

ORDINANCE NO. 755

AN ORDINANCE AMENDING ORDINANCE NO. 727 OF THE CITY OF MONTICELLO TO LEVY A TWENTY DOLLAR FINE TO DEFRAY THE EXPENSES OF INCARCERATING PRISONERS IN THE DREW COUNTY JAIL, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.

WHEREAS, the expense of incarcerating prisoners has increased significantly in several years placing an additional burden on the City of Monticello and Drew County; and

WHEREAS, Act 1188 of 2003 was enacted to amend Arkansas Code §16-17-129 enabling cities and counties to levy an additional five dollar fine to defray such costs of incarceration, and on July 17, 2003, the City of Monticello adopted Ordinance No. 727 in order to implement said Act; and

WHEREAS, Act 209 of 2009 was enacted to amend Arkansas Code §16-17-129 enabling cities and counties to levy an additional twenty dollar fine to defray such costs of incarceration:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MONTICELLO, ARKANSAS, as follows:

Section 1. In addition to all fines now or as may hereafter be provided by law, there shall be levied an additional fine of twenty (\$20.00) dollars to be collected from each defendant who pleads guilty or nolo contendere to, is found guilty of, or forfeits bond for any misdemeanor or traffic violation brought by the City of Monticello in the District Court in Drew County, Arkansas.

Section 2. The fines so collected pursuant to this ordinance shall be exclusively

used to defray the cost of incarcerating city prisoners in the County jail, including construction and maintenance of the jail and payments to other entities for incarcerating city prisoners.

Section 3. Any other ordinances or resolutions of the City in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Emergency Clause. It is found and determined that the expense of incarceration of prisoners and the inability to fund such increases has resulted in the release of prisoners from custody thereby creating a risk of harm to the public.

Therefore, an emergency is declared to exist, and this ordinance being necessary for the preservation of the public peace, health and safety of the citizens of Monticello, shall be in full force and effect from and after its passage.

ADOPTED on this 16 day of July, 2009.

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City-Clerk-Treasurer

APPROVED on this 16 day of July, 2009.

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Mayor