

ORDINANCE NO. 2019 - _____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE LEVYING AN ADDITIONAL FINE NOT TO EXCEED TEN DOLLARS ON EACH CONVICTION, EACH PLEA OF GUILTY OR NOLO CONTENDERE OR EACH BOND FORFEITURE IN ALL NON-TRAFFIC MISDEMEANORS OR VIOLATIONS OF CITY ORDINANCES OR STATE LAW OR TRAFFIC OFFENSES WHICH ARE MISDEMEANORS OR VIOLATIONS UNDER STATE LAW OR CITY ORDINANCES WITHIN THE CORPORATE CITY LIMITS OF TONTITOWN; COMMITTING THE INCOME TO PAYMENT OF PRISONER INCARCERATION COSTS; DECLARING AND EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Ark. Code Ann. § 16-17-129 authorizes each city in which a district court is located to levy and collect an additional fine of up to Twenty Dollars (\$20.00) from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture in all non-traffic misdemeanors or violations of city ordinances or state law, or traffic offenses which are misdemeanors or violations under state law or city ordinances which are committed within the corporate limits of the city;

WHEREAS, Ark. Code Ann. § 16-17-129 further provides that the additional fine shall be paid to the city treasury to be deposited into a fund to be used to help pay for the costs of incarcerating municipal prisoners; and

WHEREAS, Washington County has recently increased the cost charged to municipalities of incarcerating municipal prisoners and therefore it is necessary for this additional fee to be thus imposed in order for the City of Tontitown to be able to provide for the increased cost of incarcerating municipal prisoners.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS:

Section 1. There is hereby levied an additional fine, not to exceed Ten Dollars (\$10.00) for each conviction, each please of guilty or nolo contendere or each bond forfeiture in all non-traffic misdemeanors or violations of city ordinance or state law, or traffic offenses which are misdemeanors or violations under state law or city ordinances which are committed within the corporate limits of the City of Tontitown.

Section 2. The Court Clerk of the Washington County District Court, Elm Springs Department, or such Court Clerk of a District Court who serves the City of Tontitown in the future until this Ordinance is no longer in affect, from and after the effective date of this Ordinance shall collect from each defendant fine not to exceed Ten Dollars (\$10.00) as set forth in Section 1 above.

Section 3. All funds collected pursuant to this additional fine shall be paid to the city treasury and deposited into a fund to be used exclusively to help pay for the costs of incarcerating municipal prisoners as set forth in Ark. Code Ann. § 16-17-129.

Section 4. This additional fine shall be reviewed from time to time by the appropriate city officials, and as needed may be adjusted by the City Council so as to not collect inadequate or surplus funds.

Section 5. Declaration of Emergency. It is hereby found and determined that there is an immediate need within the municipality to provide adequate funds to pay for the housing of municipal prisoners without having to compromise funds from critical municipal services. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

PASSED and APPROVED this ____ day of _____, 2019

Paul Colvin, Jr., Mayor

ATTEST:

Rhonda Ardemagni, City Recorder - Treasurer