

ORDINANCE NO. 2009- 06

BE IT ORDAINED AND ENACTED BY THE GLENWOOD CITY COUNCIL OF PIKE COUNTY ARKANSAS AN ORDINANCE ENTITLED:

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

WHEREAS, on July 16, 2003, the Glenwood City Council passed and enacted City Ordinance No. 2003-07 that levied, under authority of Act 1188 of 2003, an additional Five Dollar (\$5.00) fine on each case brought before the Glenwood City Court to help defray the expenses of incarcerating prisoners in the County Jail; and

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 in the County Jail, which additional fine would replace the existing additional Five Dollar (\$5.00) fine currently levied under City Ordinance 2003-07; and

Whereas, since Pike County operates a County Jail, the additional fines to be levied by the Ordinance under authority of Act 209 of 2009 shall be deposited into a special fund within the County Treasury to be used for maintenance, operation, and capital expenditures of the County Jail 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 and for the maintenance, operation, and capital expenditures of detention facilities; and

Whereas, it is in the best interests and welfare of the citizens of Glenwood, Pike County, Arkansas that an additional fine of Twenty Dollars (\$20.00) be levied and collected from each defendant who pleads guilty or nolo contendere to, is found guilty of, or forfeits bond for any violation in the Glenwood City Court of Pike County, Arkansas and the individual departments thereof;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE GLENWOOD CITY COUNCIL OF GLENWOOD, PIKE 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 in all cases in the first and second class of accounting records as described in Arkansas Code § 16-17-707. The additional fine shall apply to each

charge, count, violation, or offense that a defendant pleads guilty or nolo contendere to, is found guilty of, or forfeits bond for, including each misdemeanor or violation.

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

SECTION 3: All additional fines levied and collected under the provisions of this Ordinance shall be deposited into a special fund within the County Treasury to be used for the maintenance, operation, and capital expenditures of the County Jail or as otherwise specifically permitted under the provisions of Act 209 of 2009.

SECTION 4: All Ordinances or parts of Ordinances found to be in conflict herewith, including specifically City Ordinance No 2003-7 in its entirety, are hereby repealed.

SECTION 5: EMERGENCY CLAUSE: The adoption of this Ordinance is necessary for the proper and efficient administration of the Pike County Jail (Pike County) and for the preservation of the health, safety and welfare of the residents of Glenwood, Pike County, Arkansas, therefore an emergency is declared to exist and this Ordinance shall be in full force and effect July 1, 2009.

SECTION 6: This Ordinance shall take effect, and be in full force and effect, July 1, 2009 in accordance with Act 209 of 2009, approval, and publication as required by law.

PASSED: June 1, 2009

APPROVED: June 1, 2009

ATTEST: Jane Ketchum
Treasurer/Recorder

Ken Clark
Mayor