

Chapter 22 COURT ^[1]

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Sec. 22-1. Established.

There is hereby established a court which shall be called the Town of Bath Municipal Court. The court shall be presided over by the municipal court judge.

(Code 1981, § 2-401)

Sec. 22-2. Office of municipal judge.

(a) The town council hereby provides for the appointment of an officer to be known as the municipal court judge.

(b) The municipal court judge shall have the jurisdiction to exercise the powers and perform the duties specified for mayors, municipal courts, and municipal judges respectively in W. Va. Code, §§ 8-10-1 and 8-10-2.

(Code 1981, § 2-402)

Sec. 22-3. Municipal clerk to act as substitute judge.

(a) In the absence of, or the inability of the regular municipal court judge to perform his duties, the municipal clerk is hereby designated as substitute municipal court judge to act in cases and perform the duties of the said regular judge of the municipal court.

(b) Should the municipal clerk not have been admitted to practice law in the state, he shall, prior to assuming the duties of substitute municipal court judge, attend and complete the next available course of instruction in rudimentary principles of law and procedure, pursuant to the requirements of state law, presently set forth at W. Va. Code, § 8-10-2(b) at the time of the passage of the ordinance from which this section is derived.

(Ord. No. 2003-10, 12-15-2003)

Sec. 22-4. Maintenance of docket.

The municipal judge shall maintain a docket of all judicial matters and proceedings which come before him. The docket shall include the defendants' name, warrant and/or summons numbers, description of the alleged offense, disposition, fines, and costs imposed and whether received, whether incarcerated, and other information relevant to the judicial proceedings.

(Code 1981, § 2-403)

Sec. 22-5. Issuance of arrest warrant.

Besides the municipal judge, the mayor and the recorder are invested with the authority to issue arrest warrants for violation of this Code.

(Code 1981, § 2-404)

Sec. 22-6. Issuance of summons.

The municipal judge, along with the mayor and recorder, shall have at his discretion, the choice of either issuing an arrest warrant or a summons whenever an alleged violation of town ordinances occurs. The summons will order the defendant to appear before the municipal court at a specified time in order to answer the charges against himself. The summons shall contain a brief description of the offense charged against him but need not be a verbatim account of the supposed ordinance violation. If the defendant fails to answer the summons, the municipal court may proceed with judgment and it shall be binding, subject to the defendant's right to appeal.

(Code 1981, § 2-405)

Sec. 22-7. Issuance of subpoena.

The officials designated in section 22-5 have invested in them the authority to subpoena witnesses whose testimony is relevant to any judicial proceeding. It shall be unlawful for any citizen to ignore said subpoena.

(Code 1981, § 2-406)

Sec. 22-8. Disposition of cases.

Every individual charged with a violation of an ordinance shall have the right to trial and disposition of his case in conformity with due process requirements.

(Code 1981, § 2-407)

Sec. 22-9. Appearance bonds.

Whenever the municipal court is not in session, or the municipal judge is not available, the defendant may be allowed to post a reasonable appearance bond. He may also post an appearance bond if he has reasonable grounds for delaying his trial. Such a bond shall be posted with the municipal judge, and in his absence, with the ranking police official on duty at the time. However, this provision does not apply if an individual is intoxicated or in need of protective custody.

(Code 1981, § 2-408)

Sec. 22-10. Contempt.

If any person shall, by threats or force, attempt to intimidate or impede a judge, justice, juror, witness or any officer of a court, or any sergeant, police officer, or other peace officer, or to obstruct or impede the administration of justice in any court, he shall be deemed to be guilty of contempt. The court may punish contemptuous persons by imposing a fine of not more than \$500.00.

(Code 1981, § 2-409)

Sec. 22-11. Imposition, remission and disposition of fines and costs.

All fines and costs imposed by the municipal judge must be recorded in the court docket. Once recorded, it shall be beyond the power of the town judge to remit the whole or any said fines and costs unless it is necessary to correct an error. Once recorded, it shall be the duty of the judge to turn over all fines and costs to the town daily. It shall also be the duty of the judge to submit an accounting report to the town council at least once a month, detailing the collection and noncollection of all fines and costs imposed by the court. The report will give a summary of all fines and costs for the current month and to date for the current fiscal year.

(Code 1981, § 2-410)

Sec. 22-12. Appeals.

It shall be the right of any defendant to appeal any verdict of the court to the next term of the circuit court. Such an appeal must occur within ten days following the judgment of the municipal court. All appeals must be accompanied with the posting of an appeal bond as set forth in this chapter.

(Code 1981, § 2-411)

Sec. 22-13. Bond amounts and conditions; form of bonds.

The amount of appearance bonds shall be set by the judge or by the ranking police officer on duty at the time. It is conditioned on the defendant's appearance before the municipal court at a stated time and place. Appeal bonds shall be with surety deemed sufficient by the judge and are conditioned that if the circuit court finds against the defendant, he shall promptly pay all costs of the trial and of the appeal. The forms of appearance and appeal bonds shall be made either by cash deposits, any corporate surety company authorized to do business in the state, or any person who individually owns real property within the county. No other type of bond is acceptable.

(Code 1981, § 2-412)

Sec. 22-14. Municipal court fine schedule.

Court fines shall be as follows, subject to change with town council approval:

CHARGE	CODE	MAX./ MIN.	FINE	LE T	CV C	CCF	RJA	TOTAL
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The Code of the Town of Bath, West Virginia

Assault/battery	61-2-9	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Assaulting and officer	61-2-1 0B	MX 500.00	197.0 0	2.0 0	8.0 0	10.0 0	40.0 0	257.00
ATV on roadway (TOB Ordinance 2002-08)		MX 100.00	100.0 0	2.0 0	8.0 0	10.0 0	40.0 0	160.00
Barking dog				2.0 0	8.0 0	10.0 0	0	
Bicycles on sidewalks (TOB Ord. ch. 13-C-11)		22.00	22.00	2.0 0	8.0 0	10.0 0	0	42.00
Carrying a concealed weapon	20-2-6 a	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Child safety restraint	17C-1 5-46	MX 20.00	20.00	2.0 0	8.0 0	10.0 0	40.0 0	80.00
Contributing to a minor				2.0 0	8.0 0	10.0 0		
Cruelty to animals	61-8-1 9	MX 1000.00	337.0 0	2.0 0	8.0 0	10.0 0	0	357.00
Curfew violation		MX 22.00	22.00	2.0 0	8.0 0	10.0 0	0	42.00
Destruction of property				2.0 0	8.0 0	10.0 0	0	
Disorderly conduct/with jail	61-6-1 b	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Disturbing the peace/no jail (town ordinance)	7-102	MX 100.00	87.00	2.0 0	8.0 0	10.0 0	0	107.00
drag racing	17C-6- 8A	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Driving—Crossing Fire Hose	17C-1 4-10	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Driving—Exhibition (TOB Ordinance 2003-07)	(2003- 07)	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Driving—Failure to maintain control	17C-6- 1a	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Driving—Failure to stop before entering roadway	17C-1 2-6	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00

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Driving—Failure to stop at stop sign	17C-1 2-5	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Driving—Failure to stop at stop light	17C-3- 4	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Driving—Following emergency vehicle too close	17C-1 4-9	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Driving—Following too close	17C-7- 10	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Driving—Improper backing	17C-1 4-2	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Driving—Improper right/left turn	17C-7- 4,5	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Driving—Leaving the scene of an accident	17C-4- 2	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Driving—Left of center	17C-7- 6	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Driving—More than three passengers in front seat	17C-1 4-5	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Driving—One way violation	17C-7- 8b	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Driving—Passenger on running board	17C-1 4-6	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Driving—Reckless	17C-5- 3	MX 500.00	247.0 0	2.0 0	8.0 0	10.0 0	40.0 0	307.00
Driving—Striking an unattended vehicle	17C-4- 4	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Equipment—Window tint violation	17C-1 5-36a	MX 200.00	95.00	2.0 0	0	10.0 0	0	107.00
Equipment—Defective	17C-1 5-1	MX 100.00	45.00	2.0 0	0	10.0 0	0	57.00
Equipment—Defective wipers	17C-1 5-36a	MX 100.00	45.00	2.0 0	0	10.0 0	0	57.00
Equipment—Driving without headlights	17C-1 5-2	MX 100.00	45.00	2.0 0	0	10.0 0	0	57.00
Equipment—Failure to dim lights	17C-1 5-21	MX 100.00	45.00	2.0 0	0	10.0 0	0	57.00

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Equipment—Improper brakes	17C-1 5-31	MX 100.00	45.00	2.0 0	0	10.0 0	0	57.00
Equipment—Improper headlights	17C-1 5-4	MX 100.00	45.00	2.0 0	0	10.0 0	0	57.00
Equipment—Improper muffler	17C-1 5-34	MX 100.00	45.00	2.0 0	0	10.0 0	0	57.00
Equipment—Improper tail lights	17C-1 5-5	MX 100.00	45.00	2.0 0	0	10.0 0	0	57.00
Equipment—Improper use of horn	17C-1 5-33	MX 100.00	45.00	2.0 0	0	10.0 0	0	57.00
Equipment—No motorcycle helmet	17C-1 5-44	MX 100.00	47.00	2.0 0	8.0 0	10.0 0	40.0 0	107.00
Failure to appear			75.00					75.00
Failure to use signal	17C-8- 9	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Failure to stop for school bus	17C-1 2-7	MX 200.00	197.0 0	2.0 0	8.0 0	10.0 0	40.0 0	257.00
Failure to yield to construction/ maintenance	17C-1 0-8	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Failure to yield intersection	17C-9- 1	MX 200.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Failure to yield right of way on left turn	17C-9- 2	MX 200.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Failure to yield/stop for emergency vehicles	17C-9- 5	MX 200.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Failure to stop for pedestrian in crosswalk	17C-1 0-2a	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Fleeing—Not in a Vehicle	61-5-1 7d	MX 500.00	247.0 0	2.0 0	0	10.0 0	0	259.00
Fleeing—In a Vehicle	61-5-1 7f	MX 1000.00	947.0 0	2.0 0	8.0 0	10.0 0	40.0 0	1007.0 0
Giving false information to officer	61-5-1 7c	MX 200.00	195.0 0	2.0 0	0	10.0 0	0	207.00
Hit and Run—Property	61-5-1 7d	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Illegal burning								

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Indecent exposure	61-8-9	MX 250.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Insurance—No proof	17D-2 a-4	MX 5000.00	247.0 0	2.0 0	8.0 0	10.0 0	40.0 0	307.00
Jay walking (pedestrian failure to yield for traffic)	17C-1 0-3	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Littering	20-7-2 6	MX 1000.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Littering/from a vehicle	17C-1 4-14	MX 300.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Loitering	7-111- A		42.00	2.0 0	8.0 0	10.0 0		62.00
MVI—Expired	17C-1 6-9	MX 100.00	95.00	2.0 0	0	10.0 0	0	107.00
MVI—None	17C-1 6-9	MX 100.00	95.00	2.0 0	0	10.0 0	0	107.00
MVI—False inspection certificate	17C-1 6-8	MX 100.00	95.00	2.0 0	0	10.0 0	0	107.00
MVI—Operating unsafe vehicle	17C-1 6-1	MX 100.00	95.00	2.0 0	0	10.0 0	0	107.00
Noise Violation	7-109	MX 100.00	47.00	2.0 0	8.0 0	10.0 0	0	67.00
Nuisance on private property	7-111	MX 100.00	45.00	2.0 0		10.0 0		57.00
Obstructing an officer	61-5-1 7a	MX 200.00	197.0 0	2.0 0	8.0 0	10.0 0	40.0 0	257.00
Open container	60-6-9 a(2)	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Operating without a business license								
Operators—None	17B-2- 1	MX 500.00	247.0 0	2.0 0	8.0 0	10.0 0	40.0 0	307.00
Operators—Failure to change name	17B-2- 13	MX 500.00	47.00	2.0 0	8.0 0	10.0 0	40.0 0	107.00
Operators—Failure to produce	17B-2- 9	MX 100.00	47.00	2.0 0	8.0 0	10.0 0	40.0 0	107.00

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Operators—Expired	17B-2-12	MX 100.00	47.00	2.0 0	8.0 0	10.0 0	40.0 0	107.00
Operators—Unlawful use of	17B-4-1	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Operators—Driving revoked/suspended	17B-4-3B	MX 500.00	247.0 0	2.0 0	8.0 0	10.0 0	40.0 0	307.00
Operators—Permit violation		MX 500.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Operators—Unlawfully allowing person	17B-4-4	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Parking—Handicap zone	17C-13-6d	Fine 100.00	100.0 0	0	0	0	0	100.00
Passing—Improper opposite directions	17C-7-2	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Passing—Improper on left	17C-7-5	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Passing—Improper on right	17C-7-4	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Passing—Improper a school bus	17C-12-7	MX 200.00	197.0 0	2.0 0	8.0 0	10.0 0	40.0 0	257.00
Possession—Less than 15 gm	60A-4-401c	MX 1,000.00						
Public intoxication	60-6-9	MX 100.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Registration—Expired	17A-3-16	MX 100.00	95.00	2.0 0	0	10.0 0	0	107.00
Registration—Operating unregistered vehicle	17A-9-2	MX 500.00	245.0 0	2.0 0	0	10.0 0	0	257.00
Registration—Improper	17A-9-3	MX 500.00	245.0 0	2.0 0	0	10.0 0	0	257.00
Registration—Forged/false	17A-9-4	MX 500.00	245.0 0	2.0 0	0	10.0 0	0	257.00
Registration—Unsigned	17A-3-13	MX 100.00	45.00	2.0 0	0	10.0 0	0	57.00
Seatbelt—No	17C-15-49	MX 25.00	25.00	0	0	0	0	25.00

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Shoplifting (First offense must appear in court)	61-3a	MX 250.00		2.0 0	8.0 0	10.0 0	0	
Skateboarding where prohibited (TOB Ordinance)	17C-1 1-8	22.00	22.00	2.0 0	8.0 0	10.0 0	0	42.00
Speeding, 26—35 in a 25 mph zone	17C-6- 1	MX 100.00	82.00	2.0 0	8.0 0	10.0 0	40.0 0	142.00
Speeding, 36—45 in a 25 mph zone	17C-6- 1	MX 100.00	92.00	2.0 0	8.0 0	10.0 0	40.0 0	152.00
Speeding, 46—55 in a 25 mph zone	17C-6- 1	MX 100.00	100.0 0	2.0 0	8.0 0	10.0 0	40.0 0	160.00
Throwing injurious substance on roadway	17-19- 13	MX 50.00	47.00	2.0 0	8.0 0	10.0 0	40.0 0	107.00
Impeding traffic/slow	17C-6- 3A	MX 100.00	82.00	2.0 0	8.0 0	10.0 0	40.0 0	142.00
Unattended motor vehicle	17C-1 4-1	MX 100.00	47.00	2.0 0	8.0 0	10.0 0	40.0 0	107.00
Underage consumption (beer)	11-16- 19	MX 500.00	97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Underage consumption (tobacco)			87.00	2.0 0	8.0 0	10.0 0	0	107.00
Unsecured load	17C17 6		97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00
Engine brake ordinance			97.00	2.0 0	8.0 0	10.0 0	40.0 0	157.00

(Ord. No. 2014-01, 6-3-2014)

FOOTNOTE(S):

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State Law reference— Establishment, W. Va. Code, § 8-10-2; general right of appeal, W. Va. Code, § 8-34-1; costs for crime victims compensation fund, W. Va. Code, § 14-2A-4; costs for funding law enforcement training academies, W. Va. Code, § 30-29-4; search warrant, W. Va. Code, § 62-1A-1; payment of fine by credit card, W. Va. Code, § 8-10-2a.

