

## **ORDINANCE NO. 2040**

**AN ORDINANCE TO EFFECT THE REIMBURSEMENT OF EXPENSES INCURRED BY THE CITY OF EUREKA SPRINGS, ARKANSAS WHILE RETURNING ARRESTEES FROM OUTSIDE JURISDICTIONS TO THE JURISDICTION OF THE DISTRICT COURT OF EUREKA SPRINGS, ARKANSAS.**

**FOR THE CITY OF EUREKA SPRINGS, ARKANSAS:**

**WHEREAS**, the Eureka Springs Police Department is responsible for serving arrest warrants, issued by the District Court of Eureka Springs for violations committed within the City of Eureka Springs, on the person sought (“arrestee”) and then, if necessary, returning that person to the jurisdiction of the District Court of Eureka Springs.

**WHEREAS**, occasionally it is necessary for officers of the Eureka Springs Police Department to leave the city limits of Eureka Springs and travel to another jurisdiction in order to be able to take possession of an arrestee.

**WHEREAS**, currently the citizens and taxpayers of the City of Eureka Springs must bear the expense traveling to another jurisdiction for the purpose of taking possession and transporting an arrestee back to the jurisdiction of the District Court of Eureka Springs.

**NOW THEREFORE**, be it ordained by the City Council of the City of Eureka Springs, Arkansas, that:

**SECTION 1:** Any arrestee who is arrested in a jurisdiction outside of the City of Eureka Springs and who therefore must be transported to the jurisdiction of the District Court of Eureka Springs by an employee or officer of the Eureka Springs Police Department shall be required to reimburse the City of Eureka Springs for the expense of said transportation upon conviction of the offense(s) which required their presence before the Court.

**SECTION 2:** Reimbursement shall be at the rate of one (\$1.00) per mile and shall be charged for each full mile that an employee or officer of the Eureka Springs Police Department travels to the jurisdiction where an arrestee is being held and for the return trip to the City of Eureka Springs.

**SECTION 3:** A mileage expense reimbursement request will be forwarded to the District Court of Eureka Springs with the original arrest warrant.

**SECTION 4:** The employee or officer of the Eureka Springs Police Department shall calculate the miles traveled by noting the miles on their vehicle’s odometer when leaving the city limits of Eureka Springs and then again upon reentering the city limits of Eureka Springs. The shortest practical route shall be utilized when transporting arrestees.

**SECTION 5:** Reimbursement monies collected by the District Court pursuant hereto shall be paid to the General Fund of the City of Eureka Springs.

**SECTION 6:** All Ordinances or Resolutions, and parts thereof, in conflict with this Ordinance are hereby repealed to the extent of such conflict. In the event any one or more of the provisions contained in this

Ordinance shall for any reason be held by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this Ordinance, and this ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never be contained herein.

**PASSED AND APPROVED, this 12th day of MARCH, 2007**

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Dani Wilson, Mayor

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Mary Jean Sell, City Clerk