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| Section 6-133 | REPEALED. |

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SECTION 6-101 ORGANIZATION OF MUNICIPAL COURT.

This chapter shall govern the organization and operation of the municipal criminal court of the City of Sapulpa as put into operation by resolution duly passed on February 3, 1969, and filed in accordance with law as authorized by Sections 27-101 and 27-102 of Title 11 of the Oklahoma Statutes. To the extent of conflict between any provisions of this chapter and the provisions of any ordinance of this city, the provisions of this chapter shall control. (Prior Code, Sec. 2-13)

State Law Reference: Municipal courts not of record, organization, rules and procedures, 11 O.S. Sections 27-101 to 27-131.

SECTION 6-102 DEFINITIONS.

As used in this chapter, unless the context requires a different meaning, the following words shall have the meanings ascribed to them in this section:

1. "Court" means the municipal criminal court of the City of Sapulpa;
2. "Judge" means the judge of the municipal criminal court, including any acting judge or alternate judge thereof as provided for by the statutes of this state, the city charter and this chapter;
3. "Clerk" means the clerk of this city, including any deputy or member of the office staff of the clerk while performing duties of the clerk's office;
4. "Chief of Police" means the peace officer in charge of the police force of the city; and
5. "This judicial district" means the district court judicial district of the State of Oklahoma wherein the government of this city is situated.

(Prior Code, Sec. 2-14)

SECTION 6-103 JURISDICTION OF COURT.

The court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any ordinance of this city is charged, including any such prosecutions transferred to the court in accordance with applicable law. (Prior code, Sec. 2-15)

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SECTION 6-104 JUDGE; QUALIFICATIONS.

There shall be one judge of the court. The judge shall be licensed to practice law in the state. He may engage in the practice of law in other courts, but he shall not accept employment inconsistent with his 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 of proceedings therein. If no attorney licensed to practice law in the state resides or offices in the county who is willing to accept the appointment as judge, the mayor, with the consent of the city council, may appoint a suitable and proper person as judge. (Prior Code, Sec. 2-17)

SECTION 6-105 TERM OF JUDGE.

The official term of the judge shall be two (2) years, ending on April 30 of each even numbered year. Each judge, unless sooner removed for proper cause, shall serve until his successor is appointed and qualified. (Prior Code, Sec. 2-18, as amended)

SECTION 6-106 ALTERNATE JUDGE.

There may be appointed, for each judge of the court, an alternate judge possessed of the same qualifications as the judge. He shall sit as acting judge of the court in any case if the judge is absent from the court, unable to act as judge, or disqualified from acting as judge in the case. (Prior Code, Sec.2-19)

SECTION 6-107 ACTING JUDGE.

If at any time there is no judge, duly appointed and qualified, available to sit as judge, the Mayor shall appoint some person, possessing the qualifications required by this chapter for the judge, who shall preside as acting judge over the court in the disposition of pending matters until such time as a judge shall be available. (Prior Code, Sec. 2-19)

SECTION 6-108 APPOINTMENT OF JUDGE AND ALTERNATE JUDGE.

Judges shall be appointed by the mayor with the consent of the city council. The city council may make any rules or regulations deemed proper in connection the procedure for the appoint of such judge. (Prior Code, Sec. 12-8, as amended)

Charter Reference: Article 5, Sec. 2.

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SECTION 6-109 SALARY AND PAYMENTS TO JUDGES.

The judge of the municipal court shall receive a monthly salary of Three Thousand Three Hundred Eighty-Eight and Thirty-three Hundreths dollars (\$3,388.33) to be paid in the same manner as the salaries of other officials of the city.

The acting judge shall be paid a sum of one hundred dollars (\$100.00) for each day devoted to the performance of his duties in the municipal courtroom and seventy-five dollars (\$75.00) per day for all arraignments conducted other than in the municipal courtroom; except, that the total payments to him for any one month shall not exceed the sum of the monthly salary established for the municipal judge. If the acting judge shall sit for an entire month, he shall receive only the amount established as the salary of the municipal judge. (Prior Code, Sec. 2-20) [Ord 2474]

SECTION 6-110 REMOVAL OF JUDGE.

Judges shall be subject to removal from office by the city council as provided in the city charter, or for the causes prescribed by the constitution and laws of this state for the removal of public officers. (Prior Code, Sec. 2-21, as amended)

SECTION 6-111 VACANCY IN OFFICE OF JUDGE.

A vacancy in the office of judge shall be filled as provided by the charter or laws of the state. (Prior Code, Sec. 2-22, as amended)

SECTION 6-112 DISQUALIFICATION OF JUDGE.

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 courts of record. If a judge is disqualified, the matter shall be heard by an alternate or acting judge appointed as provided in this chapter. (Prior Code, Sec. 2-23)

SECTION 6-113 CHIEF OF POLICE.

All writs or processes of the court shall be directed, in his official title, to the chief of police of this municipality, who shall be the principal officer of the court. (Prior Code, Sec. 2-24)

SECTION 6-114 CLERK OF THE COURT; DUTIES.

The city clerk, or a deputy designated by the clerk, shall be ex officio clerk of the court. The court clerk shall:

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1. Assist the judge in recording the proceedings of the court and in preparing writs, processes and other papers;
2. Administer oaths required in proceedings before the court;
3. Enter all pleadings, processes, and proceedings in the dockets of the court;
4. Perform such other clerical duties relating to the proceedings of the court as the judge shall direct;
5. Receive and receipt for forfeitures, fines, deposits, and sums of money payable to the court; and
6. Pay to the treasurer of this municipality 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 paid to the treasurer shall be placed in the general fund of the municipality, or in such other funds as the governing body 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.
7. Upon verification that a named defendant was in fact a validly licensed driver at the time and place of issuance of a citation for the offense of No Driver's License in Possession, administratively dismiss prosecution of said charge upon payment of all applicable costs and excuse the named defendant from any further appearance in connection with the prosecution of said charge. [Ord. 2431]
8. Upon verification that a named defendant was in fact insured by presentation of a valid Security Verification Form that was in effect at the time and place of issuance of a citation for the offense of No Security Verification Form / No Insurance, administratively dismiss prosecution of said charge upon payment of all applicable costs and excuse the named defendant from any further appearance in connection with the prosecution of said charge. [Ord. 2431]

SECTION 6-115 PROSECUTING ATTORNEY; DUTIES; CONFLICT OF INTEREST.

The attorney for this municipality, or his duly designated assistant, may be prosecuting officer of the court. He may also prosecute all alleged violations of the ordinances of the city. He shall be authorized, in his discretion, to prosecute any alleged violation and resist appeal proceedings in error and review from this court to any other court of the state, and to represent this municipality in all proceedings arising out of matters in this court. (Prior Code, Sec. 2-27)

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SECTION 6-116 BOND OF COURT CLERK.

The court clerk of the court shall give bond, in the form provided by Section 27-111 of Title 11 of the Oklahoma Statutes, in a sum to be determined by the city council. When executed, the bond shall be submitted to the governing body for approval. When approved, it shall be filed with the clerk of this city and retained in the city archives. (Prior Code, Sec. 2-26)

SECTION 6-117 RULES OF COURT.

The judge may prescribe rules, consistent with the laws of the state and with the ordinances of this city, for the proper conduct of the business of the court. (Prior Code, Sec. 2-28)

SECTION 6-118 ENFORCEMENT OF RULES.

Obedience to the orders, rules and judgments made by the judge or by the court may be enforced by the judge, who may fine or imprison for direct or indirect contempt committed as to him while holding court, or committed against process issued by him, in the same manner and to the same extent as the district courts of this state. (Prior Code, Sec. 2-29)

SECTION 6-119 WRITTEN COMPLAINTS TO PROSECUTE ORDINANCE VIOLATIONS.

All prosecutions for violations of ordinances of this city shall be styled "The City of Sapulpa, Oklahoma vs. (naming defendant or defendants)". Except as provided hereinafter, prosecution shall be initiated by the filing of a written complaint, subscribed and verified by the person making complaint, and setting forth concisely the offense charged. (Prior Code, Sec. 2-30)

SECTION 6-120 TRAFFIC ORDINANCE VIOLATIONS; PROCEDURES FOR ISSUING CITATION; CUSTODY, ARREST.

- A. If a police officer observes facts which he believes constitute a violation of the traffic ordinances of this municipality, in lieu of arresting such a person, he may release the person on personal recognizance in accordance with Section 6-121 of this code, or take his name, address, operator's license number, and registered license number of the motor vehicle involved and any other pertinent and necessary information and may issue him in writing in form prescribed by the city, a traffic citation

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embracing the above information, and also stating the traffic violation alleged to have occurred, and notifying him to answer to the charge against him at a time, not later than the date specified in the citation. The officer, upon receiving the written promise of the alleged violator, endorsed on the citation to answer as specified, may then release the person from custody. If the person to whom a citation is issued fails to answer as prescribed in the citation, complaint shall be filed and the case shall be prosecuted as otherwise provided in this chapter.

B. If the alleged traffic violation is committed by a nonresident or resident of this municipality, the police officer may:

1. Release the person after obtaining sufficient information as set out in Subsection A of this section pending his appearance on a day certain in court, as specified in the citation;

2. Take the person in custody and demand that bond for the offense charged be posted according to the provisions of this chapter; or

3. Take the person into custody under arrest. The arrested person either shall be taken immediately before the judge for further proceedings according to law or shall have bail fixed for his release in accordance with the provisions of this chapter. Upon providing bail as fixed, and upon giving his written promise to appear upon a day certain, as provided in Subsection A of this section, the person shall be released from custody.

C. If the alleged offense be a violation of an ordinance restricting or regulating the parking of vehicles, including any regulations issued under such an ordinance, and the operator be 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 Subsections A or B of this section, with such variation as the circumstances require, the operator of this vehicle shall be under the same obligation to respond to the citation as if it had been issued to him personally under Subsections A or B of this section. (Prior Code, Sec. 2-31, in part)

SECTION 6-121 TRAFFIC BAIL BOND PROCEDURES.

A. In addition to other provisions of law for posting bail, any person, whether a resident of this state or a nonresident, who is arrested by a law enforcement officer solely for a misdemeanor violation of a state traffic law

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or 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 this state, another state jurisdiction within the United States, or any party jurisdiction of the Nonresident 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. A felony;
 - b. Negligent homicide;
 - c. Driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances;
 - d. Eluding or attempting to elude a law enforcement officer;
 - e. Operating a motor vehicle without having been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation;
 - f. An arrest based upon an outstanding warrant;
 - g. A traffic violation coupled with any offense stated in subparagraphs a through f of this paragraph;
 - h. An overweight violation, or the violation of a special permit exceeding the authorized permit weight; or
 - i. A violation relating to the transportation of hazardous materials.
- B. 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;

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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.

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 drivers license in this state, or in the nonresident's home state pursuant to the Nonresident Violator Compact.

- C. Procedures for arraignment, continuances and scheduling, timely appearances, pleas of guilty or nolo contendere, posting bail, payment of fines and costs, issuance of arrest warrants, and requests for suspension of drivers license, shall be required in state law, Sections 1115.1 through 1115.5 of Title 22 of the Oklahoma Statute.
- D. 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 court clerk. 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 by Appendix B hereto for the violation charged or as prescribed by the court.
- E. If, pursuant to the provisions of subsection D 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, the court may issue a warrant for the arrest of the defendant and the municipal or district court clerk, within one hundred twenty (120) calendar days from the date the citation was issued

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by the arresting officer, shall notify the State Department of Public Safety that:

1. 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;
2. The defendant has failed to appear for arraignment without good cause shown;
3. The defendant has not posted bail, paid a fine, or made any other arrangement with the court to satisfy the citation; and
4. The citation has not been satisfied as provided by law.

The court clerk shall request the State 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. Such notice and request shall be on a form approved or furnished by the State Department of Public Safety. The court clerk shall not process the notification and request provided for in this subsection if, with respect to such charges:

1. The defendant was arraigned, posted bail, paid a fine, was jailed, or otherwise settled the case;
 2. 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;
 3. The violation relates to parking or standing, an overweight violation, an overweight permit, or the transportation of hazardous materials; or
 4. A period of one hundred twenty (120) calendar days or more has elapsed from the date the citation was issued by the arresting officer.
- F. The court clerk shall maintain a record of each request for driver's license suspension submitted to the State 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,

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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, and shall in all other cases, notify the State Department of Public Safety of the resolution of the case. The form of proof and the procedures for notification shall be approved by the State Department of Public Safety. Provided however, 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 or any political subdivision thereof, or any state department or agency or any employee thereof but duplicate proof shall be furnished to the person entitled thereto upon request.

SECTION 6-122 CREATION OF TRAFFIC VIOLATIONS BUREAU.

- A. A traffic violations bureau is established as a division of the office of the clerk of the court, to be administered by the clerk, or by subordinates designated by him for that purpose. Persons who are cited for violation of one of the traffic regulatory ordinances of this municipality may elect to pay a fine in the traffic violations bureau according to the schedule of fines set forth in Appendix II to this code.
- B. The court may adopt rules to carry into effect this section. Payment of a fine under this section shall constitute a final determination of 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.

SECTION 6-123 SUMMONS FOR ARREST.

- A. Upon the filing of a complaint charging violation of any 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 certain day after the summons is served upon him, 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 and to answer the summons within the

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prescribed period, a warrant shall be issued for his arrest, as provided by this chapter. (Prior Code, Sec. 2-32)

SECTION 6-124 FORM OF ARREST WARRANT.

- A. 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 city or by the judge, there shall be issued a warrant of arrest, in substantially the following form:

The City of Sapulpa, Oklahoma to the Chief of Police of the Municipal Court of Sapulpa, Oklahoma.

Complaint upon oath having this day been made by (naming complainant) that the offense of (naming the offense in particular but general terms) has been committed and accusing (name of defendant) thereof, you are commanded therefor forthwith to arrest the above named defendant and bring _____ before me, at the municipal courtroom,

Witness my hand this _____ day of _____, 20__.

Judge of the Municipal Court
Sapulpa, Oklahoma.

- B. It is the duty of the chief of police, personally, or through a duly constituted member of the police force of this city, or through any other person lawfully authorized so to act, to execute a warrant as promptly as possible. (Prior Code, Sec. 2-33)

SECTION 6-125 PROCEDURES FOR BAIL OR BOND.

Upon arrest, or upon appearance without arrest in response to citation or summons, or at any time before trial, before or after arraignment, the defendant shall be eligible to be released upon giving bail for his appearance in an amount prescribed by Appendix B and upon conditions fixed by this chapter or the judge, who shall prescribe appropriate rules of court for the receipt of bail. In case of arrests made at night or under other conditions of emergency or when the judge is not available, the rules shall authorize the chief of police, or his designated representative, to accept a temporary cash bond of not less than the amount indicated in Appendix II for the

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violation(s) charged, nor more than the maximum monetary penalty provided by ordinance for the offense charged. (Prior Code, Sec. 2-34)

SECTION 6-126 FORFEITURE, DISTRICT COURT.

- A. If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of his bond, either for hearing, arraignment, trial or judgment, or upon any other occasion when his presence in court or before the magistrate may be lawfully required, the judge may direct that fact to be entered upon the court minutes, thereby declaring the bond to be forfeited. Without advancing court costs, the judge may then cause the forfeiture to be certified to the district court of the county where situs of government is situated, where it shall be entered upon the judgment docket and shall have the full force and effect of a district court judgment. At such time as the forfeiture is entered upon the district court judgment docket, the district court clerk shall proceed in accordance with the provisions of Sections 1330, 1332, 1333 and 1335 of Title 59 of the Oklahoma Statutes and a surety shall have all remedies available under the provisions of Sections 1108 of Title 22 and Sections 1301 through 1340 of Title 59 of the Oklahoma Statutes. Court costs shall be collectable from the proceeds of the bond.
- B. A prosecution in a court provided for herein shall be a bar to prosecution in another court for the same or a lesser included offense.

SECTION 6-127 ARRAIGNMENT AND PLEADINGS BY DEFENDANT.

Upon making his appearance before the court, the defendant shall be arraigned. The judge, or the attorney of the city, shall read the complaint to the defendant, inform him of his legal rights, and of the consequences of conviction, and ask him whether he pleads guilty or not guilty. If the defendant pleads guilty, the court may proceed to judgment and sentence, continuing the matter for subsequent disposition or defer sentence upon whatever terms or conditions the court may impose. If the plea is not guilty, and the case is not for jury trial, the court may proceed to try the case, or may set it for hearing at a later date. (Prior Code, Sec. 2-35)

SECTION 6-128 TRIALS AND JUDGMENTS.

- A. Before trial commences, either party, upon good cause shown, may obtain a reasonable postponement thereof.
- B. The defendant must be present in person at the trial.

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- C. In all trials, as to matters not covered in this chapter, or by the statutes relating to municipal criminal 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.
- D. If the defendant pleads guilty or is convicted after the trial, the court must render judgment thereon, fixing the penalty within the limits prescribed by the applicable ordinance and imposing sentence accordingly.
- E. At the close of trial, judgment must be rendered immediately by the judge who shall cause it to be entered in his docket.
- F. If judgment is of acquittal, and the defendant is not to be detained for any other legal cause, he must be discharged at once.
- G. A judgment that defendant who is financially able but refuses to pay a fine may also direct that he be imprisoned until the fine is satisfied at the rate of one day imprisonment for each Five Dollars (\$5.00) of fine.
- H. If the defendant is without means to pay the fine or costs, the municipal judge may direct the total amount due to be entered upon the court minutes and to be certified to the district court of the county wherein the status of government is situated 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. (Prior Code, Secs. 2-36 to 2-42 in part)

SECTION 6-129 WITNESS FEES.

Witnesses in any proceeding in the court other than the police officers or peace officers shall be entitled to a fee as set by the city per each day of attendance as set forth in the Master Fee schedule, plus mileage for each mile actually and necessarily traveled in going to and returning from the place of attendance if their residence is outside the limits of the municipality. However, no witness shall receive fees or mileage in more than one case for the same period of time or the same travel. A defendant seeking to subpoena witnesses must deposit with the clerk a sum sufficient to cover fees and mileage for one 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 out:

1. The name of no more than three (3) witnesses;

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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 the witnesses is material; and
4. That their attendance at the trial is necessary for his proper defense.

The fees of such witnesses shall be paid by the municipality. (Prior Code, Sec. 2-40)

SECTION 6-130 SUSPENSION OF SENTENCE.

- A. After conviction and sentence, the judge may suspend sentence, in accordance with the provisions of, and subject to the conditions and procedures imposed by Sections 27- 123 and 27-124 of Title 11 of the Oklahoma Statutes.
- B. The judge of the court in imposing a judgment and sentence, at his discretion, is empowered to modify, reduce or suspend or defer the imposition of such sentence or any part thereof and to authorize the person to be released upon his own recognizance for a period not to exceed six (6) months from the date of the sentence, under such terms or conditions as the judge may specify. The judge may, with the consent of the defendant, defer further proceedings, after a verdict, finding or plea of guilty, but before passing a judgment of guilt and imposing a fine, and place the defendant on probation for a period not to exceed six (6) months, under such terms and conditions as prescribed by the court, which may include, but not be limited to, work on the streets, parks or other city-owned or maintained projects, with proper supervision.
- C. A defendant is not entitled to a deferred sentence if the defendant has been previously convicted of a felony.
- D. Upon a finding of the court that the conditions of release have been violated, the municipal judge may enter a judgment of guilty and may cause a warrant to be issued for the defendant.
- E. Upon the issuance of the warrant or judgment of guilty being entered, the person shall be delivered forthwith to the place of confinement to which he is sentenced and shall serve out the full term or pay the full fine for which he was originally sentenced as may be directed by the judge.
- F. The judge may continue or delay imposing a judgment and sentence for a period of time not to exceed six (6) months from the date of the

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sentence. At the expiration of such period, the judge may allow the city attorney to amend the charge to a lesser offense.

- G. If a deferred sentence is imposed, an administrative fee as set forth in Appendix B to this code may be imposed as costs in the case. The court may make payment of the fee a condition of granting or continuing the imposition of a sentence, if the defendant is able to pay.
- H. The court may also require restitution and in the event there was damage done to public or private property during the commission of the offense, the court may require the defendant to repair or replace such damaged property as a condition to a deferred sentence as may be directed by the court. (Prior Code, Sec. 2-44, in part)

State Law Reference: Similar provisions, 11 O.S. Sec. 27-123.

SECTION 6-131 FAILURE TO APPEAR, COURT COSTS, PENALTY.

- A. Any person who files a complaint in the municipal court against another person or persons and fails to appear to prosecute or testify on the complaint so filed, or moves to dismiss the same without court approval, is liable for, and shall be assessed and pay all court costs, fees and assessments incurred in the matter and shall stand committed until the costs, fees and assessments are paid.
- B. When application is made by any person to commence prosecution in the court, the municipal judge or the acting judge may, at his discretion, before such proceeding is commenced, require the person making such application to give good and sufficient security for costs in the event the prosecution shall fail because of the nonattendance of such complaining witness, after proper notice, at the trial of such cause. The security shall be given before any proceeding shall be commenced.
- C. Any defendant failing to appear as required shall constitute a separate offense, punishable as provided in Section 1-108 of this code. (Prior Code, Sec. 2-44.1 [Ord. No. 2706 09/15/2014]).

SECTION 6-132 FINES, COSTS, FEES AND ASSESSMENTS.

- A. **Court Costs.** Court costs are those monies assessed by the court for general operating expenses necessary to the continued functioning of the court in the final adjudication of any offense charged. Unless otherwise provided by law or unless such costs are suspended by a judge of the

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municipal court, pursuant to title 11 Oklahoma Statutes, Section 27-126, court costs for each offense shall be assessed against and collected by the court clerk or the appropriate finance official of the city from all parties convicted of violations of the Sapulpa City Code and from all parties ordered to pay court costs in those cases pending before the court in amounts as set forth in the Master Fee Schedule. As used in this section, conviction includes any final adjudication of guilt, including all parties pleading guilty to such violations, all parties pleading nolo contendere or no contest, and parties entering a plea on a suspended, continued or deferred judgment.

- B. **Administrative Fee on Deferred Sentences.** As authorized by Title 11 Oklahoma Statutes, subsection 27-122.1(D), if a deferred sentence is imposed by the court, an administrative fee for each offense as set forth in the Master Fee Schedule may be imposed as costs in the case, in addition to any deferral fee.
- C. **Deferral Fee.** As authorized by Title 11 Oklahoma Statutes, subsection 14-111(C), for any deferred sentence imposed by the court, a deferral fee in an amount not to exceed the maximum fine that may be imposed upon conviction of that offense may be assessed by the court against a defendant and collected by the court clerk or the appropriate finance official of the city.
- D. **Remittal to Defray Costs of Enforcement of Alcohol Related Enforcement.** Pursuant to Title 11 Oklahoma Statutes, subsection 14-111(C), the court shall remit an amount as reflected and set forth in the Master Fee Schedule for each alcohol related offense fine or deferral fee, to be placed into a fund which can be used to defray the cost of enforcing laws relating to juvenile access to alcohol, other laws relating to alcohol and other intoxicating substances, and traffic-related offenses involving alcohol or other intoxicating substances.
- E. **DUI Speciman Collection Court Costs.** Pursuant to Title 47 Oklahoma Statutes, subsection 752(G), the court shall be authorized to assess as court costs against any person convicted of any offense involving the operation of a motor vehicle while under the influence of or while impaired by alcohol or an intoxicating substance, or both, an amount equal to the costs incurred by the city resulting from the collection of blood, breath, saliva or urine specimens for the purpose of determining the presence of alcohol or other intoxicating substances thereof, by or at the direction of a law enforcement officer of the city.

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- F. **Court Technology Fee.** Unless suspended by the court, as authorized by Title 11 Oklahoma Statutes Section 27-126, a fee in an amount as set forth in the Master Fee Schedule for each offense shall be assessed against and collected by the court clerk or the appropriate finance official of the city from all parties convicted of violations of the Sapulpa City Code and from all parties ordered to pay court costs in those cases pending before the court. This fee shall be assessed for the purpose of defraying the cost of purchasing, operating and maintaining computerized, digital, communications and other electronic systems specially necessary to the efficient operation of the municipal court.
- G. **CLEET Fee.** Pursuant to Title 20 Oklahoma Statutes, subsection 1313.2(B), upon conviction or bond forfeiture, a Council on Law Enforcement Education and Training (CLEET) penalty assessment in an amount as set forth in the Master Fee Schedule shall be collected on each offense punishable by a fine of ten Dollars (\$10.00) or more or by incarceration, including traffic offenses, but excluding parking or standing violations. This assessment, which shall be in addition to any fines and costs imposed, shall be forwarded monthly by the court clerk to the Council on Law Enforcement Education and Training, as provided in title 20 Oklahoma Statutes, subsection 1313.2(D).
- H. **BNDE Marijuana and Drug Paraphernalia Fee.** Pursuant to Title 20 Oklahoma Statutes, subsection 1313.2(F), any person entering a plea of guilty, nolo contendere or no contest, or who is found guilty of the crime of misdemeanor possession of marijuana or drug paraphernalia shall be ordered by the court to pay an amount as set forth in the Master Fee Schedule for each such offense, which shall be in addition to and not in substitution for any fines and penalties otherwise provided for such offense. The court clerk shall cause this fee, as collected, to be remitted on a monthly basis directly to the Bureau of Narcotics Drug Education (BNDE) Revolving Fund.
- I. **AFIS Fingerprinting Fee.** Pursuant to Title 20 Oklahoma Statutes, Section 1313.3, in addition to fines and costs, upon conviction or bond forfeiture of any offense, including traffic offenses, but excluding parking and standing violations, punishable by a fine of ten dollars (\$10.00) or more or by incarceration, an Automated Fingerprinting Identification System (AFIS) penalty assessment in an amount as set forth in the Master Fee Schedule shall be collected by the court. The court clerk shall cause four dollars and fifty cents (\$4.50) of this fee, as collected, to be remitted on a monthly basis directly to the state's AFIS Fund and the balance shall be deposited in the general revenue fund of the city, all as

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provided in title 20 Oklahoma Statutes, Sections 1313.2 and 1313.3.

- J. **Forensic Science Improvement Assessment.** Pursuant to Title 20 Oklahoma Statutes, Section 1313.4, in addition to fines and costs, upon conviction or bond forfeiture of any offense, including traffic offenses, but excluding parking and standing violations, punishable by a fine of ten dollars (\$10.00) or more or by incarceration, a Forensic Science Improvement Assessment in the amount as set forth in the Master Fee Schedule for each offense shall be collected by the court. This assessment shall be collected and remitted on a monthly basis in the same manner as fees provided in Title 20 Oklahoma Statutes, Sections 1313.2 and 1313.3. The court clerk or the appropriate finance official of the city is authorized to retain five percent (5%) of the assessment collected for deposit in the general revenue fund of the city. The court clerk or the appropriate finance official of the city shall send this assessment, as collected, to the Oklahoma State Bureau of Investigation for deposit into the state's Forensic Science Improvement Revolving Fund.
- K. **Laboratory Analysis Fee.** Pursuant to Title 20 Oklahoma Statutes, subsection 1313.2(C), upon conviction, the defendant shall be required to pay a laboratory analysis fee in an amount as set forth in the Master Fee Schedule on each offense for which forensic science or laboratory services are rendered or administered by the Oklahoma State Bureau of Investigation, by the Toxicology Laboratory of the Office of the Chief Medical Examiner or by any municipality or county in connection with the case. This fee shall be in addition to and not a substitution for any and all fines and penalties otherwise provided for by law for the offense. The court clerk shall cause this amount, as collected, to be remitted as required in title 20 Oklahoma Statutes, Section 1313.2, on a monthly basis.
- L. **City Retainage for Collection of State Assessments and Fees.** Notwithstanding any other provision of law, pursuant to Title 11 Oklahoma Statutes, Section 14-111.1, whenever the court collects a penalty assessment or other state fee from a defendant pursuant to state law, the city may retain an amount as set forth in the Master Fee Schedule of such penalty assessment or state fee and may also retain all interest accrued thereon prior to the due date for deposits as provided in state law.
- M. **Incarceration Costs Fee.** Any person entering a plea of guilty, nolo contendere or no contest, or who is found guilty of an offense shall be ordered to pay, in addition to any fines or costs imposed, a fee for each day said person is incarcerated or sentenced to incarceration in the Sapulpa City Jail as set forth in the Master Fee Schedule. [Ord. No. 2706 09/15/2014.]

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SECTION 6-133 PENALTY ASSESSMENTS.

Repealed by Ordinance No. 2706 dated 09/15/2014.

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CHAPTER 2

MUNICIPAL JUVENILE COURT

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| Section 6-201 | Establishment of a Municipal Juvenile Court; Designation and Operation of the Municipal Juvenile Court. |
| Section 6-202 | Jurisdiction Generally. |
| Section 6-203 | Purpose. |
| Section 6-204 | Definitions. |
| Section 6-205 | Original Jurisdiction of Municipal Court in Certain Juvenile Cases. |
| Section 6-206 | Curfew for Minors. |
| Section 6-207 | Allowing or Encouraging a Minor to Commit Offenses; Penalty. |
| Section 6-208 | Parental Responsibility; Failure to Control; Penalty. |
| Section 6-209 | Commission of a Crime in the Presence of Minors; Penalty. |
| Section 6-210 | Permitting Crimes or Disorderliness on Premises; Penalty. |
| Section 6-211 | Truancy; Penalty. |
| Section 6-212 | Furnishing Tobacco Products to Minors; Minors in Possession of Tobacco Products; Penalty. |

SECTION 6-201 ESTABLISHMENT OF A MUNICIPAL JUVENILE COURT; DESIGNATION AND OPERATION OF THE MUNICIPAL JUVENILE COURT.

There is hereby established a Municipal Juvenile Court under the provisions of 10 O.S. 7303-1.2 which is designated as the Municipal Juvenile Court of the City of Sapulpa.

SECTION 6-202 JURISDICTION GENERALLY.

- A. The Municipal Court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any provision of the Code or other ordinance of this municipality is charged, including any such prosecutions transferred to the Court in accordance with applicable law.

- B. The Municipal Juvenile Court shall exercise original jurisdiction to hear and determine all prosecutions wherein a child under the age of eighteen (18) years is charged with violating the following municipal ordinances of the City of Sapulpa: illegal possession of firearms; vandalism; shoplifting; trespassing, assault, battery; assault and battery; truancy, curfew, possession of low-point beer as defined in Section 163.7 of Title 37 of the Oklahoma Statutes; disorderly conduct, public intoxication and failure to appear for a court appearance or comply with a court order and any other municipal ordinances.

SECTION 6-203 PURPOSE.

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The purpose of this chapter is to curb the increasing problem of juvenile crime; to educate and reform juvenile offenders; to punish juvenile offenders; and to create an environment whereby adults and juveniles take responsibility for the actions of juveniles. It is further intended by this chapter to continue to hold neglectful or careless parents to a reasonable community standard of parental responsibility through an objective test. It shall not be a defense to the committing of any violation of any offense contained in this chapter that a parent, guardian or any other person whose responsibility it is to exercise control over a minor, was completely unaware or indifferent to the activities, conduct or whereabouts of such minor.

SECTION 6-204 DEFINITIONS.

In this chapter, the following terms, phrases, words and their derivations shall have the following meanings:

- (1) City is the City of Sapulpa, Creek County, Oklahoma.
- (2) Curfew hours are those hours during the period ending at 6:00 a.m. all days of the week, and beginning at 12:00 midnight on Sunday through Thursday and 1:00 a.m. on Friday and Saturday night.
- (3) Minor is any person under eighteen (18) years of age, unless otherwise emancipated. Furthermore, the term minor shall be synonymous with the term juvenile.
- (4) Parent is any person having legal custody of a minor (i) as a natural or adoptive parent; (ii) as a legal guardian; (iii) as a person who stands in loco parentis; and (iv) as a person to whom legal custody has been given by order of a court.
- (5) Public place shall mean any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose.
- (6) Remain means to stay behind, to tarry, to stay unnecessarily and to linger, to fail to leave when requested to do so by a police officer or the owner, operator, or other person in control of any public place.
- (7) Street is a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or, in the case of a sidewalk, for pedestrian travel. The term street includes the legal right-of-way, the cartway or traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots

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or other grounds found within the legal right-of-way of a street.

- (8) Time of night is based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Saving Time, generally observed at that hour by the public.
- (9) Year of age continues from one birthday, such as the seventeenth (17th) to (but not including the day of) the next, such as the eighteenth (18th) birthday.

SECTION 6-205 ORIGINAL JURISDICTION OF MUNICIPAL COURT IN CERTAIN JUVENILE CASES.

- A. The Municipal Court of the city may elect to have and possess original jurisdiction to hear and adjudicate the offenses of illegal possession of firearms, vandalism, shoplifting, trespassing, assault, battery, assault and battery, truancy, curfew, possession of low-point beer committed by persons under the age of eighteen (18) years of age and penalize juveniles found guilty as allowed by Title 10 of the Oklahoma Statutes, Section 7303-1.2.
- B. The Municipal Court of the city may elect to have and possess original jurisdiction to hear and adjudicate any offenses committed by persons under the age of eighteen (18) years of age and penalize juveniles found guilty as allowed by Title 10 of the Oklahoma Statutes, Section 7303-1.2.

SECTION 6-206 CURFEW FOR MINORS.

- A. It shall be unlawful for:
 - 1. Any person under eighteen (18) years of age to be or remain in or upon the streets or any public place within the City of Sapulpa at night, during curfew hours;
 - 2. Any parent of a minor to knowingly permit or, by insufficient control, allow a minor to remain in any public place or street within the City during curfew hours; or any owner, operator, or employee of a public place to knowingly allow a minor to remain upon the premises of any public place during curfew hours.
- B. It is a defense to section (a)(1) above if the minor is:
 - 1. Accompanied by a parent of such minor, or when accompanied by an adult authorized by a parent of such minor to take said parent's

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place in accompanying said minor for a designated period of time and purpose within a specified area;

2. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly;
 3. On an errand at the specific direction of the minor's parent, without any detour or stop;
 4. Involved in an emergency;
 5. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not object to a police officer;
 6. In a motor vehicle involved in interstate travel;
 7. Engaged in an employment activity, or going home from an employment activity, without any detour or stop;
 8. Attending or traveling between home and an official school, religious, or other recreational activity supervised by adults and sponsored by a civic organization or other similar entity that takes responsibility for the minor; or
 9. Married or had been married or had disabilities of minority removed in accordance with state law.
- B. It is a defense to section (a)(2) above for the parent of a minor if the minor would qualify for any defense listed above.
- C. It is a defense to section (a)(3) above title owner, operator or employee of a public place promptly notifies the police department that a minor was present on the premises of the public place during curfew hours and remained after being asked to leave.
- D. Any person convicted of violating any provision in this section shall be punished by a fine as indicated in Appendix II, plus costs, or by the penalty provided in Section 1-108.

SECTION 6-207 ALLOWING OR ENCOURAGING A MINOR TO COMMIT OFFENSES; PENALTY.

- A. It shall be unlawful for any person to knowingly or willfully aid, abet,

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allow, encourage or, by omission of a duty, encourage or assist a minor to commit any municipal, state or federal offense.

- B. Any person convicted of violating any provision in this section shall be punished as provided in Section 1-108 or by a fine as indicated in Appendix II plus costs.

SECTION 6-208 PARENTAL RESPONSIBILITY; FAILURE TO CONTROL; PENALTY.

- A. It shall be unlawful for any parent to fail to control a minor that is under the parent's supervision, by, after notification of a prior offense committed by the minor, failing to prevent the minor from committing the same offense or more than one other offenses within one (1) year of the date the minor committed the first offense.

- B. Any person convicted of violating any provision in this section shall be punished as provided in Section 1-108 or by a fine as indicated in Appendix II, plus costs.

SECTION 6-209 COMMISSION OF A CRIME IN THE PRESENCE OF MINORS; PENALTY.

- A. It shall be unlawful for any person to commit any municipal, state or federal offense in the presence of any person under eighteen (18) years of age.

- B. Any person convicted of violating any provision in this section shall be punished as provided by Section 1-108 or by a fine as indicated in Appendix II, plus costs.

SECTION 6-210 PERMITTING CRIMES OR DISORDERLINESS ON PREMISES; PENALTY.

- A. No owner, operator, proprietor, manager or employee of any place shall permit minors who have congregated on the premises to commit any offense, or to carouse, make unnecessary noises, disturb, disrupt or annoy the people residing or carrying on business in the immediate neighborhood or so as to disturb the peace. Furthermore, no owner, operator, proprietor, manager or employee of any place shall not permit any minor to loiter, litter or cause any disturbance on the property of a neighboring resident or business.

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- B. Any person convicted of violating any provision of this section shall be deemed guilty of an offense and shall be punished as provided by Section 1-108 or by a fine as indicated in Appendix II, plus costs.

SECTION 6-211 TRUANCY; PENALTY.

- A. It shall be unlawful for a parent of a minor who is over the age of six (6) years and under the age of eighteen (18) years, to neglect or refuse to cause or compel such minor to attend and comply with the rules of a public, private or other school of the parent's choosing in which the minor is enrolled.
- B. It shall be unlawful for any minor who is over the age of six (6) and who has not finished four (4) years of high school work, to neglect or refuse to attend and comply with the rules of some public, private or other school, or receive an education by other means for the full term of the schools of the district in which the minor attends are in session.

Provided, that this section shall not apply:

- (1) If any such minor is prevented from attending school by reason of mental or physical disability, as determined by the Board of Education of the district upon a certificate of the school physician or public health physician or, if no such physician is available, a duly licensed and practicing physician;
- (2) If any such minor is excused from attendance at school, due to an emergency, by the principal of the school in which the minor is enrolled, at the request of the parent of the minor;
- (3) If any such minor is excused from attending school by:
 - a. The administrator of the school or district where the minor attends school, and
 - b. The parent of the minor. Provided, further, that no minor shall be excused from attending school by such joint agreement between a school administrator and the parent of the minor unless and until it has been determined that such action is in the best interest of the minor and/or the community, and that said minor shall thereafter be under

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the supervision of the parent until the minor has reached the age of eighteen (18) years; and

- (4) If any such minor is observing religious holy days prior to the absence and the parent of the minor submits a written request for the absence, the school district shall excuse a student pursuant to this subsection for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where the student will observe the holy days.
- C. Any parent convicted of violating any provision in this section shall be punished as provided by Section 1-108 or by a fine as indicated in Appendix II, plus costs. Each separate day of violation shall constitute a separate offense.
- D. Any minor convicted of violating any provision in this section shall be punished as provided by Section 1-108, or, on the first offense by a fine as indicated in Appendix II, plus cost, and by a fine as indicated in Appendix II for each subsequent violation, plus cost. Each separate day of violation shall constitute a separate offense.

SECTION 6-212

FURNISHING TOBACCO PRODUCTS TO MINORS; MINORS IN POSSESSION OF TOBACCO PRODUCTS; PENALTY.

- A. Any person who shall furnish to any minor by gift, sale or otherwise any cigarettes, cigarette papers, electronic cigarettes also known as "e-cigarettes," vapor products, cigars, snuff, chewing tobacco or any other form of tobacco product shall be guilty of an offense.
- B. It shall be an offense for any minor to be in possession of any cigarettes, cigarette papers, electronic cigarettes also known as "e-cigarettes," vapor products, cigars, snuff, chewing tobacco or any other form of tobacco product.
- C. Any person convicted of violating any provision in this section shall be punished as provided by Section 1-108 or by a fine as indicated in Appendix B to the Sapulpa City Code.