

ORDINANCE NO. 11-17-2011

AN ORDINANCE REPEALING ORDINANCES 10-01-2009B AND 03-3-2011F AND REPEALING SUBSECTION B OF SECTION 2.48.03 OF THE ELKINS MUNICIPAL CODE, DECLARING AN EMERGENCY TO EXIST AND FOR OTHER PURPOSES

WHEREAS, ACA §16-17-129 provides that the governing body of a city having a District Court may levy and collect an additional fine from each defendant who pleads guilty, nolo contendere to, is found guilty of, or forfeits bond for any misdemeanor or traffic violation in the District Court;

WHEREAS, such statutory authority provides that funds collected pursuant thereto can only be used to pay for incarcerating of city prisoners;

WHEREAS, the Elkins City Council passed and adopted Ordinances 10-01-2009B and 03-03-2011F to levy such fines to pay the costs billed to the City by the Washington County Detention Center for the incarceration of City prisoners;

WHEREAS, the City no longer receives statements from Washington County for the incarceration of City prisoners and the funds collected pursuant to Ordinances 10-01-2009B and 03-03-2011F have accumulated and the Court Clerk and City Prosecutor have recommended that such funds be paid to the Washington County Detention Center for incarceration of City prisoners previously billed.

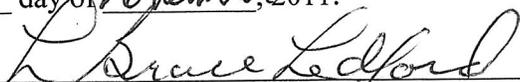
BE IT THEREFORE ORDAINED BY THE CITY COUNCIL OF ELKINS, ARKANSAS,
That:

Section 1: Ordinances 10-01-2009B and 03-03-2011F are hereby repealed, Subsection B of Section 2.48.03 of the Elkins Municipal Code is repealed the accumulated funds in this account shall be paid by the Recorder-Treasurer to the Washington County Detention Center once they are cleared in the pending lawsuit. Inasmuch as future periodic payments from defendants will partially

be apportioned to this account, the Recorder-Treasurer shall, at least annually, pay such future accumulated sums to the Washington County Detention Center upon clearance from such lawsuit.

Section 2: Inasmuch as the fines collected pursuant to Ordinances 10-01-2009B and 03-03-2011F (Subsection B of Section 2.48.03 of Elkins Municipal Code) are no longer used for the intended statutory purposes, and such are an unnecessary burden on Defendants in the District Court, an emergency is hereby declared, therefore this ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this 17th day of November, 2011.



L. BRUCE LEDFORD, Mayor

ATTEST:



JASON BATHON, Recorder-Treasurer