

Town of Bath

ORDINANCE 2003-10

Municipal Clerk to Act as Substitute Police Court Judge

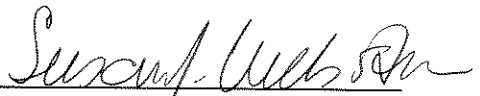
In the absence of, or the inability of the regular Police Court Judge to perform his or her duties, the Municipal Clerk is hereby designated as Substitute Police Court Judge to act in cases and perform the duties of the said regular judge of the Municipal Court.

Should the Municipal Clerk not have been admitted to practice law in this state, he or she shall, prior to assuming the duties of Substitute Police Court Judge, attend and complete the next available course of instruction in rudimentary principles of law and procedure, pursuant to the requirements of West Virginia law, presently set forth at *W.Va. Code § 8-10-2 (b)* at the time of the passage of this section.

First Reading DEC 1, 2003

Second Reading DEC 15, 2003

PASSED This 15 Day of DEC, 2003



Susan J. Webster, Mayor

ATTEST: 

Dave Hall, Recorder

§8-10-2. Municipal court for municipalities.

(a) Notwithstanding any charter provision to the contrary, any city may provide by charter provision and any municipality may provide by ordinance for the creation and maintenance of a municipal court, for the appointment or election of an officer to be known as municipal court judge and for his or her compensation, and authorize the exercise by the court or judge of the jurisdiction and the judicial powers, authority and duties set forth in section one of this article and similar or related judicial powers, authority and duties enumerated in any applicable charter provisions, as set forth in the charter or ordinance. Additionally, any city may provide by charter provision and any municipality may provide by ordinance, that in the absence of or in the case of the inability of the municipal court judge to perform his or her duties, the municipal court clerk or other official designated by charter or ordinance may act as municipal court judge: *Provided*, That the municipal court clerk or other official designated by charter or ordinance to act as municipal court judge shall comply with the requirements set forth in subsection (b) of this section, as well as any other requirements that the city by charter provision or the municipality by ordinance may require.

(b) Any person who assumes the duties of municipal court judge who has not been admitted to practice law in this state shall attend and complete the next available course of instruction in rudimentary principles of law and procedure. The course shall be conducted by the municipal league or a like association whose members include more than one half of the chartered cities and municipalities of this state. The instruction must be performed by or with the services of an attorney licensed to practice law in this state for at least three years. Any municipal court judge may attend a course for the purpose of continuing education. The cost of any course referred to in this section shall be paid by the municipality that employs the municipal judge.

(c) Only a defendant who has been charged with an offense for which a period of confinement in jail may be imposed is entitled to a trial by jury. If a municipal court judge determines, upon demand of a defendant, to conduct a trial by jury in a criminal matter, it shall follow the procedures set forth in the rules of criminal procedure for magistrate courts promulgated by the supreme court of appeals, except that the jury in municipal court shall consist of twelve members.