

ORDINANCE 272

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA, TO AMEND ORDINANCE 109 AND CITY CODE SECTION 11-15, REINSTATEMENT FEE – DRIVERS LICENSE, BY IMPLEMENTING FEES AND PROCEDURES FOR MUNICIPAL COURT PURSUANT TO WV CODE §8-10-2a AND §8-10-2b.

WHEREAS, the Common Council has previously taken action and enacted Ordinance 109 to implement as administrative reinstatement fee to be collected by the Municipal Court for the reinstatement of a person's driver's license when said license has been revoked by the State Division of Motor Vehicles for various reasons related to a Municipal Court matter; and

WHEREAS, the West Virginia Legislature adopted House Bill 4958 which amended WV Code §8-10-2a and §8-10-2b applicable to municipal courts and the revocation of a defendant's driver's license; and

WHEREAS, the Common Council believes that it would be in the best interests of the citizens of the City of Elkins to amend the City Code to implement the changes approved by the West Virginia Legislature amending the pertinent provisions of the West Virginia Code regarding municipal courts; and

WHEREAS, the Common Council has determined that it will amend City Code Section 11-5 by repealing Ordinance 109 and amending said City Code by adding certain provisions for Municipal Court concerning certain Municipal Court fees; and

NOW, THEREFORE, be it Ordained and Enacted by the Common Council of the City of Elkins that City Code, Chapter 11, Section 11-5 be amended as set forth below:

Section 11-15 Plan Administration Fees and Late Fees

The Municipal Court is authorized to collect the following fees related to a payment plan which shall be imposed by the Municipal Court as follows:

(1) A Plan Administration Fee of twenty-five dollars (\$25.00) shall be imposed when a defendant is enrolled in a payment plan for the payment of fines, costs and fees imposed by the Municipal Court.

(2) A Late Fee of ten dollars (\$10.00) shall be imposed for each thirty (30) day period that a defendant is in default on the payment plan. The late fees shall not exceed thirty dollars (\$30.00) in the aggregate amount regardless of the number of days that the defendant is in default of the payment plan.

This Ordinance shall become effective upon passage and shall be applicable to all Municipal Court matters pending as of July, 1, 2020.

If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

PASSED AND APPROVED ON FIRST READING the 2nd day of July, 2020.

PASSED AND APPROVED ON SECOND READING the 16th day of July, 2020.


PASSED AND APPROVED ON THIRD AND FINAL READING the 6th day of August, 2020.

CITY OF ELKINS, WEST VIRGINIA



Van T. Broughton, Mayor

Attest:



Jessica R. Sutton, City Clerk