

CITY OF DYER, ARKANSAS

ORDINANCE NO. 8-18-2009-1

AN ORDINANCE AUTHORIZING THE LEVY OF AN ADDITIONAL TWENTY DOLLAR (\$20.00) FINE TO HELP DEFRAY THE EXPENSE OF INCARCERATING PRISONERS PURSUANT TO ACT 209 OF 2009; AND FOR OTHER PURPOSES.

WHEREAS, the Arkansas General Assembly has now passed Act 209 of 2009, which authorizes the City, by Ordinance, to levy an additional Twenty Dollar (\$20.00) fine to help defray the expense of incarcerating prisoners; and

WHEREAS, since the City of Dyer transports all prisoners to the Crawford County Jail or other similar entities, the additional fines to be levied by this Ordinance under authority of Act 209 of 2009 shall be sent to the City Treasury with identification of the sum representing revenues from the cases of misdemeanors and traffic violations and deposited into a special fund within the City Treasury to be used for construction and maintenance of the city jail and payments to other entities for incarcerating city prisoners or as otherwise permitted under Act 209 of 2009; and

WHEREAS, the Arkansas General Assembly provided that it is the intent of Act 209 of 2009 that revenues derived from the additional fines levied under authority of said Act shall not offset or reduce funding from other sources for the maintenance, operation, and capital expenditures of detention facilities; and

WHEREAS, it is in the best interests and welfare of the citizens of Dyer, Arkansas that an additional fine of Twenty Dollars (\$20.00) be levied and collected upon each conviction, plea of guilty or nolo contendere or each bond forfeiture in all cases of misdemeanors and traffic violations in the city court.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE QUORUM COURT OF ARKANSAS COUNTY, ARKANSAS:

SECTION 1: Under authority of Act 209 of 2009, there is hereby levied and shall be collected an additional fine in the amount of Twenty Dollars (\$20.00) from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture for any misdemeanor or traffic violation in the city court of Dyer, Arkansas.

SECTION 2: The additional fine levied in Section 1 hereinabove shall apply to all applicable cases brought before all City Courts and departments thereof that now exist and are in operation, or may hereafter be operated and placed into operation, within the City of Dyer, Arkansas.

SECTION 3: All additional fines levied and collected under the provisions of this Ordinance shall be sent to the City Treasury with identification of the sum representing revenues from the cases of any misdemeanor or traffic violation in the city court and deposited into a special fund within the City Treasury to be used for construction and maintenance of the city jail and payments to other entities for incarcerating city prisoners or as otherwise permitted under Act 209 of 2009.

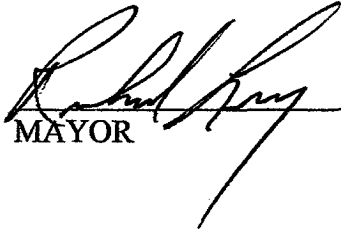
SECTION 4: All Ordinances or parts of Ordinances found to be in conflict herewith are hereby repealed.

SECTION 5: In the event that any portion of this ordinance is deemed illegal, invalid, or otherwise unenforceable by any court of competent jurisdiction said portion shall be struck from the ordinance and the remainder of the ordinance shall remain in full force and effect.

SECTION 6: The adoption of this Ordinance is necessary for the proper and efficient administration of the city court of the City of Dyer, Arkansas, and for the preservation of the health, safety and welfare of the residents of Arkansas County, Arkansas; therefore an emergency is declared to exist and this ordinance shall take effect, and be in full force and effect, immediately upon its passage, approval, and publication as required by law.

PASSED AND APPROVED THIS 18th DAY OF August, 2009.

APPROVED:


MAYOR

ATTESTED:


RECORDER/TREASURER