

## ORDINANCE NO. 386

### AN ORDINANCE AUTHORIZING THE LEVY OF AN ADDITIONAL TWENTY DOLLAR (\$20.00) FINE TO HELP DEFRAY THE EXPENSE OF INCARCERATING CITY PRISONERS PURSUANT TO ACT 209 OF 2012; AND FOR OTHER PURPOSES.

**WHEREAS**, the Arkansas General Assembly passed Act 209 of 2012, amending A.C.A. § 16-17-129, which authorizes Arkansas cities, by ordinance, to levy up to an additional Twenty Dollar (\$20.00) fine, and not to exceed Twenty Dollars (\$20.00), to help defray the expense of incarcerating city prisoners; and

**WHEREAS**, it is in the best interest and welfare of the citizens of Barling, Arkansas, that an additional fine of Twenty Dollars (\$20.00) 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 violation in the District or City Courts within Barling, Sebastian County, Arkansas;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the City of Barling, Arkansas:

**SECTION 1:** That pursuant to Act 209 of 2012, of the General Assembly of the State of Arkansas, an additional fine of Twenty Dollars (\$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 or violation in the District or City Courts within Barling, Sebastian County, Arkansas.

**SECTION 2:** That the additional fine levied by the City under this Ordinance shall be deposited into a special fund within the City Treasury, and the revenues generated by the additional fine shall be used exclusively to help defray the cost of incarcerating city prisoners of the City of Barling.

**SECTION 3:** That the additional fine authorized by this Ordinance shall apply to each charge, count, violation, or offense to which a defendant pleads guilty or *nolo contendere*, is found guilty of, or forfeits bond for, including each misdemeanor or violation.

**SECTION 4:** The various provisions and parts of this Ordinance are hereby declared to be severable, and, if any section or part of a section, or any provision or part of a provision herein, is declared to be unconstitutional, inappropriate, or invalid by any court of competent jurisdiction, such holding shall not invalidate or affect the remainder of this Ordinance and to that extent the provisions herein are declared to be severable.

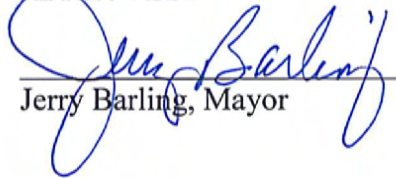
**SECTION 5:** That all Ordinances, or parts of Ordinances, found to be in conflict herewith, are hereby repealed.

**SECTION 6:** Emergency Clause. It is determined that the establishment of a twenty dollar (\$20.00) fine to 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 violation in the District or City Courts within Barling, Sebastian County, Arkansas for defraying the cost of housing city prisoners provided for herein is essential for the protection of the health, safety and welfare of the inhabitants of the City of Barling, Arkansas. Therefore, an emergency is declared to exist and this Ordinance shall be of full force and effect from and after its date of adoption.

PASSED THIS 28<sup>TH</sup> DAY OF FEBRUARY, 2012.

APPROVED:

  
Jerry Barling, Mayor

ATTEST:

  
Kim Bentley, City Clerk





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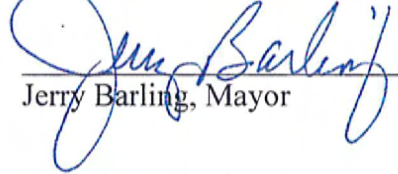
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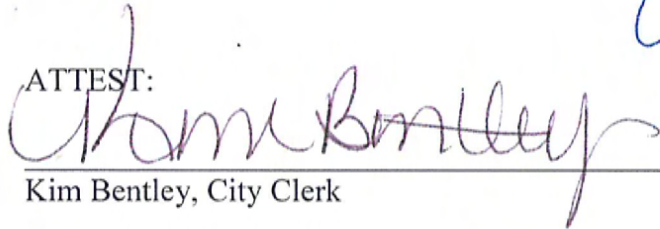
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