

RESOLUTION NO. 2025-13

A RESOLUTION OF THE TOWN OF HOCHATOWN, OKLAHOMA, ESTABLISHING THE MUNICIPAL COURT PURSUANT TO TITLE 1, SECTION 10 OF THE HOCHATOWN CODE OF ORDINANCES; APPOINTING THE TOWN CLERK AS ACTING COURT CLERK; ADOPTING COURT RULES GOVERNING THE PROCEDURES AND PRACTICES OF THE MUNICIPAL COURT; ADOPTING A FEE SCHEDULE ESTABLISHING MAXIMUM FINES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Title 1, Section 10 of the Hochatown Code of Ordinances authorizes the Town to establish a Municipal Court for the enforcement of town ordinances and the administration of justice within the municipal limits; and

WHEREAS, the Mayor and Board of Trustees find it necessary to appoint a Court Clerk to assist the Municipal Judge and to perform administrative functions of the Court; and

WHEREAS, the Town Clerk is best positioned to serve as Court Clerk; and

WHEREAS, it is also necessary to adopt a fee schedule establishing maximum fines consistent with applicable law and to ensure fairness and uniformity in the imposition of penalties; and

WHEREAS, the Mayor and Board of Trustees find it in the best interests of the Town to adopt court rules governing procedure, appoint the Town Clerk as Court Clerk, and establish a fee schedule of maximum fines.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF TRUSTEES OF THE TOWN OF HOCHATOWN, OKLAHOMA, THAT:

1. Establishment of the Municipal Court

The Municipal Court of the Town of Hochatown, Oklahoma, is hereby established pursuant to the authority granted in Title 1, Section 10 of the Hochatown Code of Ordinances. The Court shall have jurisdiction, powers, and duties as provided by law and ordinance.

2. Appointment of Acting Court Clerk

The Town Clerk is hereby appointed to serve as Court Clerk of the Municipal Court. The Court Clerk shall perform all duties required by law, ordinance, and court rule.

3. Adoption of Court Rules

The Town of Hochatown hereby adopts the "Rules of the Municipal Court of the Town of Hochatown," as set forth in *Exhibit A*, attached hereto and incorporated by reference.

4. Adoption of Fee Schedule and Maximum Fines

The Town of Hochatown hereby adopts the "Municipal Court Fee Schedule," as set forth in *Exhibit B*, attached hereto and incorporated by reference. Said schedule establishes maximum fines and costs allowable under law for offenses within the jurisdiction of the Municipal Court.

5. Authority of the Municipal Judge

The Municipal Judge shall preside over the Municipal Court and is authorized to enforce,

interpret, and apply the Court Rules and Fee Schedule consistent with the Oklahoma Statutes, the Hochatown Code of Ordinances, and other applicable law.

6. **Filing and Availability**

A copy of the adopted Court Rules and Fee Schedule shall be filed with the Town Clerk and shall be made available for public inspection at the Clerk's office and posted on the Town's official website, if available.

7. **Severability**

If any provision of this Resolution, the adopted Court Rules, or the Fee Schedule is held invalid or unconstitutional, such invalidity shall not affect other provisions which can be given effect without the invalid provision.

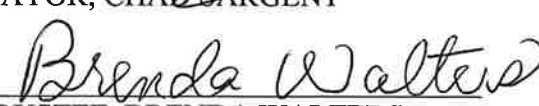
8. **Effective Date**

This Resolution shall take effect immediately upon its adoption by the Mayor and Board of Trustees.

PASSED AND APPROVED by the Town Trustees of the Town of Hochatown, Oklahoma this the 4th day of September, 2025.


MAYOR, CHAD SARGENT

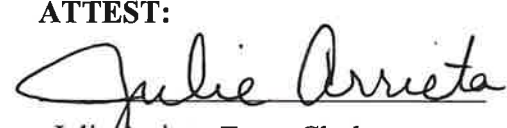

TRUSTEE, DIAN JORDAN


TRUSTEE, BRENDA WALTERS

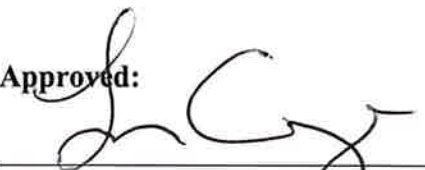

TRUSTEE, HOWARD HAGGARD


TRUSTEE, MICHAL TODD MCDANIEL

ATTEST:


Julie Arrieta, Town Clerk

Approved:


Liz George, Town Attorney

RULES IN THE MUNICIPAL COURT OF HOCHATOWN, OKLAHOMA

The following rules are adopted to guide the practice and procedures of the Municipal Court of the Town of Hochatown, Oklahoma. In addition, the Rules for District Courts of Oklahoma are incorporated herein, when and where applicable and not in conflict with Hochatown Court Rules set out herein.

RULE NO. 1

RELEASE ON BOND

A. Pending determination of any case filed against a defendant, the defendant may be released on a cash, surety or own recognizance bond. The amount of the bond shall be as established by the Bond Schedule approved by the Court. No person shall be eligible for an own recognizance bond where (i) there is a substantial risk of non-appearance; (ii) the defendant has been arrested on a bench warrant; (iii) the defendant has failed or refused to pay fines and/or costs in a case; or where the defendant has failed to appear while on a previous own recognizance bond.

B. A bond forfeiture or bench warrant will be set aside only if all statutory requirements are met. All motions to vacate bond forfeiture or to recalling a bench warrant must be in writing except oral motions may be made on the same date of the defaulting defendant's scheduled appearance.

RULE NO. 2

PAYMENT OF FINES, COSTS AND FEES

All fines, costs and fees are due and payable in full at the time a plea or finding of guilt or no contest is entered and approved by the Court. In the event the defendant is placed on probation by means of a deferred or continued sentence, all fines, costs and fees shall be payable at the time the plea is entered and the order of probation is entered.

Fines, costs and fees or other monetary obligations due may be paid in cash, check, or money order. In addition, payment by credit card, debit card or similar means of payment through banks or national credit card companies will also be accepted. Payments attempted by means other than cash and which are not fully negotiated or honored will constitute the basis for issuance of a warrant for your arrest for failure to pay the original fines, costs and fees.

RULE NO. 3

REPRESENTATION BY ATTORNEYS

Every attorney representing a client before the Court shall first file an Entry of Appearance and shall continue representation until the matter before the court is

resolved through trial or plea and sentencing and probation. Once an entry of appearance is made, the attorney will not be permitted to withdraw except for good cause shown at a hearing before the Court and upon notice to the client.

RULE NO. 4

COURTROOM DEMEANOR

All persons entering the courtroom will be expected to conduct themselves in a manner that does not interfere with the court business and proceedings. To that end, the following conduct will be observed by all persons in the courtroom. First, appropriate clothing and attire are required. Wearing of shorts, tank tops, or bathing suits will not be permitted. Shoes are required with all strings tied. All hats, caps, and other head covering(except for religiously-mandated head coverings) and coats shall be removed before entering the courtroom. Cell phones and similar devices shall be turned off or rendered inaudible. Since space is limited in the courtroom, we ask that you not bring small children or other family members with you unless necessary. If you are under the age of 18, a parent or guardian must appear with you.

RULE NO. 5

APPEARANCES AND SCHEDULING

Defendants charged with traffic and other offenses not involving a penalty of a fine in excess of \$500.00 or imprisonment may appear during regular business hour and upon endorsement of the charging information enter a plea of guilty or no contest and pay the scheduled fine and fees, if any. No further appearance is necessary. All other defendants must appear at the scheduled arraignment for the purpose of entering a plea before the judge. A plea of guilty, no contest, or not guilty must be entered at this initial appearance. In matters involving a potential fine in excess of \$500.00 or imprisonment, a plea of guilty or no contest will not be accepted until the defendant has voluntarily and with full knowledge of the defendant's rights, executed a waiver of the defendant's right to trial by jury. If not represented by an attorney, the waiver shall include a waiver of defendant's right to consult with and be represented by an attorney.

In cases where a guilty or no contest plea is entered, the judge will consider any statements by the defendant and impose the appropriate fine and costs or defer or continue sentencing under such terms and conditions as the Court may set. Where a not guilty plea is entered a cash trial bond will be set and a trial date scheduled. The defendant will be required to post the cash bond prior to leaving the court. If the defendant does not post the trial bond, the matter will not be set for trial. Where deemed advisable, the Court may also set the matter for a Pre-trial hearing or conference.

Alternatively, no plea will be accepted and the matter will be set on a disposition docket for the purpose of exploring with the prosecutor a negotiated plea by the defendant. If such efforts are not successful, the matter shall be set for trial. If successful, the matter

will be completed or otherwise disposed of under the terms of a negotiated plea. All fines, costs and fees are payable at the time a negotiated plea is entered.

In instances where a defendant claims to be financially unable to post the required bond, the Court will conduct a hearing and if the Court finds that the defendant is financially unable to post the required bond, the Court may waive posting of bond and set the case for trial and release the defendant on an own recognizance bond or continue the arraignment to the trial date.

RULE NO. 6

JUVENILE COURT RECORDS AND PROCEDURES

All municipal arrest records, prosecution records, court records and court proceeding for cases involving children less than eighteen years of age charged with violating municipal ordinances relating to one or more of the offenses listed in 10 O.S.Å?1102 (E)(1) shall be kept confidential and shall not be open to public inspection.

All such Juvenile Court proceedings shall be kept confidential and the Municipal Courtroom shall not be open to the general public and only the following parties will be permitted in the courtroom while the Juvenile Court is in session:

1. The juvenile;
2. The parents or guardian of the juvenile;
3. Attorney(s) representing the juvenile or parents;
4. Alleged victims of the juvenile's actions or conduct; and, in the event the victim is a juvenile, parents or guardian of the victim;
5. Hochatown Town Attorney, Prosecutor, or his/her designee;
6. Municipal Court personnel; and
7. Other person having a direct interest in the juvenile's case.

Hochatown Court Fee Schedule
Effective September 4, 2025

Code	Description	Max Ticket Cost ¹
5-4-9	DEPOSITING RUBBISH	\$250
5-4-10	UNAUTHORIZED BURNING REFUSE	\$500
5-4-11	FAILURE TO REMOVE DEAD ANIMALS	\$250
5-4-12	LITTERING	\$500
5-4-13	GARBAGE ACCUMULATIONS	\$500
5-4-14	ABANDONED ICE BOXES/REFRIGERATORS	\$500
5-5-1	VIOLATION OF FIREWORKS REGULATIONS	\$500
5-5-2	STORING OR KEEPING EXPLOSIVES	\$500
6-3B-1	PETIT LARCENY	\$500
6-3B-2	INJURING VEHICLES	\$500
6-3B-3	DESTRUCTION OF BUILDINGS AND OTHER PROPERTY	\$500
6-3B-4	UNLAWFUL ADVERTISING	\$500
6-3B-5	THROWING OR SHOOTING OBJECTS OR SUBSTANCES	\$500
6-3B-6	TAMPERING WITH OR DAMAGING PUBLIC UTILITIES	\$500
6-3B-7	INJURING PLANTS, STREETS AND PUBLIC PROPERTY	\$500
6-3B-8	UNLAWFUL INTRUSION UPON LAND	\$500
6-3B-9	TRESPASSING; ILLEGAL ENTRANCE	\$500
6-3B-11	INTERFERENCE WITH FIRE HYDRANTS	\$500
6-3C-1	ASSAULT AND BATTERY	\$500
6-3C-2	DISTURBING THE PEACE	\$500
6-3C-3	INSULTING SIGNS, LITERATURE OR LANGUAGE	\$250
6-3C-4	VIOLATION OF WEAPONS RESTRICTIONS	\$500
6-3C-5	LOUD NOISE OR MUSIC	\$250
6-3D-1(A-C)	PUBLIC INTOXICATION/POSSESSION/TRANS/OTHER	\$750
6-3D-1(D)	POSSESSION OF MARIJUANA	\$750
6-3D-1(D)	POSS OF DRUG PARAPHERNALIA	\$750

¹ Fees shall not exceed the amounts listed but may be reduced by recommendation of the prosecutor and approval of the judge.

**Hochatown Court Fee Schedule
Effective September 4, 2025**

Code	Description	Max Ticket Cost ¹
6-3D-2	DISORDERLY HOUSE	\$500
6-3D-3	OBSENIITY	\$250
6-3D-4	VAGRANCY	\$250
6-3D-5	SLEEPING OR LOITERING IN PUBLIC	\$250
6-3D-6	INTENTIONAL FEEDING OF BEARS	\$500
6-3D-7	VIOL OF TOBACCO ORD/TOBACCO AND VAPOR PRODUCTS UNDERAGE	\$250
6-3E-2	UNDERAGE DRINKING	\$500
6-3E-3	HOSTING UNDERAGE DRINKING	\$500
7-1-3	NO PROOF OF INSURANCE	\$150
7-1-4	LEAVING THE SCENE OF AN ACCIDENT	\$150
7-1-5	OPER MV WITH IMPROPER EQUIPMENT	\$150
7-1-6	UNLAWFUL TRUCK ROUTE	\$150
7-1-7	UNSECURE LOAD	\$150
7-1-8	UNSAFE VEHICLE DOOR OPERATION	\$150
7-1-9	EXITING MOVING VEHICLE	\$150
7-1-10	UNLAWFUL RIDING	\$150
7-1-11	AUTHORIZING OR PERMITTING VIOLATION OF TRAFFIC CODE	\$150
7-1-13(B)	DRIVING IN RESTRICTED AREA	\$150
7-1-15(A)	FOLLOWING FIRE APPARATUS TOO CLOSELY	\$150
7-1-15(B)	CROSSING FIRE HOSE	\$150
7-1-17	ELUDING POLICE OFFICER	\$150
7-1-18	FAILURE TO APPEAR	\$150
7-2-2(A)	DRIVING WITHOUT PROPER/VALID ID	\$150
7-2-2(B-C)	NO TAG OR IMPROPER TAG	\$150
7-2-2-(D)	VIOLATION OF TITLE 47, § 14-118	\$150
7-2-3	TOO FAST FOR CONDITIONS	\$100
7-2-3	SPEEDING (10 MPH AND UNDER)	\$100

**Hochatown Court Fee Schedule
Effective September 4, 2025**

Code	Description	Max Ticket Cost ¹
7-2-3	SPEEDING (11-14 MPH OVER)	\$120
7-2-3	SPEEDING (15 MPH OVER)	\$130
7-2-3	SPEEDING (16-20 MPH OVER)	\$140
7-2-3	SPEEDING (21-25 MPH OVER)	\$150
7-2-3	SPEEDING (26-30 MPH OVER)	\$160
7-2-3(C)(3)	SPEEDING IN CONSTRUCTION ZONE	DOUBLE
7-2-4	RECKLESS DRIVING	\$150
7-3-1	PARKING IN PROHIBITED PLACES	\$100
7-3-2	PARKING IN HANDICAPPED SAFETY ZONE	\$200
7-3-3	OBSTRUCTING TRAFFIC OR SIGNS	\$150
7-3-4&5	UNAUTHORIZED PARKING ON STREET OR HWY	\$150
7-3-6	PARKING ON LEFT SIDE OF ROAD OR HWY	\$150
7-3-7&9	UNAUTHORIZED PARKING ON PRIVATE PROPERTY	\$150
7-3-8	PARKING DURING RESTRICTED HOURS	\$150
7-3-10	PARKING WITHIN FIRE LANE	\$150
7-3-11	PARKING WHERE PROHIBITED BY SIGNS	\$150
7-3-12	IMPROPER PARKING	\$150
7-4-1	FAILURE TO OBEY TRAFFIC CONTROL DEVICE	\$150
7-4-3	INTERFERENCE W/ TRAFFIC CONTROL DEVICE, SIGNS OR SIGNALS	\$150
7-4-8	DRIVINIG OUTSIDE DESIGNATED TRAFFIC LANE	\$150
7-4-9(B)	DRIVING IN WRONG DIRECTION	\$150
7-4-11(A)	STOP SIGN VIOLATION	\$150
7-4-11(B)	YIELD SIGN VIOLATION	\$120.00
7-5-1	FAILURE TO OBSERVE TRAFFICE REGS (BIKE)	\$150
7-5-2	FAILURE TO OBEY TRAFFIC CONTROL DEVICE (BIKE)	\$150
7-5-3	VIOLATION OF RIDING REGS (BIKE)	\$150
7-5-4	RIDING WITHOUT LIGHTS AND REFLECT (BIKE)	\$150
8-1-1	FAILURE TO TRIM TREES (AFTER NOTICE)	\$250

Hochatown Court Fee Schedule
Effective September 4, 2025

Code	Description	Max Ticket Cost ¹
8-1-2	OBSTRUCTING TREES AND SIDEWALKS	\$250
8-1-3	DEPOSITING TRASH OR WEEDS	\$250
8-1-4	UNLAWFUL WASHING OF VEHICLE	\$150
8-1-5	UNLAWFUL RUNOFF OF WATER, GREASE, FLUID	\$500
8-1-6	HAZARDOUS SIDEWALK	\$250
8-1A-6	UNAUTHORIZED USE OF PUBLIC STREET, ALLEY, PUBLIC WAY	\$250
8-2-3	UNAUTHORIZED USE OF PARK AREAS AND FACILITY	\$250
8-2-4	DEFACING OR REMOVING PUBLIC PARK OR FACILITY	\$250