

ORDINANCE NO. 906

AN ORDINANCE ESTABLISHING A MUNICIPAL COURT IN THE CITY OF EUREKA SPRINGS, ARKANSAS, TO BEGIN FUNCTIONING MARCH 21, 1969; APPOINTING A JUDGE OF SAID COURT; PROVIDING FOR THE APPOINTMENT OF A CLERK OF THE COURT; FIXING THE COMPENSATION TO BE PAID TO THE JUDGE, CLERK OF THE COURT, RESPECTFULLY; ABOLISHING THE MAYOR'S COURT OF THE CITY OF EUREKA SPRINGS, ARKANSAS, EFFECTIVE MARCH 21, 1969; DESIGNATING THE SEAT OF THE MUNICIPAL COURT OF EUREKA SPRINGS, ARKANSAS; ESTABLISHING FEES AND COSTS AND, CONTAINING OTHER PROVISIONS RELATING TO THE JURISDICTION AND OFFICERS OF THE MUNICIPAL COURT, AND THE PAYMENT OF COSTS INCIDENT THEREOF.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS:

SECTION 1: ESTABLISHMENT OF THE COURT: ITS STYLE, AND SEAL.

Pursuant to the provisions of Act No. 60 of the Acts of the General Assembly of the State of Arkansas for the year 1927, and all statutes amendatory thereto, there is hereby established, to be implemented and begin functioning on March 21, 1969, a corporation court of the City of Eureka Springs, Western District, Carroll County, Arkansas, to be known and styled as the "Municipal Court of Eureka Springs, Arkansas"; which shall be a court of record, having a seal, as in such cases provided by law, particularly by Arkansas Statutes (1962) Rep. Section 22-702.

SECTION 2: JURISDICTION. The jurisdiction of said Court shall be as provided by law, particularly but not limited to the provisions of Arkansas Statutes (1962) Rep. Section 22-709, as now constituted, or as the same may be hereafter amended.

SECTION 3: MAYOR'S COURT ABOLISHED. On March 21, 1969, the Mayor's Court of the City of Eureka Springs, Arkansas, shall cease to exist; its functions having been transferred, by operating of law, to the Municipal Court of Eureka Springs, Arkansas.

SECTION 4: SELECTION AND ELECTION OF JUDGE OF THE MUNICIPAL COURT: AND THE TERM OF HIS OFFICE.

(a) John O. Maberry of Eureka Springs, Arkansas, an attorney at law possessed of the qualifications for the office as prescribed by law, is hereby selected and appointed as Judge of the Eureka Springs, Arkansas

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Municipal Court to serve until his successor is elected and qualified as such cases are provided by law.

(b) At the next regular general election for the election of municipal officers of the City of Eureka Springs, Arkansas, to be held in November of 1970, and at such general municipal election next preceding the expiration of the term of office of each Judge of the Municipal Court of Eureka Springs, Arkansas, who is hereafter duly elected or appointed and qualified, and assumes the duties of his office, there shall be elected a Judge of the Municipal Court of Eureka Springs, Arkansas, to serve for a term of four years, beginning on the 1st day of January, next succeeding the date of said election, and thereafter until his successor is elected and qualified as such. Vacancies hereafter occurring in the office of the Judge of the Municipal Court of Eureka Springs, Arkansas, shall be filled by appointment made by the City Council of Eureka Springs, Arkansas, and the appointee shall serve until his successor is elected at the next regular general election, and qualifies and takes office on the 1st day of January, next succeeding the date of his election.

SECTION 5: SALARY OF THE JUDGE. The salary of the Judge of the Municipal Court of Eureka Springs, Arkansas, shall be the sum of Two Thousand Four Hundred and 00/100 Dollars (\$2,400.00) per year, payable in equal monthly installments.

SECTION 6: APPOINTMENT OF CLERK; AND ESTABLISHMENT OF SALARY. The Judge of the Municipal Court of Eureka Springs, Arkansas, may appoint a Clerk of said Court who shall serve in said capacity from month to month, subject to termination of his employment at the will and pleasure of the Judge of the Court. Subject in each case to the approval of the City Council, the Municipal Judge may appoint to serve as Clerk of the Municipal Court of Eureka Springs, Arkansas, a person who is an officer or employee of the City of Eureka Springs, Arkansas, the duties of which office, or employment, or in the judgment of the City Council are not incompatible with those of the office of said Clerk of said Court. Vacancies occurring in the office of the

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Clerk of the Court shall be filled by appointment made by the Judge of the Court. The salary of the Clerk of the Municipal Court of Eureka Springs, Arkansas, shall be the sum of Five Hundred Twenty <sup>00</sup>/<sub>100</sub> Dollars (\$520.00) per annum, payable in equal monthly installments, each month's salary being due and payable on the 1st day of such month.

SECTION 7: EXPENSES OF THE COURT. As provided by law, one-half of the salaries of the Judge and of the Clerk, respectively, of the Municipal Court of Eureka Springs, Arkansas, shall be paid by the County of Carroll. The remaining one-half of said salaries, and all other expenses incident to the proper functioning of the Court, including but not limited to the provision of suitable docket and record books, legal forms, stationery, ink, typewriting equipment and other necessary equipment and supplies, shall be paid by the City of Eureka Springs, Arkansas, out of its general fund.

SECTION 8: ESTABLISHMENT OF FEES AND COSTS. The Municipal Court of Eureka Springs, Arkansas, shall be and is hereby empowered to collect such fees and costs as may be provided by Arkansas Statutes (1962) Rep. Section 22-706 and Section 22-706.1, respectively.

SECTION 9: SEAT OF THE COURT. The Municipal Court of Eureka Springs, Arkansas, shall hold its sessions and the Judge and Clerk of said Court shall perform their respective duties and make and maintain the records of the Court, in the Carroll County Western District Courthouse, Eureka Springs, Arkansas, where a room and facilities suitable for such purposes shall be provided by the City under the direction of the Mayor and the County Judge.

SECTION 10: SEVERABILITY. The respective sections and parts of sections of this ordinance are severable; if any section or part of a section be for any reason adjudged to be invalid, the remaining sections and parts of sections of this ordinance shall nevertheless remain in full force and effect.

SECTION 11: REPEALING PROVISIONS. All ordinances and parts of ordinances which are in conflict with any provision of this ordinance are, to

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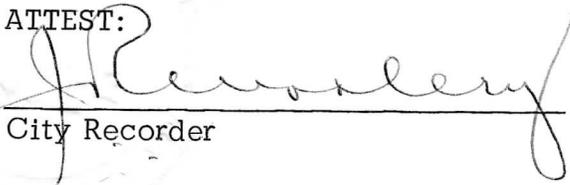
the extent of such conflict only, hereby repealed.

SECTION 12: EMERGENCY. To relieve the Mayor of the City of Eureka Springs, Arkansas, from the judicial duties incident to presiding over a Mayor's Court, thereby enabling him to more effeciently discharge his primary duties of an executive and administrative nature and to make adequate provision for the enforcement in the City of Eureka Springs, Arkansas, and County of Carroll of the statutes and ordinances which have been enacted for the protection of the persons, the peace and the prosperity of the citizens of said city and county; and to provide a more convenient, economical and efficient tribunal than is now available for the adjudication of civil controversies of a relatively minor nature; there is an urgent need for the establishment of such a court in the City of Eureka Springs, Arkansas, as is now authorized by law. Therefore, an emergency is declared to exist, and this ordinance, being necessary for the protection and preservation of the public peace, health and safety and welfare, shall take effect and be in force immediately from and after its passage.

PASSED AND APPROVED this 20th day of March, 1969.

  
Mayor

ATTEST:

  
City Recorder