

**CITY OF DYER, ARKANSAS**

**ORDINANCE NO. 2021-01-26-01**

AN ORDINANCE CREATING THE PROCEDURES FOR THE TRIAL OF PERSONS CHARGED WITH A VIOLATION OF LAW OR ORDINANCE WITHIN THE CITY OF DYER, ARKANSAS, PURSUANT TO AMENDMENT 80 TO THE ARKANSAS CONSTITUTION AND OTHER LAWS OF THE STATE OF ARKANSAS, DECLARING AN EMERGENCY, AND FOR OTHER RELATED PURPOSES.

WHEREAS, the City of Dyer has previously by ordinance under the authority of Amendment 80 abolished its city court and transferred the jurisdiction to the Dyer Department of the Crawford County District Court located in Van Buren, Crawford County, Arkansas;

WHEREAS, the City Council of Dyer desires to move the location of its district court department to Mulberry, Arkansas;

WHEREAS, the City Council of Dyer desires to set the procedures for the trial of persons charged with violations of law and ordinances within the City of Dyer;

WHEREAS, the Mulberry Department of the Crawford County District Court shall be the proper location and court for the trial of persons charged with violations of law and ordinances within the City of Dyer;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF DYER, ARKANSAS:

**SECTION 1:** All persons charged with violations of applicable laws and ordinances within the City of Dyer, Arkansas shall be tried in the Mulberry Department of the Crawford County District Court located in Mulberry, Crawford County, Arkansas.

**SECTION 2:** Court costs assessed in criminal actions by the City of Dyer, Arkansas, shall be paid to the State of Arkansas, with such turn-back as may be provided for under Arkansas law.

**SECTION 3:** All fines and costs assessed by the City of Dyer in criminal actions shall be payable through the Clerk of the Crawford County District Court, Mulberry Department, Mulberry, Crawford County, Arkansas.

**SECTION 4:** All fines collected on behalf of the City of Dyer by the Crawford County District Court Clerk Mulberry Department shall be divided with fifteen percent (15%) to the City of Mulberry District Court Fund for use by the City of Mulberry in its

sole discretion as permitted by law and with the remaining eighty-five (85%) to the City of Dyer for its use in its sole discretion as permitted by law.

**SECTION 5:** There shall be assessed and collected a fifty dollar (\$50.00) warrant fee, with respect to issuance of warrants by the Mulberry Department of the Crawford County District Court, Mulberry, Arkansas with respect to matters in which the City of Dyer, Arkansas, is the Plaintiff, payable to the Mulberry Department of the Crawford County District Court of Mulberry, Crawford County, Arkansas, for the benefit of the City of Dyer, Arkansas, and proper disbursements, in cases of, or relating to, traffic and misdemeanor matters.

**SECTION 6:** In the event of probation, there shall be charged a \$20.00 per month probation fee, to be administered by the Mulberry Clerk of the Mulberry Department of the Crawford County District Court of Mulberry, Crawford County, Arkansas, in the same manner as that of the City of Mulberry, Arkansas.

**SECTION 7:** In the event of installment or time payments of fines and costs, there shall be added thereto a fee after the first month of five dollars (\$5.00) per month, one-half (½) of which shall be paid to the Mulberry Department of the Crawford County District Court, and one-half (½) to the Court Technology Trust on behalf of the City of Dyer, Arkansas, to be used by the Mulberry Department of the Crawford County District Court, Arkansas for court technology.

**SECTION 8:** In the event that a person against whom fines are assessed is unable to pay those fines, the District Court may order community service to the entity to which fines are due, and the Mayor of Dyer shall keep the Mulberry Department of the Crawford County District Court apprised of the person and location designated to whom individuals shall report to perform community service due the City of Dyer.

**SECTION 9:** The Dyer Police Department shall turn in completed ticket books to the Clerk of the Mulberry Department of the Crawford County District Court, each calendar year quarter, or at such other times as the clerk may request.

**SECTION 10:** The Mayor of Dyer, Arkansas, shall contract for and is hereby directed to execute the necessary documents for payment of jail fees and other expenses necessary to incarcerate prisoners of the City of Dyer with the Crawford County Sheriff or such other entities as may be permitted under state law.

**SECTION 11:** The Dyer Police Department shall be responsible for transportation of prisoners to and from their place of incarceration for legal proceedings; however, the City of Dyer may contract with other entities, particularly those entities providing jail services to the city, to provide for the necessary transportation as may be required.


**SECTION 12:** The Mayor is hereby authorized to negotiate and enter into such additional agreements with the City of Mulberry as may be necessary to effectuate the purposes and intent of this ordinance.


**SECTION 13:** All ordinances or provisions of ordinances that may be in conflict herewith are hereby repealed.

**SECTION 14:** If a court of competent jurisdiction shall deem any portion of this ordinance invalid or unenforceable, the remaining provisions shall remain in full force and effect.

**SECTION 15:** The adoption of this Ordinance is necessary for the proper and efficient administration of the Crawford County District Court acting on behalf of the City of Dyer, Arkansas, and therefore contributes directly to the safety and security of the citizenry being necessary for the operation of the Dyer Police Department, and for the preservation of the health, safety and welfare of the residents of Dyer, 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 26<sup>th</sup> DAY OF January, 2021.

APPROVED:  
  
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MAYOR

ATTESTED:  
  
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RECORDER/TREASURER