

CHAPTER XXX AS AMENDED AND IS TO BE DESIGNATED AS  
CHAPTER XXX-A, PERTAINING TO THE ORDINANCE FOR THE  
ESTABLISHMENT OF A POLICE COURT.

Article 1.

Section 1. The council shall establish a Police Court for the town, which court shall have such jurisdiction and powers as are now or may hereafter be prescribed by general law.

Section 2. The Police Court shall have jurisdiction over all offences against or violations of the ordinances of said town, and authority to inflict punishments for such violations in the manner lawfully prescribed by such ordinances upon and against offenders or violators of the same. Provided, however, that no jury shall be allowed in any trial in said court for the violation of any ordinance of the town.

Section 3. The proceedings for the recovery of the fine or for the enforcement of the penalty prescribed by any ordinance shall conform to the relations so far as they are applicable, prescribed in Chapter 50 of the Code of the State of West Virginia, for the enforcement of penalties against persons convicted for misdemeanors, but the judge of said court by *capias pro fine* or other process may cause the defendant to be arrested and brought before said court to be dealt with according to law.

Section 4. In cases where evidence discloses such a violation within the town, the law of the State of West Virginia, in the opinion of the judge of the Police Court, the persons accused should be committed to wait the action of the Grand Jury upon an accusation made, the judge of the Police Court shall have the same jurisdiction and the powers as a Magistrate in the County of Harrison in regard to the apprehension, commitment and admission to bail of the person so accused, and in the exercise of such jurisdiction and powers shall be governed by the same regulations.

*Amended for  
Town Court Judge  
1974*

Section 5. The said Court shall have full power and authority to enforce its orders and judgements by any process of law which may be necessary and proper for the purpose, and all processes, executions and orders of the said Court shall be signed by the Judge, such processes and executions shall be directed to the Chief of Police, or any Police officer of the Town, and shall be executed by him or her. In the execution of any process or order of the said Court, the Chief of Police, or any other Police Officer of the Town, shall have the same powers, be governed in his or her, proceedings by the same rules of law, and be subject to the same liabilities as the Harrison County Sheriff, of the State of West Virginia, in the performance of like services.

Section 6. The Judge of said Court shall have authority to administer oaths within said Town, and shall perform such duties as may be required of the Judge of said Court, or be prescribed by rule or order of the Council.

Section 7. A docket and other books required for the records and seal shall be provided for the said Court by the Council, and the seal may be altered or renewed as the Court may direct. Full faith and credit shall be given to the records of the said Court and the certificate of its Judge, whether the seal of the said Court be fixed thereto or not, in like manner and with the same effect as if the same were records of the criminal Court similarly authenticated.

Section 8. A forfeiture of cash bail or cash collateral deposited to secure a defendant's or defendants appearance in Court, which forfeiture has not been vacated, shall be the equivalent to a plea of nullo contendere, and treated as a conviction by the direction of Court, and the cash so forfeited, may be applied to any fines so assessed by the Court.

Section 9. All fines incurred in criminal cases and proceedings held in the Police Court of the Town of Lumberport, collected from the defendants, shall be deposited into the General Fund Account of the Town of Lumberport.

Section 10. All sessions of the said Court shall be at such time and place as the Judge of said Court shall direct.

Section 11. The Police Judge of the Town of Lumberport shall be appointed by the Council, or by the executive officer of Town, if he be granted the authority, by the Town Council, to do so, to serve at its will and pleasure.

Section 12. The Judge, so appointed, shall be at least 21 years of age, a citizen of the United States, a resident and registered voter within the Town of Lumberport, and shall be a person of good moral character and such a person as the council, or the executive officer shall deem qualified for such appointment.

Section 13. The Police Judge shall be paid by a monthly salary, such salary to be prescribed by the council or the executive officer

Section 14. In the event of and during the temporary absence or disability of the Police Judge, the council or the executive officer of said town, shall appoint a qualified person to preside over said court, and perform the duties of the judge thereof.

Section 15. The supervision and direction of the Police Department, and departments thereof of the Town of Lumberport, shall be under the authority and powers of the MAYOR of said Town.

Section 16. This ordinance shall be in full force and effect as of the twenty fourth day of May, 1974.

CHAPTER XXX-A PERTAINING TO THE ORDINANCE OF THE TOWN OF LUMBERPORT FOR THE ESTABLISHMENT OF A POLICE COURT, AMENDING SECTION 12, ARTICLE 1.

WHEREAS: Chapter XXX-A, Article 1, Section 12 of said ordinance shall read:

The Judge, so appointed, shall be 21 years of age, a registered voter and a citizen of the United States, shall be a person of good moral character and such a person as the council, or the executive officer shall deem qualified for such appointment.

Adopted on the second reading this 3rd day of August, 1976.

\_\_\_\_\_  
Wayman H. Robinson Councilman

\_\_\_\_\_  
J. Fred Early Councilman

\_\_\_\_\_  
Carl Linville Councilman

\_\_\_\_\_  
Wm. G. Miracle Councilman

\_\_\_\_\_  
Dolly Stire Councilwoman

\_\_\_\_\_  
Recorder

\_\_\_\_\_  
Mayor