

ORDINANCE NO. 2009-3

AN ORDINANCE OF THE CITY OF POTTSVILLE, ARKANSAS, AUTHORIZING THE LEVY OF ADDITIONAL FINES OF \$20.00 AS AUTHORIZED BY A. C. A. 16-17-129 AND ACT 209 OF 2009 TO HELP DEFRAY EXPENSES OF INCARCERATION OF PRISONERS FROM THE POTTSVILLE DISTRICT COURT IN THE POPE COUNTY DETENTION CENTER; TO REPEAL ORDINANCE NO. 2009-2, TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the Pottsville City Council enacted Ordinance No. 2009-02 that provided for authorization pursuant to A.C.A. 16-17-129 an additional \$5.00 fine upon misdemeanor or violation in the District Court, Pottsville division, within Pope County, Arkansas; and,

WHEREAS, during the 2009 regular session the General Assembly of the state of Arkansas declared an emergency and enacted Act 209 of 2009 amending A.C.A. 16-17-129 and authorizing city governments to levy and collect an additional fine not to exceed \$20.00 to help defray the expense of incarcerating prisoners in the local jail and detention facilities; and,

WHEREAS, it is in the best interest and welfare of the citizens of Pottsville, Arkansas, that an additional \$20.00 be levied and collected from each defendant who pleads guilty or nolo contendere to, is found guilty of or forfeits bonds for any misdemeanor or violation in the District Court, Pottsville division, within Pope County, Arkansas, pursuant to Act 209 of 2009; and,

WHEREAS, all sums collected from the additional fine described in this Ordinance shall be paid into the city treasurer to be deposited into a fund to be used exclusively to help defray the cost of incarcerating city prisoners, including the construction and maintenance of the city jail, if applicable, and payments to other entities for incarcerating other city prisoners and transportation of prisoners for incarceration; and,

WHEREAS, the revenues derived from the additional fines levied under this Ordinance shall not offset or reduce funding from other sources for the maintenance, operation and capital expenditures of regional detention facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POTTSVILLE, ARKANSAS.

SECTION 1. Pursuant to Act 209 of 2009 of the General Assembly of the State of Arkansas, an additional fine of \$20.00 shall be levied and collected from each defendant who pleads guilty or nolo contendere to, is found guilty of or forfeits bond for any misdemeanor violation in the District Court, Pottsville division within Pope County, Arkansas.

SECTION 2. The additional fine levied and collected shall be paid into the city treasurer to be deposited into a fund to be used exclusively to help defray the cost of incarcerating city

prisoners, including the construction and maintenance of the city jail, if applicable, and payments to other entities for incarcerating other city prisoners and transportation of prisoners for incarceration.


SECTION 3. Revenues derived from the additional fines levied and collected under this Ordinance shall not offset or reduce funding from other sources for the maintenance, operation and capital expenditures of the Pope County Jail, as it applies to Pottsville prisoners.

SECTION 4. It is the intent of A.C.A. 16-17-129, Act 209 of 2009 and this Ordinance that the \$20.00 fines levied hereby shall, in fact, be an additional and mandatory fine, and shall not be waived or reduce other fines imposed by law.

SECTION 5. This Ordinance hereby amends and supersedes any and all ordinances in conflict herewith in the city of Pottsville, Arkansas, specifically Ordinance No. 2009-02 shall be deemed repealed for misdemeanors or violations occurring on or after July 1, 2009, except notwithstanding Pottsville City Ordinance No. 2009-02 shall remain in full force and effect by those parts that do not conflict with this Ordinance.

SECTION 6. EMERGENCY CLAUSE. The adoption of this Ordinance is necessary to adequately fund the cost of prisoners being housed in the Pope County Detention Center at the cost of the citizens of Pottsville, Arkansas, and for the preservation of the health, safety and welfare of the citizens of Pottsville, Arkansas; and, therefore, an emergency is declared to exist and this Ordinance shall be in full force and effect on this date.

Passed and approved this 27 day of July, 2009.


JERRY DUVALL, MAYOR
CITY OF POTTSVILLE, ARKANSAS

Attest:


City Clerk