

**ORDINANCE 304**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA TO ESTABLISH A MUNICIPAL COURT ADMINISTRATIVE FEE BY AMENDING CHAPTER 37: MUNICIPAL COURT BY ADDING §37.13, ADMINISTRATIVE FEE PURSUANT TO ITS STATUS AS A HOME RULE CITY**

**WHEREAS**, by the authority granted to the City of Elkins by its participation in the West Virginia Home Rule Program, Phase III under West Virginia Code §8-1-5a, and by its Second Amendment to its Home Rule Plan, all of which has been approved by the West Virginia Home Rule Board, the City of Elkins was granted the authority to assess a Municipal Court administrative fee for each defendant found guilty or pleading nolo contendere regarding misdemeanor violations.

**WHEREAS**, it is in the best interests of its citizens to assess an administrative fee which will help defray the costs of maintaining a Municipal Court which is funded through the use of the City's general revenues; and

**NOW, THEREFORE**, be it ORDAINED and ENACTED by the Common Council of the City of Elkins to amend Elkins City Code, Chapter 37, Municipal Court by adding §37.13 as follows:

**§37.13 Administrative Fee**

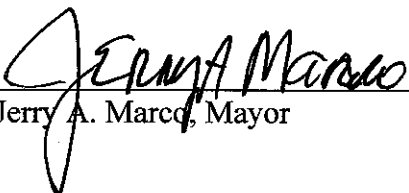
The Court shall assess a mandatory administrative fee of forty-five dollars (\$45.00) upon each and every defendant found guilty or pleading nolo contendere regarding a misdemeanor violation, including traffic violations and moving violations, but excluding municipal parking ordinance violations. The City shall use the money received by this fee to help in the costs of maintaining the Municipal Court.

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.

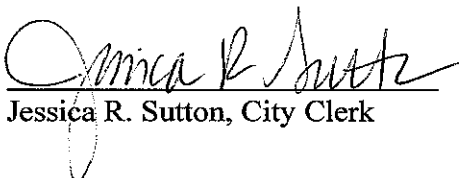
This Ordinance shall become effective upon the date of its final adoption.

**PASSED AND APPROVED ON THE FIRST READING: September 1, 2022.**

**PASSED AND APPROVED ON THE SECOND AND FINAL READING: September 15, 2022.**

  
Jerry A. Marco, Mayor

*Attest:*

  
Jessica R. Sutton, City Clerk