

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-8-82

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982

— ● —

ENROLLED

Com. Sub. for
HOUSE BILL No. 1401

(By Mr. Blackwell + Mr Williams)

— ● —

Passed February 25, 1982

In Effect Ninety Days From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1401

(By MR. BLACKWELL and MR. WILLIAMS)

[Passed February 25, 1982; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article eleven, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to powers and duties with respect to ordinances and ordinance procedures; and permitting municipality to file for execution before the clerk of the circuit court to collect fines assessed by municipal judge against nonresidents of the municipality.

Be it enacted by the Legislature of West Virginia:

That section one, article eleven, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 11. POWERS AND DUTIES WITH RESPECT TO ORDINANCES AND ORDINANCE PROCEDURES.

§8-11-1. Ordinances to make municipal powers effective; penalties imposed under judgment of mayor or police court or municipal judge; right to injunctive relief; right to maintain action to collect fines against nonresidents.

1 To carry into effect the powers and authority conferred
2 upon any municipality or its governing body by the provisions

3 of this chapter or any past or future act of the Legislature of
4 this state, the governing body shall have plenary power and
5 authority to make and pass all needful ordinances, orders,
6 bylaws, acts, resolutions, rules and regulations, not contrary
7 to the constitution and laws of this state; and, for a violation
8 thereof, to prescribe reasonable penalties in the form of fines,
9 forfeitures and imprisonment in the county jail or the place of
10 imprisonment in such municipality, if there be one, for a
11 term not exceeding thirty days. Such fines, forfeitures and
12 imprisonment shall be recovered, imposed or enforced under
13 the judgment of the mayor of such municipality or the
14 individual lawfully exercising his functions, or the police
15 court judge or municipal court judge of a city, if there be
16 one, and may be suspended upon such reasonable conditions
17 as may be imposed by such mayor, other authorized individual
18 or judge. Any municipality may also maintain a civil action in
19 the name of the municipality in the circuit court of the
20 county in which the municipality or the major portion of the
21 territory thereof is located to obtain an injunction to com-
22 pel compliance with, or to enjoin a violation or threatened
23 violation of, any ordinance of such municipality, and such
24 circuit court shall have jurisdiction to grant the relief sought.
25 A certified transcript of a judgment for a fine rendered by
26 a municipal court may be filed in the office of the clerk of a
27 circuit court and docketed in the judgment lien book kept in
28 the office of the clerk of the county commission in the same
29 manner and with the same effect as the filing and docketing
30 of a certified transcript of judgment rendered by a magistrate
31 court as provided for in section two, article six, chapter fifty
32 of this code. The judgment may include costs assessed
33 against the defendant.

34 Execution shall be by fieri facias issued by the clerk of the
35 circuit court in the same manner as such writs are issued on
36 judgments for a fine rendered by circuit courts or other courts
37 of record under the provisions of section eleven, article four,
38 chapter sixty-two of this code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

R. P. Baylon
Chairman Senate Committee

Tony E. Whitlow
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Joel C. Wilkins
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

Walter R. McSwain
President of the Senate

Wm. H. Seale, Jr.
Speaker House of Delegates

The within *is approved* this the *8*
day of *March*, 1982.

Ben. R. Duke
Governor

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SECY. OF STATE