WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1982

ENROLLED

Com. Sub. for
HOUSE BILL No. 1401

(By Mr. Blackwell and 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.

To carry into effect the powers and authority conferred upon any municipality or its governing body by the provisions
of this chapter or any past or future act of the Legislature of
this state, the governing body shall have plenary power and
authority to make and pass all needful ordinances, orders,
bylaws, acts, resolutions, rules and regulations, not contrary
to the constitution and laws of this state; and, for a violation
thereof, to prescribe reasonable penalties in the form of fines,
forfeitures and imprisonment in the county jail or the place of
imprisonment in such municipality, if there be one, for a
term not exceeding thirty days. Such fines, forfeitures and
imprisonment shall be recovered, imposed or enforced under
the judgment of the mayor of such municipality or the
individual lawfully exercising his functions, or the police
court judge or municipal court judge of a city, if there be
one, and may be suspended upon such reasonable conditions
as may be imposed by such mayor, other authorized individual
or judge. Any municipality may also maintain a civil action in
the name of the municipality in the circuit court of the
county in which the municipality or the major portion of the
territory thereof is located to obtain an injunction to com-
pel compliance with, or to enjoin a violation or threatened
violation of, any ordinance of such municipality, and such
circuit court shall have jurisdiction to grant the relief sought.
A certified transcript of a judgment for a fine rendered by
a municipal court may be filed in the office of the clerk of a
circuit court and docketed in the judgment lien book kept in
the office of the clerk of the county commission in the same
manner and with the same effect as the filing and docketing
of a certified transcript of judgment rendered by a magistrate
court as provided for in section two, article six, chapter fifty
of this code. The judgment may include costs assessed
against the defendant.

Execution shall be by fieri facias issued by the clerk of the
circuit court in the same manner as such writs are issued on
judgments for a fine rendered by circuit courts or other courts
of record under the provisions of section eleven, article four,
chapter sixty-two of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

\[\text{Signature}\]

Chairman Senate Committee

\[\text{Signature}\]

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

\[\text{Signature}\]

Clerk of the Senate

\[\text{Signature}\]

Clerk of the House of Delegates

\[\text{Signature}\]

President of the Senate

\[\text{Signature}\]

Speaker House of Delegates

The within is approved this the ___ day of __________, 1982.

\[\text{Signature}\]

Governor