

ORDINANCE NUMBER: 2009-06

AN ORDINANCE ESTABLISHING A MONTHLY ADMINISTRATIVE COST TO BE PAID BY PROBATIONERS IN THE COTTER DIVISION OF THE BAXTER COUNTY DISTRICT COURT TO HELP DEFRAY THE CITY EXPENSES ASSOCIATED WITH THE PROVISION OF PROBATION SERVICES; TO PROVIDE FOR THE ACCOUNTING AND DISPOSITION OF SUCH FUNDS; AND FOR OTHER PURPOSES.

WHEREAS, The City of Cotter recognizes that probation is a valuable alternative to incarceration for some persons; and

WHEREAS, The City of Cotter needs to provide probation services which benefit both the public and individual participants; and

WHEREAS, It is recognized that probation programs provide valuable rehabilitation services to probationers and render a needed service to the community and to the Cotter division of the Baxter County District Court; and

WHEREAS, The State of Arkansas has adopted a probation plan which recognizes probation as a valuable alternative to incarceration in many cases; and

WHEREAS, a financial burden exists in administering and funding current and expanding probation services; and

WHEREAS, Arkansas law enables the City of Cotter to establish reasonable probation fees;

NOW, THEREFORE, BE IT ENACTED:

Section 1: the Probation Officer will charge an initial \$30.00 fee at the beginning of the probationary period, which includes the first month's administrative costs.

Section 2: From and after the effective date of this Ordinance, an administrative cost of \$20.00 per month shall be imposed on each probationer who is placed on probation by the Cotter division of the Baxter County District Court.

Section 3: The amounts levied under Sections 1 and 2 of this Ordinance will be collected by the Cotter Division of the Baxter County District Court Probation Officer and remitted to the City Treasurer. Administrative costs collected by the Probation Officer shall be deposited in the General Fund and be reported under a specific revenue category of Cotter Division of Baxter County District Court Probation Administrative Costs.

Section 4: The Administrative cost hereby established shall be a separate and distinct court cost associated with the expense of the probation department and shall be levied as an additional \$20.00 per month for all individuals placed on probation herein.

Section 5: The initial fee and \$20.00 monthly administrative cost herein established might be waived by the Probation Officer in

ORIGINAL

conjunction with a court approved policy in those instances where severe financial hardship exists.

Section 6: If any provision of this ordinance is held invalid, such invalidity shall not affect other provision of the Ordinance, which can be given effect without the invalid provision, and to this end, the provisions of the Ordinance are declared to be severable.

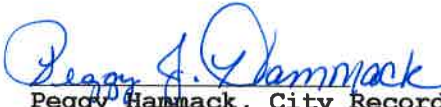
Section 7 EMERGENCY CLAUSE: It is determined that this Ordinance is necessary and vital to the health, welfare, and safety of the citizens of the City of Cotter; therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED THIS 23rd DAY OF July, 2009



David McNair, Mayor

ATTEST:



Peggy Hammack, City Recorder/Treasurer

ORIGINAL