

Penalties for Failure to Appear in Weston Municipal Court

WHEREAS, the City of Weston has determined that the Weston Police Department and Weston Building Code Department and other enforcement agencies of the City of Weston observe violations of Weston City laws and ordinances;

WHEREAS, the Weston Police Department, Weston Building Code Department, and other enforcement agencies of the City of Weston write tickets/citations for these violations;

WHEREAS, these tickets are intended to be the "notice" for the alleged violator to "appear" in front of the Court to determine the disposition of the alleged violation;

WHEREAS, the date for appearance is written on the ticket;

WHEREAS, some proportion of these alleged violators do not "show up" or otherwise make an appearance in front of the Court by the date written on the ticket;

WHEREAS, the failure of these alleged violators to appear in front of the Court flaunts the integrity and legitimacy of the Weston Municipal Court;

WHEREAS, the failure of these alleged violators to appear in front of the Court has resulted in the City of Weston being unable to provide dispositions to these cases;

WHEREAS, the City of Weston now intends to provide for the Weston Municipal Court to become more proactive in causing alleged violators to make an appearance in front of the Court

Pursuant to these reasons, the City of Weston enacts the following:

- A) A person who shall receive a ticket through the City of Weston (i.e. alleged violator), whether it be through a Police Officer, Building Code Official, or other authorized personnel, that person is expected to make an appearance in front of the Weston Municipal Court.
- B) An alleged violator shall make an appearance by the date indicated on the ticket (i.e. this will be known as the Appearance Date).
- C) Making an appearance involves contacting the Weston Municipal Court Clerk at 304-269-6141 on, or before, the appearance date noted on the ticket; only after an alleged violator makes an appearance will the Weston Municipal Court Clerk then set a hearing date for the alleged violator to contest the ticket or take payments on the ticket (whichever route the alleged violator wants to take).
- D) In an effort to encourage appearing, an alleged violator will have two opportunities to make an appearance prior to the Weston Municipal Court issuing a warrant(s) for the appearance of the alleged violator:

- 1) the date on the ticket is the first opportunity;

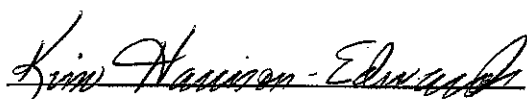
2) if the alleged violator does not show by the date of the ticket, the Weston Municipal Clerk shall issue a 10-day notice letter in which the alleged violator shall have 10 days from the date of the ticket to appear (i.e. this is the second opportunity)

- E) In the event that an alleged violator does not make an appearance pursuant to the ticket date or to the 10-day letter date or otherwise fails to attend relevant Court proceedings, the Weston Municipal Court is granted the authority to issue whatever warrants or procedures are necessary to cause the alleged violator to be brought before the Weston Municipal Court Judge.
- F) If any particular warrant is issued, the alleged violator is then also subject to any penalties or costs associated with the issuance and execution of said warrant;
- G) The Weston Municipal Court is authorized to issue any bond the Court deems necessary to ensure the appearance of an alleged violator; in no case shall a bond be greater than \$1,000 unless any alleged damages are greater than \$1,000, in which case, the bond shall not be more than the alleged damages;
- H) The Weston Municipal Court judge shall have discretion in how much time the alleged violator has in producing payment for the bond;
- I) Bond payments shall be made in cash deposit, or by any corporate surety company authorized to do business in West Virginia, or by two private persons who individually own real property within Lewis County, or any other bond payment forms accepted by the Courts of West Virginia;
- J) In the event that an alleged violator cannot post the bond issued by the Weston Municipal Court, the Weston Municipal Court is authorized to use its discretion in determining how to proceed, including, but not limited to, incarcerating the alleged violator for a time not to exceed 30 days;
- K) Any Court appearance can be satisfied by an attorney representing the alleged violator;
- L) If any of these rules conflict with rules of the Courts of West Virginia, then the rules of the Courts of West Virginia shall apply
- M) In conjunction with these rules, the Weston Municipal Court shall have all powers and authorities given to it by West Virginia State Code

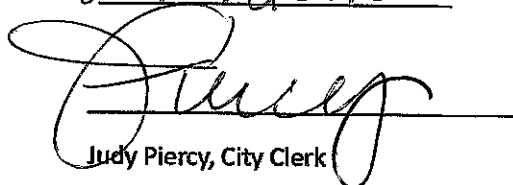
If a court of competent jurisdiction finds any portion of this ordinance to be unconstitutional or otherwise defective, then the remaining portions of this ordinance shall remain in full effect

First Reading 5/1/2023

Second Reading 6/5/2023



Kim Harrison-Edwards, Mayor



Judy Piercy, City Clerk