

CITY OF CEDARVILLE, ARKANSAS

ORDINANCE NO. 004-2009

AN ORDINANCE AUTHORIZING ALLOCATION OF TIME PAYMENTS COLLECTED BY THE VAN BUREN DISTRICT COURT ON BEHALF OF CEDARVILLE AT FIFTY PERCENT (50%) TO COURT COSTS AND FIFTY PERCENT (50%) TO FINES.

WHEREAS, Ark. Code Ann. § 16-10-209 assigns to the municipal governing body the authority to provide by appropriate municipal legislation an alternative allocation of time payments;

WHEREAS, the Van Buren District Court will be handling all criminal court matters that may arise within Cedarville corporate limits including all citations and summons that may be issued by the Cedarville Police Department; and

WHEREAS, the Van Buren District Court Clerk has requested that this allocation be made to facilitate collection and make Cedarville's court similar to the other courts administered by the Van Buren District Court.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CEDARVILLE, ARKANSAS, AS FOLLOWS:

SECTION 1: All time payments collected by the Van Buren District Court on behalf of Cedarville, Arkansas, shall be allocated at fifty percent (50%) to court costs, and fifty percent (50%) to fines. Whenever either court costs or fines are fully paid, all remaining payments collected shall be allocated to remaining amounts due.

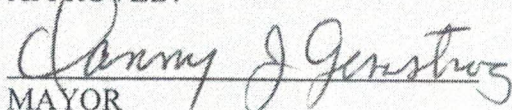
SECTION 2: Any ordinances or provisions in ordinances in conflict herewith shall be and are repealed.

SECTION 3: If any court of competent jurisdiction shall declare any portion of this ordinance unlawful or unenforceable then the remaining portions of the ordinance shall remain in full force and effect.

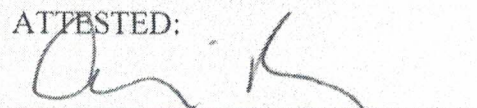
SECTION 4: This ordinance is deemed important for the immediate protection and preservation of the public peace, health, safety, and welfare of the citizens of Cedarville, Arkansas, because this ordinance is necessary for the initiation of Cedarville's Police Department and corresponding court responsibilities thus facilitating the protection of the citizens and property of Cedarville. Therefore an emergency is hereby declared and this ordinance shall be and take effect and be in full force after its passage, approval, and publication.

PASSED AND APPROVED THIS 18 DAY OF Sept, 2009.

APPROVED:


MAYOR

ATTESTED:


RECORDER/TREASURER

CITY OF CEDARVILLE, ARKANSAS

ORDINANCE NO. 8005-2009

AN ORDINANCE AUTHORIZING THE LEVY OF AN ADDITIONAL TWENTY DOLLAR (\$20.00) FINE TO HELP DEFRAY THE EXPENSE OF INCARCERATING PRISONERS PURSUANT TO ACT 209 OF 2009; AND FOR OTHER PURPOSES.

WHEREAS, the Arkansas General Assembly has now passed Act 209 of 2009, which authorizes the City, by Ordinance, to levy an additional Twenty Dollar (\$20.00) fine to help defray the expense of incarcerating prisoners; and

WHEREAS, since the City of Cedarville transports all prisoners to the Crawford County Jail or other similar entities, the additional fines to be levied by this Ordinance under authority of Act 209 of 2009 shall be sent to the City Treasury with identification of the sum representing revenues from the cases of misdemeanors and traffic violations and deposited into a special fund within the City Treasury to be used for construction and maintenance of the city jail and payments to other entities for incarcerating city prisoners or as otherwise permitted under Act 209 of 2009; and

WHEREAS, the Arkansas General Assembly provided that it is the intent of Act 209 of 2009 that revenues derived from the additional fines levied under authority of said Act shall not offset or reduce funding from other sources for the maintenance, operation, and capital expenditures of detention facilities; and

WHEREAS, it is in the best interests and welfare of the citizens of Cedarville, Arkansas that an additional fine of Twenty Dollars (\$20.00) be levied and collected upon each conviction, plea of guilty or nolo contendere or each bond forfeiture in all cases of misdemeanors and traffic violations in the Van Buren District Court or other court acting on behalf of Cedarville.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF CEDARVILLE, ARKANSAS:

SECTION 1: Under authority of Act 209 of 2009, there is hereby levied and shall be collected an additional fine in the amount of Twenty Dollars (\$20.00) from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture for any misdemeanor or traffic violation in the Van Buren District Court on behalf of Cedarville.

SECTION 2: The additional fine levied in Section 1 hereinabove shall apply to all applicable cases brought before all City Courts and departments thereof that now exist and are in operation, or may hereafter be operated and placed into operation, within or on behalf of the City of Cedarville, Arkansas.

SECTION 3: All additional fines levied and collected under the provisions of this Ordinance shall be sent to the City Treasury with identification of the sum representing revenues from the cases of any misdemeanor or traffic violation in the courts acting on behalf of Cedarville and deposited into a special fund within the City Treasury to be used for construction and maintenance of the city jail and payments to other entities for incarcerating city prisoners or as otherwise permitted under Act 209 of 2009.

SECTION 4: All Ordinances or parts of Ordinances found to be in conflict herewith are hereby repealed.

SECTION 5: In the event that any portion of this ordinance is deemed illegal, invalid, or otherwise unenforceable by any court of competent jurisdiction said portion shall be struck from the ordinance and the remainder of the ordinance shall remain in full force and effect.

SECTION 6: The adoption of this Ordinance is necessary for the proper and efficient administration of the Van Buren District Court acting on behalf of the City of Cedarville, Arkansas, for the payment of costs associated with incarcerating prisoners of the Cedarville Police Department, and for the preservation of the health, safety and welfare of the residents of Cedarville, Arkansas; therefore an emergency is declared to exist and this ordinance shall take effect, and be in full force and effect, immediately upon its passage, approval, and publication as required by law.

PASSED AND APPROVED THIS 18 DAY OF Sept, 2009.

APPROVED:

Danny J. Gemstone
MAYOR

ATTESTED:

Dr. K
RECORDER/TREASURER

CITY OF CEDARVILLE, ARKANSAS

ORDINANCE NO. 006-2009

AN ORDINANCE CREATING THE PROCEDURES FOR THE TRIAL OF PERSONS CHARGED WITH A VIOLATION OF LAW OR ORDINANCE WITHIN THE CITY OF CEDARVILLE, ARKANSAS, PURSUANT TO AMENDMENT 80 TO THE ARKANSAS CONSTITUTION AND OTHER LAWS OF THE STATE OF ARKANSAS, DECLARING AN EMERGENCY, AND FOR OTHER RELATED PURPOSES.

WHEREAS, the City of Cedarville intends to create a police department and hire police officers to protect the citizens and property located within the corporate limits of the City of Cedarville, Arkansas;

WHEREAS, the City Council of Cedarville desires to set the procedures for the trial of persons charged with violations of law and ordinances within the City of Cedarville; and

WHEREAS, the District Court of Van Buren, Arkansas is the proper court for the trial of persons charged with violations of law and ordinances within the City of Cedarville;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF CEDARVILLE, ARKANSAS:

SECTION 1: All persons charged with violations of applicable laws and ordinances within the City of Cedarville shall be tried in the District Court of Van Buren, Crawford County, Arkansas.

SECTION 2: Court costs assessed in criminal actions by the City of Cedarville, Arkansas, shall be paid to the State of Arkansas, with such turn-back as may be provided for under Arkansas law.

SECTION 3: All fines and costs assessed by the City of Cedarville in criminal actions shall be payable through the Clerk of the District Court of Van Buren, Crawford County, Arkansas.

SECTION 4: All fines collected on behalf of the City of Cedarville by the Van Buren District Court Clerk shall be divided with fifteen percent (15%) to the District Court of Van Buren, Arkansas Fund for use by the district court in its sole discretion as permitted by law and with the remaining eighty-five (85%) to the City of Cedarville for its use in its sole discretion as permitted by law.

SECTION 5: There shall be assessed and collected a fifty dollar (\$50.00) warrant fee, with respect to issuance of warrants by the District Court of Van Buren, Arkansas, with respect to matters in which the City of Cedarville, Arkansas, is the Plaintiff, payable to the District Court of Van Buren, Arkansas, for the benefit of the City of Cedarville, Arkansas, and proper disbursements, in cases of, or relating to, traffic and misdemeanor matters.

SECTION 6: In the event of probation, there shall be charged a \$20.00 per month probation fee, to be administered by the Clerk of the District Court of Van Buren, Arkansas, in the same manner as that of the City of Van Buren, Arkansas.

SECTION 7: In the event of installment or time payments of fines and costs, there shall be added thereto a fee after the first month of five dollars (\$5.00) per month, one-half (½) of which shall be paid to the District Court of Van Buren, Arkansas, and one-half (½) to the Court Technology Trust on behalf of the City of Cedarville, Arkansas, to be used by the District Court of Van Buren, Arkansas for court technology.

SECTION 8: In the event that a person against whom fines are assessed is unable to pay those fines, the Van Buren District Court may order community service to the entity to which fines are due, and the Mayor of Cedarville shall keep District Court of Van Buren, Arkansas, apprised of the person and location designated to whom individuals shall report to perform community service due the City of Cedarville.

SECTION 9: The Cedarville Police Department shall turn in completed ticket books to the Clerk of the District Court of Van Buren, Arkansas, each calendar year quarter, or at such other times as the clerk may request.

SECTION 10: The Mayor of Cedarville, Arkansas, shall contract for and is hereby directed to execute the necessary documents for payment of jail fees and other expenses necessary to incarcerate prisoners of the City of Cedarville with the Crawford County Sheriff or such other entities as may be permitted under state law.

SECTION 11: The Cedarville Police Department shall be responsible for transportation of prisoners to and from their place of incarceration for legal proceedings; however, the City of Cedarville may contract with other entities, particularly those entities providing jail services to the city, to provide for the necessary transportation as may be required.

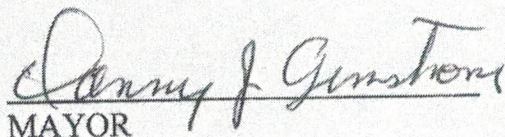
SECTION 12: All ordinances or provisions of ordinances that may be in conflict herewith are hereby repealed.

SECTION 13: If a court of competent jurisdiction shall deem any portion of this ordinance invalid or unenforceable, the remaining provisions shall remain in full force and effect.

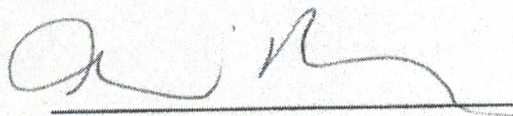
SECTION 14: The adoption of this Ordinance is necessary for the proper and efficient administration of the Van Buren District Court acting on behalf of the City of Cedarville, Arkansas, and therefore contributes directly to the safety and security of the citizenry being necessary for the operation of the Cedarville Police Department, and for the preservation of the health, safety and welfare of the residents of Cedarville, Arkansas; therefore an emergency is declared to exist and this ordinance shall take effect, and be in full force and effect, immediately upon its passage, approval, and publication as required by law.

PASSED AND APPROVED THIS 18 DAY OF Sept, 2009.

APPROVED:


MAYOR

ATTESTED:


RECORDER/TREASURER

CITY OF CEDARVILLE, ARKANSAS
Amended
ORDINANCE NO. 007-2009

AN ORDINANCE ESTABLISHING PROCUREMENT PROCEDURES FOR PUBLIC IMPROVEMENT PROJECTS OF THE CITY OF CEDARVILLE, DECLARING AN EMERGENCY, AND FOR OTHER RELATED PURPOSES.

WHEREAS, the City of Cedarville has no formalized procurement procedure for public improvement projects; and

WHEREAS, the City Council of the City of Cedarville believes that a clear and specific procurement procedure for public improvement projects will benefit the community with more efficient and economical use of city funds.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CEDARVILLE, ARKANSAS, AS FOLLOWS:

SECTION 1: The procurement procedure in this ordinance shall govern all public improvement projects from zero dollars (\$0.00) to nineteen thousand nine hundred ninety-nine dollars and ninety-nine cents (\$19,999.99) undertaken by the City of Cedarville, Arkansas. Public improvement projects beyond that amount shall be governed by state law, currently Ark. Code Ann. § 22-9-203.

SECTION 2: The definition of public improvement project for the purposes of this ordinance shall include all construction projects, all repair projects, all projects involving the repair or alteration or erection of buildings, lands, or other structures or other permanent improvements of any kind.

SECTION 3: When the City of Cedarville desires to undertake a public improvement project, the Mayor shall cause an *Invitation to Bid* to be posted at the five ordinance posting locations provided for in the ordinances of Cedarville for seven (7) calendar days before hiring the contractor or contractors necessary to complete the project. The posted *Invitation to Bid* shall describe the nature and scope of the project to be undertaken along with all necessary particulars and specifics required to fully and adequately describe the City's requirements for the project. In addition, the *Invitation to Bid* shall provide a name and contact information to which interested contractors may ask questions and submit bids or other estimates. All bids submitted shall be retained by the City of Cedarville for a period of one (1) year following the completion of the project. *In the event of an emergency the city council may waive the requirements of this ordinance.*

SECTION 4: Prior to hiring a contractor to complete a public improvement within the City of Cedarville, the Mayor or his representative shall review all bids submitted and shall choose the contractor or contractors that will provide the most efficient and productive use of the City's funds in completing the project. The City is not required to use the lowest bidder, but is required to use the bidder that in the best estimates of the Mayor or his representative will complete the project in the most efficient and best manner for the benefit of the City. In the event that the Mayor or his representative does not choose the lowest bidder, the Mayor must file a written statement to be retained by the city with the bids for one (1) year following completion of the project stating the reasons for choosing a contractor other than the lowest bidder.

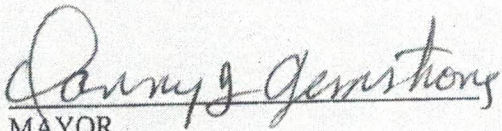
SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: If a court of competent jurisdiction declares any portion of this ordinance invalid or unenforceable, the remaining portions of the ordinance shall remain in full force and effect.

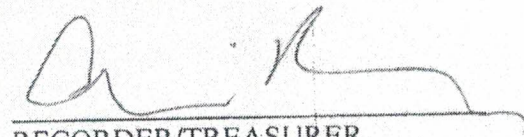
SECTION 7: This ordinance is deemed important for the immediate protection and preservation of the public peace, health, safety, and welfare of the citizens of Cedarville, Arkansas, because otherwise the City will not be able to efficiently utilize its limited funds for public improvements and this could jeopardize the safety of the citizens of Cedarville. Therefore, an emergency is hereby declared and this ordinance shall take effect and be in full force after its passage, approval, and publication.

PASSED AND APPROVED THIS 18 DAY OF Sept, 2009.

APPROVED:


MAYOR

ATTESTED:


RECORDER/TREASURER

CITY OF CEDARVILLE, ARKANSAS

ORDINANCE NO. 009 2009

AN ORDINANCE AMENDING THE DUTIES OF THE CEDARVILLE POLICE DEPARTMENT, DECLARING AN EMERGENCY, AND FOR OTHER RELATED PURPOSES.

WHEREAS, the Cedarville School District has requested that the Cedarville Police Department conduct patrols and perform routine police duties on the property of the school district; and

WHEREAS, the City Council of Cedarville has determined that it is in the best interests of the citizens of Cedarville to allow the police department provide routine police services in and to the Cedarville School District at the district's invitation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CEDARVILLE, ARKANSAS, AS FOLLOWS:

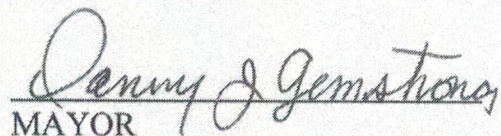
SECTION 1: The existing duties of the Cedarville Police Chief are amended such that the Cedarville Police Department when reasonable and practicable shall perform patrol and other reasonable and routine police practices and duties benefiting the public on the property of the Cedarville School District.

SECTION 2: At all times the conduct of the Cedarville Police Department on the property and grounds of the Cedarville School District shall be reasonable and comply with all laws and regulations and other departmental policies.

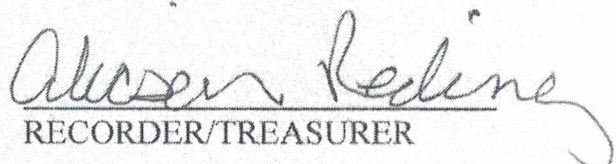
SECTION 3: This ordinance is deemed important for the immediate protection and preservation of the public peace, health, safety, and welfare of the citizens of Cedarville, Arkansas, because this ordinance authorizes the creation of a police department to protect the citizens of Cedarville and preserve the peace of the city. Therefore an emergency is hereby declared and this ordinance shall be and take effect and be in full force after its passage, approval, and publication.

PASSED AND APPROVED THIS 14 DAY OF December, 2009.

APPROVED:


MAYOR

ATTESTED:


RECORDER/TREASURER