of the provisions of the act, save and except such portions as are hereinafter deleted, modified, or amended, as set out in the State and Municipal Traffic Bail Bond Procedure Act, and accompanying provisions as applicable to the City of Yale, are hereby adopted, referred to, incorporated and made a part hereof as if fully set out at length herein. Any subsequent amendments thereto shall be controlling law and legislation within the corporate limits of the City of Yale, Oklahoma.

(b) Upon arrest, or upon appearance without arrest in response to citation or summons, any person, whether a resident of this state or a non-resident, who is arrested by a law enforcement officer solely for a violation of a municipal traffic ordinance shall be released by the arresting officer upon personal recognizance if:

- (1) 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 party jurisdiction of the Non-resident Violator Compact;
- (2) The arresting officer is satisfied as to the identity of the arrested person;
- (3) The arrested person signs a written promise to appear as provided for on the citation; and
- (4) The violation does not constitute:
 - (a) eluding or attempting to elude a law enforcement officer, or
 - (b) operating a motor vehicle without having been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation, or
 - (c) an arrest based upon an outstanding warrant, or,

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- (d) a traffic violation coupled with any offense stated in subparagraphs "a" through "c" of this paragraph, or
- (e) an overweight violation, or the violation of a special permit exceeding the authorized permit weight, or
- (f) a violation relating to the transportation of hazardous materials.

(c) If the arrested person is eligible for release on personal recognizance as provided for in subsection (a) of this section, then the arresting officer shall:

- (1) designate the traffic charge;
- (2) 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;
- (3) record the motor vehicle make, model and tag information;
- (4) record the arraignment date and time on the citation; and
- (5) permit the arrested person to sign a written promise to appear as provided for in the citation.

(d) 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 Non-resident Violator Compact.

(e) 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 the person's 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 was entered on the citation by the arresting officer and signed by the Defendant. An arraignment may be continued or rescheduled more than one time; provided however, 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 (e) of this section.

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(f) 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 he is required to appear for arraignment by indicating such plea on the copy of the citation furnished to him or on a legible copy thereof, together with the date of the plea and his signature. The Defendant shall be responsible for assuring full payment of the fine and costs to the municipal Court Clerk. Payment of the fine and costs may be made by personal, cashiers, travelers, 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. The Defendant shall not use currency for payment by airmail. 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 by the Municipal Judge.

(g) If a resident of the City is arrested by a law enforcement officer for the violation of any traffic ordinance for which Section (a) of this act does not apply, or is arrested for the violation of a non-traffic ordinance, the officer shall immediately release said person if the person acknowledges receipt of a citation by signing it. Provided, however, the arresting officer need not release said person if it reasonably appears to the officer that the person may cause injury to himself or 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 said person fails to appear in response to the citation, a warrant shall be issued for his arrest and his appearance shall be compelled.

(h) If the arrested resident is not released by being permitted to sign a citation as provided for in this subsection, he shall be admitted to bail either before or after arraignment, or shall be released on personal recognizance.

(i) If a non-resident of the City is arrested by a law enforcement officer for a violation of any ordinance for which Section (a) of this act does not apply, the Defendant shall be eligible to be admitted to bail either before or after arraignment.

Sec. 15-25. Arraignment and Pleading.

Upon making his appearance before the Court, the Defendant shall be arraigned. The Judge, or the attorney of the municipality, shall read the complaint to the Defendant, inform the Defendant of his legal right, including the right of trial by jury, if available, and of the consequences of conviction, and ask the Defendant whether he pleads guilty or not guilty. If the

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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 trial, the Court may proceed to try the case, or may set it for hearing at a later date.

Sec. 15-26. Postponement.

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

Sec. 15-27. Defendant To Be Present, Bond Forfeiture Procedure, Bonds Not Withdrawn.

(a) The Defendant must be present in person at the trial.

(b) If without sufficient excuse, a Defendant fails to appear according to the terms or conditions of a bond, either for hearing, arraignment, trial, or judgment, or upon any other occasion when his or her presence in Court or before the Judge has been lawfully required, the Court shall follow the procedures set forth in Title 59, Section 1332 of the Oklahoma Statutes regarding bond forfeiture whereby the Yale Municipal Court Clerk shall issue the required notices. The Judge shall also issue an order declaring the bond to be forfeited on the day the Defendant failed to appear and stating the reasons therefore. The Court Clerk shall follow the procedures contained in Title 59 Section 1332 of the Oklahoma Statutes to enforce such forfeited bond.

(c) All bonds, less any lawful deductions, made by a Defendant to secure an appearance before the Yale Municipal Court that has not been withdrawn by the Defendant for more than two (2) years after the bond is returned shall become property of the City of Yale upon the following procedure. The City of Yale shall send written notice to the Defendant at his or her last known address stating that the bond will be paid over to the City of Yale unless it is claimed by the Defendant within ninety (90) days of the date the notice is mailed by the City of Yale. The City of Yale shall publish in a newspaper of local circulation a list of names and last known addresses of Defendants stating the bond will be paid over to the City of Yale if not claimed within ninety (90) days. If the money is not claimed or refunded within the ninety (90) days, the amount of the bond shall be paid into the general fund of the City of Yale. No Defendant shall have a right to any claim or refund on the bond after written notice or publication and expiration of the ninety day period in accordance with this section.

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Sec. 15-28. Defendant to be present at trial.

The Defendant must be present in person at the trial.

Sec. 15-29. Trial procedure.

In all trials, as to matters not covered in this chapter, or by the statute relating to municipal Courts, or 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.

Sec. 15-30. Failure of Defendant to appear.

It is an offense for any person who has been charged and is the Defendant in any proceeding or matter before the Court to fail to appear for that proceeding when his personal attendance is necessary.

Sec. 15-31. Appearance of complainant.

In those prosecutions for violation of ordinances of the city wherein the person making complaint is not employed by the city, it shall be declared to be a misdemeanor for said person to fail to appear on the date and at the time said matter is scheduled to be he provided further, however, that the above shall not apply to those persons making comp and who shall give advance notice of their absence to the clerk.

Sec. 15-32. Judgment.

If the Defendant pleads guilty or is convicted after trial, the Court must render judgment thereon, fixing the penalty within the limits prescribed by the applicable ordinance and imposing sentence accordingly.

Sec. 15-33. Witnesses.

(a) Witnesses who are subpoenaed to appear in any proceeding in the Municipal Court, other than police officers or other officials who shall be employed by said City, shall be entitled to fifteen dollars (\$15.00) per each full day of attendance, plus fifty cents (\$0.50) for each mile actually and necessarily traveled in going to and returning from the place of attendance, if their residence is more than ten (10) miles distant from the place of trial. No witness, however, shall receive fees or mileage in more than one (1) case for the same period of time or for the same travel. A Defendant seeking to subpoena witnesses must deposit with the

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Municipal Court Clerk a sum sufficient to cover fees and mileage for one (1) 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 forth:

- (1) The names of no more witnesses than the Municipal Judge for the City shall determine to be just, necessary and reasonable for the proper defense of said indigent's case;
- (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 witness is material, and
- (4) That their attendance at the trial is necessary to his proper defense.

(b) In any case where an indigent Defendant has properly filled out and filed with the City an affidavit setting forth the above-mentioned information, then the fees for such witnesses shall be paid by the City of Yale.

Sec. 15-34. Judgment to be rendered.

At the close of trial, judgment must be rendered immediately by the Judge who shall cause it to be entered in his docket.

Sec. 15-35. 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.

Sec. 15-36. Suspension or Deferment of Sentence.

(a) Whenever any person shall be convicted in the municipal Court of violating a municipal ordinance, the Judge trying said cause, after sentence, may suspend said judgment or costs, or both, and allow said person so convicted to be released upon his own recognizance. Provided, if it shall be made to appear to the Judge that such person having complied with any conditions which might be prescribed by the Municipal Judge then the Municipal Judge may order the record of that proceeding expunged from the records of the Municipal Court. Provided further that this can be done in accordance with the provisions of, and subject to, the conditions procedures imposed by Title 11, Section 27-123, Oklahoma Statutes.

(b) If the Defendant pleads or is found guilty of an offense against the City, the Municipal Judge shall have the authority to either suspend the execution of sentence in whole or

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in part with or without probation, or to declare, impose and assess the fine as prescribed by law for the offense also with or without probation. The Judge may also order that the Defendant be committed to the county jail until the judgment is complied with, unless the Defendant pays the fine and costs or stays the execution of the judgment by giving a good and sufficient bond, to be approved by the Judge, conditioned that the Defendant will pay the fine and costs within thirty (30) days from the date of the judgment. If the Defendant, on conviction or plea of guilty, fails to pay or to stay the execution of judgment as provided herein, or if after staying the execution of judgment he fails to pay the fine and costs, he shall be committed until he shall have served out the amount thereof. Upon payment of the fine and costs, the Judge shall discharge such Defendant unless he is held for another legal cause. Probation, as used in this section, is the procedure under which a Defendant, found guilty of a crime, is released by the Court subject to conditions imposed by the Court and subject to the supervision of the proper guidance personnel as defined by the Court. Such supervision shall be initiated on an order of probation from the Court, and such supervision shall not exceed six (6) months.

(c) Upon a verdict or plea guilty, but before a judgment of guilty, the Court may, without entering a judgment of guilty, defer such sentencing and place the Defendant on probation under the supervision of the proper probation personnel as shall be decided by the Municipal Court and upon the conditions of probation which are prescribed by the Court. Upon the completion of the probation term, which probation term, under this procedure shall not exceed six (6) months, the Defendant shall be discharged from the probation program and any charges brought against the Defendant may be dismissed with prejudice to any further action if the Court so chooses. Upon violation of the conditions of probation, the Court may enter judgment of guilt.

(d) The Court may, upon deferment of any sentence, impose an administrative fee of not greater than Five Hundred Dollars (\$500.00) as a condition of such deferred sentence.

(e) The Court, upon granting probation, may fix a fee not to exceed Five Hundred Dollars (\$500.00) to be paid by the probationer during the probation period. The Court may make payment of the fee a condition of granting or continuing the probation, and such condition may be imposed whether the probation is incident to the suspending of imposition or the deferring of a sentence.

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(f) The fees provided for in subsections (d) and (e) of this section shall be paid to the Court Clerk and credited to the general fund of the City. Any and all monies credited to such fund are hereby appropriated for paying the expense of supervising probationers. State law reference—Title 11, Section 27-123.

Sec. 15-36.1. Community Service or Remedial Action In Lieu of Fine.

Whenever any person is convicted in the municipal court of the City of Yale for violation of a municipal ordinance, the court may order the defendant to a term of community service or remedial action in lieu of fine or in conjunction with a fine. If the defendant fails to perform the required community service or if the conditions of community service are violated, the judge may impose a sentence on such defendant. (ORD. NO. 400)

Sec. 15-37. Costs.

If judgment of conviction is entered the Municipal Judge may order the Clerk of the Court to tax court costs in maximum amount of Seventy-five Dollars (\$75.00) to the Defendant, plus any fees and mileage for witnesses and costs or fees mandated by the Council on Law Enforcement Training, all in addition to any fine the might be imposed.

Sec. 15-38. Collection of unpaid fines or imprisonment for failure to pay fine.

If a Defendant who is financially able refuses or neglects to pay a fine or cost, or both, payment may be enforced by imprisonment until the same shall be satisfied at the rate of Fifty Dollars (\$50.00) per day. If the Defendant is without means to pay the fine or cost, the Municipal Judge may direct the total amount due to be entered upon the Court minutes and to be certified to the district Court 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. State law reference, Title 11, Section 27-122.