

**ORDINANCE 305**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS,  
WEST VIRGINIA, TO AMEND ELKINS CITY CODE §37.10, MUNICIPAL  
COURT TECHNOLOGY AND TECHNOLOGY MAINTAINENCE 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 Pilot Program, Phase III, under W.Va. Code §8-1-5a, and by the 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 impose a technology and technology maintenance fee upon persons convicted in the Municipal Court; and

**WHEREAS**, also by the authority granted to the City of Elkins pursuant to its Second Amendment to its Home Rule Plan ,all of which was approved by the West Virginia Home Rule Board, the City of Elkins was granted the authority to raise the amount of said fee from the current one dollar (\$1.00) amount up to and including ten dollars (\$10.00); and

**WHEREAS**, it is in the best interests of its citizens to increase said fee which will help defray the costs of the technology and technology maintenance in Municipal Court; and

**NOW THEREFORE**, BE IT ORDAINED and ENACTED by the Common Council of the City of Elkins to amend the City Code § 37.10, Municipal Court Technology and Maintenance Fee by amending this section, as follows:

**§ 37. 10 Municipal Court Technology and Technology Maintenance Fee**

The Court shall assess a mandatory fee of ten dollars (\$10.00) 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 raised by this fee to fund the current technological costs of its Municipal Court and to update the Municipal Court's technology as needed.

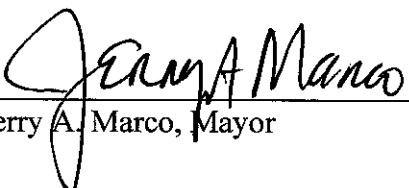
If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

This Ordinance shall become effective upon passage.

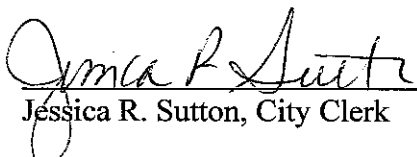
**PASSED AND APPROVED ON THE FIRST READING: September 1, 2022.**

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

CITY OF ELKINS, WEST VIRGINIA

  
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Jerry A. Marco, Mayor

*Attest:*

  
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Jessica R. Sutton, City Clerk