

ORDINANCE NO. 2005-04

AN ORDINANCE AUTHORIZING THE LEVYING OF AN ADDITIONAL FIVE DOLLAR (\$5.00) FINE TO HELP DEFRAY THE EXPENSE OF INCARCERATING PRISONERS PURSUANT TO ACT 1188 OF 2003; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the General Assembly of the State of Arkansas has passed Act 1188 of 2003 (amending Arkansas Code Annotated Section 1617-129) to authorize all city and county governments to levy an additional fine up to Five Dollars (\$5.00) to help defray the expense of incarcerating prisoners in city and county jails; and

WHEREAS, Act 1188 of 2003 authorizes the City of Cherokee Village to levy and collect an additional fine, not to exceed Five Dollars (\$5.00) in addition to all fines now or as may hereafter be provided by law, from each defendant who pleads guilty or nolo contendere to, is found guilty of, or forfeits bond for any misdemeanor or traffic violation in the District Court within Cherokee Village, Arkansas; and

WHEREAS, since Sharp County operates a County Detention Facility, the additional fine levied by the City of Cherokee Village under Act 1188 of 2003 shall be deposited into a special fund within the County Treasury to be used exclusively for maintenance, operation, and capital expenditures of the county detention facility; and

WHEREAS, the General Assembly of the State of Arkansas indicated that the intent of Act 1188 of 2003 provided that revenues derived from the additional fines levied under said Act shall not offset or reduce funding from other sources for the maintenance, operation, and capital expenditures of the detention facilities; and

WHEREAS, it is in the best interests and welfare of the citizens of Cherokee Village, Arkansas, that an additional fine of Five Dollars (\$5.00) be levied and collected from each defendant who pleads guilty or nolo contendere to, is found guilty of, or forfeits bond for any misdemeanor or traffic violation in the District Court within Cherokee Village, Arkansas, pursuant to Act 1188 of 2003.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CHEROKEE VILLAGE, ARKANSAS:

Section 1: Pursuant to Act 1188 of 2003 of the General Assembly of the State of Arkansas, an additional fine of Five Dollars (\$5.00) 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 or traffic violation in the District Court of Sharp County, Arkansas in the City of Cherokee Village, Arkansas.

Section 2: The additional fine levied by the City under this Ordinance shall be deposited into a special fund within the County Treasury, and the revenue generated by the additional fine shall be used exclusively for maintenance, operation, and capital expenditures of the Sharp County Detention Center.

Section 3: 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 the Sharp County Detention Facility.

Section 4: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 5: The adoption of this Ordinance is necessary for the proper and efficient administration of the Sharp County Detention Center and for the preservation of the health, safety, and welfare of the residents of Sharp County, Arkansas; Therefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage.

PASSED AND APPROVED BY THE CHEROKEE VILLAGE CITY COUNCIL.

DATED: 'March 17, 2005

APPROVED:



ATTEST

