

AN ORDINANCE AMENDING SECTION 1 ~~OF~~ ORDINANCE NO. 0-81-25: DECLARING AN EMERGENCY, ~~AND~~ **FOR OTHER PURPOSES.**

WHEREAS, a recent Attorney General's Opinion **has** determined that the County Should bear the cost of housing sentenced city prisoners; and,

WHEREAS, the City of Conway desires to amend Ordinance 0-81-25 in order to omit this cost for housing city prisoners.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL ~~OF~~ THE CITY ~~OF~~ CONWAY, ARKANSAS:

Section 1. That Section 1 of Ordinance No. 0-81-25 by hereby amended to read **as** follows: "Section 1. There is hereby adopted for the City of Conway, Arkansas for the purpose of maintaining the peace and dignity of the City of Conway, Arkansas, and its citizens, the "Arkansas Criminal Code:, the same being Ark. Stats. Sections **41-101 - 41-3173** **as** amended presently and hereafter; all portions of Title **75** of the Arkansas Statutes Annotated which are designated therein **as** misdemeanors, offenses, or violations under Arkansas Law, and for which a penalty is prescribed including amendments thereto both presently and hereafter passed; the portions of the Arkansas Uniform Control Substances Act, the same being Ark. Stat. **Ann.** Sections **82-2601 -- 82-2638** which designate misdemeanor offenses **as** amended presently or hereafter; The **Arkansas** Hot Check Law as'amended presently or herder, except that all

minimum fine provisions in the above statutes may be replaced and superseded by such minimum fine and bond schedule as the Conway City Council may enact. Not less than three (3) copies of the above have been and now are placed in the Office of the Clerk/Treasurer of the City of Conway, Arkansas, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Conway, Arkansas except that in the discretion of the City Attorney prosecutions may be made under the statutes of the State Of Arkansas and in the name of the State as provided in Rule 1.5 of the Arkansas Rules of Criminal Procedure, that where there are prosecutions and convictions under the Statutes of the State of Arkansas, the cost and fee for housing sentenced prisoners prosecuted under the statutes of the State of Arkansas shall be born by the County pursuant to ACA 12-41-506 and such fees and cost's shall not be paid by the City of Conway."

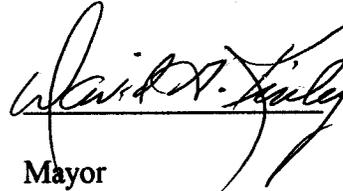
Section 2. If any clause, sentence, paragraph, section or other portion of the Ordinance or any State Statute incorporated herein by reference be found to be unconstitutional or invalid or inoperative by a court of competent jurisdiction, and such findings shall not affect the validity of the remainder of this Ordinance or its incorporated provisions, nor shall any proceeding attacking any portion of this Ordinance operate to affect any portion of the remainder of said Ordinance not specifically attacked in said proceeding.

Section 3. It is ascertained and declared that in order to provide for effective enforcement of the criminal and traffic offenses committed within the City of Conway, Arkansas for the

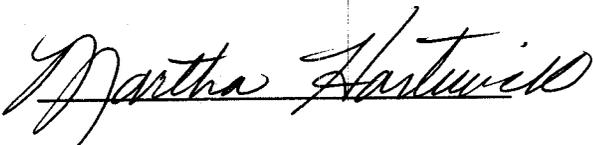
protection and preservation of the public peace, welfare, safety, and property of the citizens that the foregoing Ordinance be passed and adopted; that an emergency exists; and that this Ordinance shall take effect and be in force from and after its passage and publication.

PASSED: 11-14-95

APPROVED:

  
Mayor

ATTEST:

  
City Clerk