

ORDINANCE NO. 9

AN ORDINANCE OF THE MAYOR AND BOARD OF TRUSTEES OF THE TOWN OF HOCHATOWN, OKLAHOMA AMENDING THE CODE OF ORDINANCES TITLE 1, ADMINISTRATION, CHAPTER 9, SPECIFIC TOWN OFFICIALS, SECTION 1-9-3, TOWN ATTORNEY, TO PROVIDE FOR THE CREATION OF A MUNICIPAL COURT PROSECUTOR POSITION WHICH MAY BE FILLED BY THE TOWN ATTORNEY OR ANOTHER ATTORNEY APPOINTED BY THE BOARD OF TRUSTEES; TO PROVIDE THAT THE MUNICIPAL COURT PROSECUTOR SHALL BE RESPONSIBLE FOR REPRESENTING THE TOWN IN ALL CRIMINAL PROCEEDINGS ARISING UNDER THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOCHATOWN, MCCURTAIN COUNTY, STATE OF OKLAHOMA:

SECTION 1. That Title 1, Chapter 9, Section 1-9-3 of the Code of Ordinances of the Town of Hochatown, Oklahoma is hereby amended and shall hereinafter read as follows:

1-9-3: TOWN ATTORNEY:

A. Appointment: The Board of Trustees may appoint a Town Attorney or may secure the services of an attorney or attorneys on a contractual basis when needed.

B. Duties: The Town Attorney, when and if appointed, shall be the legal adviser of the Board, all officers, departments and agencies of the Town government in matters relating to their official powers and duties. The Town Attorney shall represent the Town in proceedings in the courts and shall perform all services incident to his position which may be required by law or ordinance.

C. Municipal Court Prosecutor: The Town Attorney may serve as the municipal court prosecutor or the Board of Trustees may appoint a separate municipal court prosecutor or may secure the services of an attorney or attorneys to serve as municipal court prosecutor on a contractual basis when needed. In the absence of a separate appointment, the Town Attorney shall serve as prosecutor.

D. Duties: The municipal prosecutor shall be responsible for representing the Town in all criminal proceedings arising under the Hochatown Code of Ordinances.

SECTION 2. That the remaining portions of Title 1 of the Code of Ordinances of the Town of Hochatown, Oklahoma shall be unchanged by this Ordinance.

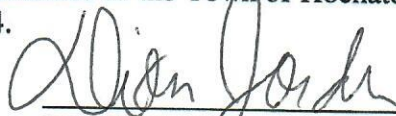
SECTION 3. The provisions of this ordinance are severable and if any section, subsection, subdivision, paragraph, sentence, clause or phrase or any part thereof is for any reason determined to be unconstitutional or adjudged invalid or ineffective by any Court of competent jurisdiction, such determination or adjudication shall not affect or impair the validity or effectiveness of the remaining parts, provisions or portions hereof.

SECTION 4. Repealer All ordinances or parts thereof which are inconsistent with this ordinance are repealed upon effective date of this ordinance.

SECTION 5. It being immediately necessary for the preservation of the public health, peace, and safety of the citizens of the Town of Hochatown, Oklahoma, that an emergency be declared to exist, this ordinance shall be in full force and effect immediately from and after its passage, approval, and publication.

SECTION 6. Pursuant to 11 O.S. §14-108, the Town Clerk is authorized to include this ordinance in the official Code of Ordinances for the Town of Hochatown, it being the intent to authorize recodification with the inclusion of this ordinance upon approval.

PASSED AND APPROVED by the Board of Trustees of the Town of Hochatown, Oklahoma, this 5 day of June, 2024.



Dian Jordan, Mayor

ATTEST:


Helen Harden, Town Clerk

(S E A L)