

Codify Municipal Ordinances - Avoid the Class Action Lawsuit

The League is getting questions regarding the recent adverse decision by the Carter County District Judge in the Town of Dickson class action lawsuit. A 2005 reckless driving fine has morphed into a potential \$350,000 class action involving almost 1,800 defendants of municipal court. The Town followed all the requirements of state law for codifying and publishing its penal ordinances. However, reportedly, when the town filed the required documents with the county clerk, the town official did not receive a receipt from the county law librarian. Also, when attorneys searched the library at the beginning of the 2005 lawsuit they couldn't find a copy of the ordinances.

The judge ruled that this was a violation of the statute that triggered the requirements of 11 O.S. Section 14-111 so that the maximum fine that could legally be charged by the Dickson municipal court was only \$50. The case has already been to the Oklahoma Supreme Court where it was remanded to the district judge who has once again held against the Town.
Relevant State law:

1. The penal ordinances of a municipality must be codified and published in a permanent form not less than once each ten years. Each municipality must also publish biennial supplements to the permanent volume. Maintaining the volume in loose-leaf form satisfies these requirements. 11 O.S. § 14-109.

Once the codification is completed, it shall be published and the governing body shall adopt a resolution notifying the public of the publication. The municipality, pursuant to 11 O.S § 14-110 must comply with the following steps:

- a. File a copy of the resolution notifying the public with the county clerk;
in light of the recent Dickson case, obtain:
a receipt from the county clerk, and
a copy of the document assigning the filed resolution a book and page number;
- b. Deposit at least one copy of the permanent volume and each biennial supplement in the county law library;
in light of the recent Dickson case, obtain:
the receipt required by law from the county law librarian, and
file with the county clerk a copy of the receipt and a copy of the document showing the assigned book and page number;
2. Every ordinance shall be published within fifteen (15) days after its passage in order to be in force. 11 O.S. § 14-106.
3. The ordinance does not have to be placed in the county law library but must be included in a codification that must be so deposited. No ordinance may be enforced if it is not included in the next codification or biennial supplement compiled after the passage of the ordinance.

[Back To Story Page](#)