

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHEROKEE, OKLAHOMA AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF CHEROKEE BY ADDING A PROVISION AUTHORIZING THE CLERK OF THE MUNICIPAL COURT TO CHARGE AND COLLECT A TECHNOLOGY FEE; REPEALER; SAVINGS; CODIFICATION; SEVERABILITY; AND DECLARING AN EMERGENCY

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHEROKEE, OKLAHOMA:

Section I: Chapter 6 Section 129 of the Cherokee Municipal Code 2021 is hereby amended to include Subsection A and amending to include the addition of Subsection B which shall read as follows:

Section 6-129 Costs

A. Costs in the amount of Thirty Dollars (\$30.00) plus the fees and mileage of jurors and witnesses shall be charged and collected by the clerk of the municipal court in all cases other than those in which the defendant is acquitted or found not guilty or those which are dismissed upon motion of the defendant or the city attorney. Court costs in the amount of Thirty Dollars (\$30.00) shall be charged and collected by the clerk of the municipal court in all cases in which the defendant pleads guilty before the traffic violations bureau.

B. Technology Fee.

A municipal court technology fee shall be and is hereby established in the amount of Fifteen Dollars (\$15.00). The fee shall be in addition to and not in substitution for any and all costs, fees, fines or penalties otherwise provided for by law and assessed on every citation disposed of in the municipal court except standing and parking and those that are voided, declined for prosecution, dismissed without costs, or the defendant is acquitted. The revenues generated by this fee shall be used solely and exclusively for the acquisition, operation, maintenance, repair and replacement of data processing equipment and software related to the administration of the municipal criminal justice system and the costs of prosecution.

Section II. REPEALER. All ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed.

Section III. SAVINGS CLAUSE. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance

repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

Section IV. CODIFICATION. This ordinance shall be codified as herein provided.

Section V. SEVERABILITY. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Council of the City of Cherokee that this section of the Cherokee Municipal Code would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

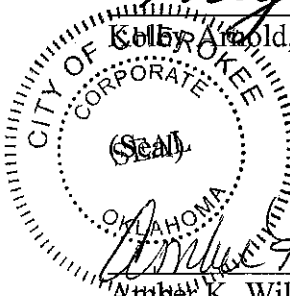
Section VI. EMERGENCY. WHEREAS, it being immediately necessary for the preservation of the peace, health, safety and public good of the City and the inhabitants thereof that the provisions of this Ordinance be put into full force and effect in order to provide for a municipal court technology fee; By reason whereof, this Ordinance shall take effect and be in full force and effect after its passage, as provided by law.

Approved and executed this 13th day of March 2024.

THE CITY OF CHEROKEE, OKLAHOMA



Colby Arnold, Mayor

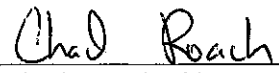


ATTEST:



Amber K. Wilhite, City Clerk

Approved as to Content:



Chad Roach, City Manager

Approved as to Form and Legality:



Bryce S. Kennedy, City Attorney