CITY OF CHARLES TOWN

ORDINANCE COMMITTEE
AGENDA • APRIL 20, 2023

Committee Meeting **CITY HALL** **6:00 PM**
101 E Washington Street, Charles Town, WV 25414

1. CALL TO ORDER

2. APPROVAL OF MINUTES

: 2023-387 Approval of Minutes March 2023
Ordinance Meeting Minutes 3_30_23.pdf

3. UNFINISHED BUSINESS

: 2023-385 Discussion of Article 171 - Municipal Court
Article_171_-_CTCO_3-30.pdf
Court_Fee_Breakdown_FY23.xlsx

: 2023-386 Review of Fees & Penalties Associated with Municipal Ordinances
Penalties_CodifiedOrdinancesCharlesTownWV.pdf

4. NEW BUSINESS

5. ADJOURNMENT

6. NOTICE: The Public May View the Meeting Live by Clicking on the Event Link at:

https://www.charlestownwv.us/government/agendas-and-minutes/

Ordinance Committee
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

AGENDA ITEM (ID #)

Meeting: 04/20/23
Department: Ordinance Committee
Category: Report
Initiator:

2023-387 Approval of Minutes March 2023

Approval of Minutes March 2023

ATTACHMENTS:

- Ordinance Meeting Minutes 3_30_23.pdf

City of Charles Town Ordinance Committee Report - March 30, 2023

Call to Order

18:03

Note: This meeting was rescheduled from the standard meeting day of 3/16/23, due to a City Council Special Meeting.

Participants

Rikki Twyford	*Councilwoman / Committee Chair*	Jean Petti	*Councilwoman*
Kevin Tester	*Councilman*	Julie Philabaum	*Councilwoman*

Agenda / Discussions

Article 171 - Municipal Court & Review of Fees / Penalties Associated with Municipal Ordinances

We began discussion regarding changes to Article 171. We outlined the process by which we see the Ordinance Committee updating Article 171 and municipal ordinance fine/fee collection moving forward, especially as it relates to bringing it up to State Code. We have several follow up questions for City Staff, State Staff, and Legal Counsel. We outlined a fee structure and will start to redline Article 171 at the April meeting.

- ***Recommendation to City Council:***
  - *None at this time*

Next Ordinance Committee Meeting Date

Thursday, April 20, 2023, at 18:00 at City Hall

Note: The May 2023 meeting will be rescheduled from 5/18 to 5/24. We will have refreshments and bid farewell to long-time Ordinance Committee member, Councilwoman Jean Petti. Everyone is welcome to attend.

Adjournment

19:29

Ordinance Committee
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

AGENDA ITEM (ID #)

Meeting: 04/20/23
Department: Ordinance Committee
Category: Information Only
Initiator:

2023-385 Discussion of Article 171 - Municipal Court

Continued discussion of Article 171 - Municipal Court

ATTACHMENTS:

- Article_171_-_CTCO_3-30.pdf
- Court_Fee_Breakdown_FY23.xlsx

ARTICLE 171
Municipal Court

171.01 Jurisdiction, powers and duties.

171.02 Search warrants.

171.03 Docket; Chief of Police.

171.04 Warrant required; exception.

171.05 Procedure upon arrests without warrant.

171.06 Issuance of warrants at request.

171.07 Failure of accused person to appear for trial.

171.08 Continuances on motion of accused.

171.09 Continuances on motion of other than accused.

171.10 Continuances, default in recognizance.

171.11 Judgment of guilty includes judgment for costs.

171.12 Enforcement of penalties and costs.

171.13 Payment of court costs by City.

171.14 Suspension of execution of judgments.

171.15 Appeals.

171.16 Contempt.

171.17 Jury trials.

171.18 Contempt; entry of convictions on docket.

171.19 Street labor in default of fine payment.

CROSS REFERENCES

Powers and duties; records - see CHTR. Sec. 32

General rights of appeal - see W. Va. Code 8-24-1

Costs for crime victims reparation fund - see W. Va. Code 14-2A-4

Costs for funding law enforcement training academies - see W. Va. Code 30-29-4

Juries - see ADM. Art. 177

171.01 JURISDICTION, POWERS AND DUTIES.

The Municipal Court Judge shall exercise all of the powers and duties set forth in the City Charter and the West Virginia Code. The Municipal Court shall have criminal jurisdiction over violations of the Codified Ordinances and all other ordinances of the City.

171.02 SEARCH WARRANTS.

Upon proper complaint, the Municipal Court Judge shall issue search warrants in connection with the violation of any provision of the Codified Ordinances or other City ordinance.

171.03 DOCKET; CHIEF OF POLICE.

The Chief of Police shall keep a wellbound book in his office, which book shall be called the "docket." Such docket shall contain a record of each case brought before the Municipal Court Judge and the disposition thereof. The Chief of Police shall index the docket in such a manner as to provide a ready reference to each case and to keep such index current. Unless the City Manager, with the approval of Council shall appoint some other person, the Chief of Police shall be ex officio Clerk of the Municipal Court.

171.04 WARRANT REQUIRED; EXCEPTION.

Proceedings before the Municipal Court judge shall be by warrant of arrest in the name of the City, except that when an offense of which the Municipal Court Judge has jurisdiction is committed in his presence, or in that of a City police officer, either of them may forthwith apprehend the offender or cause him to be apprehended, and in such case the offender may be tried before the Municipal Court Judge and dealt with according to law.

171.05 PROCEDURE UPON ARREST WITHOUT WARRANT.

When a person arrested without a warrant is brought before the Municipal Court Judge, a complaint shall be filed and a warrant issued forthwith. The officer executing the warrant shall make return thereof to the Municipal Court Judge.

171.06 ISSUANCE OF WARRANTS AT REQUEST.

Any member of the Police Department without affidavit, or any citizen upon a sworn affidavit may make a complaint that an offense has been committed. It shall then be the function of the Judge of the Municipal Court to issue a warrant if proper under the law.

171.07 FAILURE OF ACCUSED PERSON TO APPEAR FOR TRIAL.

If a warrant or summons is returned executed and the accused person fails to appear within the space of one hour after the time designated for the trial, the case may be proceeded into, heard and determined as if there were an appearance by the accused. Or the Municipal Court Judge may, in his discretion, after hearing the evidence, issue his process requiring the officer to whom it shall be directed to arrest the accused and bring him, either forthwith or at some designated time, before him to hear judgment in the case.

171.08 CONTINUANCES ON MOTION OF ACCUSED.

Continuances may be granted as justice may require. If one is granted at the instance of the accused, he may be required to enter into a recognizance, payable to the City, with approved security, in a sum determined by the Municipal Court Judge conditioned for his appearance at the time and place named in the order of continuance, to answer further as to the alleged offense, and failing compliance, may be committed to jail until that time, but such imprisonment shall not continue longer than five days.

171.09 CONTINUANCES ON MOTION OF OTHER THAN ACCUSED.

If the continuance is not at the instance of the accused, he may be allowed to depart until the time appointed for the trial upon entering into his own recognizance, payable and conditioned as in Section 171.08, or without recognizance, as may be deemed right and proper.

171.10 CONTINUANCES, DEFAULT IN RECOGNIZANCE.

In case default is made in the condition of any recognizance entered into by virtue of this article, it shall be noted on the docket; and in the event that payment is not made of the sum named as the penalty thereof, an action may be maintained thereon in the name of the City in any court of competent jurisdiction to recover the amount of the penalty against the accused and his sureties. In such action the court may give judgment for the whole of the penalty, or remit it, in whole or in part, and render judgment upon such terms and conditions as may be deemed reasonable.

171.11 JUDGMENT OF GUILTY INCLUDES JUDGMENT FOR COSTS.

Upon the final hearing of any proceeding to punish for an offense, if judgment is given against the accused, such judgment shall include costs incurred by the City, or due to any officer in that behalf, in addition to court costs of fifty dollars ($50.00), and any fees required by law. In addition, a five dollar ($5.00) fee for sustaining the Jefferson County Teen Court Program will be added to aforementioned court costs on the condition that the extra five dollar ($5.00) fee remains in place only during the time period that the Jefferson County Teen Court Program is actively operating. (Passed 1-7-13.)

171.12 ENFORCEMENT OF PENALTIES AND COSTS.

The Municipal Court Judge shall have power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof in default of such payment and he may commit the party in default to jail for not to exceed ten days.

171.13 PAYMENT OF COURT COSTS BY CITY.

If the judgment be in favor of the person accused, he shall recover his costs, and the Municipal Court Judge shall certify such costs to the City Manager for payment, as well as those incurred by the City. And if the judgment be against such person and the costs incurred by the City cannot be collected from him, they also shall be reported by the Municipal Court Judge to the City Manager for payment. Costs shall be held to include the fees of witnesses, as in cases before magistrates.

171.14 SUSPENSION OF EXECUTION OF JUDGMENT.

After judgment, execution may be suspended by the Municipal Court Judge upon such terms as may be imposed by him and agreed to by the party convicted.

171.15 APPEALS.

Every person sentenced under this article by the Municipal Court Judge to imprisonment or to the payment of a fine of ten dollars ($10.00) or more (and in no case shall a fine of less than ten dollars ($10.00) be given if the defendant, his agent or attorney object thereto) shall be allowed an appeal de novo to the County Circuit Court, upon entering into an appeal bond with surety deemed sufficient in a penalty equal to the amount of the fine and costs, but in no event less than the costs of appeal, with condition that the person appealing will perform and satisfy any judgment which may be rendered against him by the Circuit Court on such appeal. Any such appeal must be perfected within twenty days from and after the date upon which the sentence is imposed. If such appeal is taken, the appeal bond and other papers in the case shall be forthwith delivered by the Clerk to the Clerk of the Court to which such appeal is taken, and such Court shall proceed to try the case as upon indictment of presentment, and render such judgment, without remanding the case, as the

law and the evidence may require. If the judgment be against the accused, it shall include the costs incurred in the proceedings before the Municipal Court Judge, as well as in the Court. (Passed 12-10-07.)

171.16 CONTEMPT.

The Municipal Court Judge may punish for contempt of court a person guilty of any of the following acts and in no other case:

(a) Contemptuous or insolent behavior toward the Judge while engaged in the trial of a case or in any other judicial proceeding;

(b) Any breach of the peace, willful disturbance or indecent conduct in the presence of the Judge while so engaged, or so near as to obstruct or interrupt the proceedings;

(c) Violence or threats of violence to the Judge or any officer, juror, witness or party going to, attending or returning from, any judicial proceeding before the Court with respect to any thing done or to be done in the course of such proceeding;

(d) Flagrant misbehavior of any officer of the City acting in his official capacity with respect to any action or judicial proceeding had or pending before the Court, or any process, judgment, order or notice herein; or

(e) Willful resistance by an officer of the Court, juror, witness, party or other person to any lawful process or order of the Court. The Judge may, if necessary, issue a warrant of arrest for such person, who shall be given an opportunity to be heard. In the event such person is adjudged guilty of contempt, the person shall be fined not more than fifty dollars ($50.00) for the first offense. For a second offense pertaining to the same matter the person shall be fined not more than one hundred dollars ($100.00). For the third or any subsequent offense pertaining to the same matter the person shall be fined not more than one hundred dollars ($100.00), or imprisoned in the County jail not more than ten days or both.

An appeal to the Circuit Court of such conviction shall lie as in criminal cases.

171.17 JURY TRIALS.

In all cases where required by the Constitution or Statutes of the State, the Municipal Court Judge shall empanel a jury to hear the evidence and decide the case. The Court shall promulgate rules for the selection and empaneling of jurors in such cases. All costs incurred in connection with jury trials shall be awarded against, and be payable by the party against whom judgment is rendered.

171.18 CONTEMPT; ENTRY OF CONVICTIONS ON DOCKET.

The conviction for contempt, specifying the particular circumstances of the offense and judgment thereon, shall be entered by the Municipal Court Judge in his docket. A warrant of commitment for the term of imprisonment may be issued by the Judge commanding an officer to take the offender to the jail and the jailer to imprison him therein for the term. The judgment may include, in addition to the fine, all costs in the case, including costs of arrest and keeping in prison the offender. An appeal may be taken from such judgment of the Judge, as in other cases, to any court of competent jurisdiction in the County.

171.19 STREET LABOR IN DEFAULT OF FINE PAYMENT.

In case the fine imposed by any judgment of the Municipal Court costs are not promptly paid, the Judge may sentence the party in default to work out the amount of the fine and costs under the direction, control and the custody of the City Manager on the public streets or other work of the City, at a rate not below the minimum wage of the City existing at that time. In case the party in default shall fail or refuse to do the work so required of him, the party shall be imprisoned until the amount of the fine and the costs shall be paid or the party in default shall signify his willingness to do the work required of him, but the term of imprisonment in such case shall not exceed thirty days. During the time that any party fined as aforesaid shall be engaged in so working out the amount of the fine and costs imposed upon him, he shall be deemed in the custody of the officer and shall be boarded at the expense of the City.

2023 Charles Town Municipal Court Fee Audit

Law Enforcement Training & Certification Fund

State Code 30-29-4

Basis: Added to the usual court costs of all criminal court proceedings involving violation of any criminal law of the state or any county or municipality of the state, excluding violations of municipal parking ordinances

Current:			Code Identifies	
1st Offense	$	2.00	$ 12.00	For All
2nd Offense	$	4.00		
3rd Offense	$	6.00		

Regional Jail and Correctional Facility Authority Fund

State Code 8-11-01

8/11/2001

Basis: Each proceeding involving a traffic offense constituting a moving violation, regardless of whether the penalty for the violation provides for a period of incarceration, or any other offense for which the ordinance prescribing the offense provides for a period of incarceration

Current:			Code Identifies	
1st Offense	$	40.00	$ 40.00	For All
2nd Offense	$	80.00		
3rd Offense	$	120.00		

Crime Victims Compensation Fund

State Code 14-2A-4

Basis: Every person within the state who is convicted of or pleads guilty to a misdemeanor offense, other than a traffic offense that is not a moving violation, in any municipal court

Current:			Code Identifies	
1st Offense	$	8.00	$ 8.00	For All
2nd Offense	$	16.00		
3rd Offense	$	24.00		

Litter Control Fund

State Code 22-15A-4

Basis: Fee historically assesed by the City for any littering violations. WV Code now reads, Every person who is convicted of or pleads guilty to disposing of litter in violation of subsection (a) of this section shall pay (in addition to the fines) a civil penalty in the sum of not less than $200 nor more than $1,000 as costs for clean up, investigation and prosecution of the case, in addition to any other court costs (or fines). The City is then to remit 50% of those addtiional penalties to the State.

Current:			Code Identifies
	$	50.00	$200-$1000

2023 Charles Town Municipal Court Fee Audit

Teen Court Fee

City Code 171.11

Basis: Upon the final hearing of any proceeding to punish for an offense, if judgment is given against the accused, such judgment shall include costs incurred by the City, or due to any officer in that behalf, in addition to court costs of fifty dollars ($50.00), and any fees required by law. In addition, a five dollar ($5.00) fee for sustaining the Jefferson County Teen Court Program will be added to aforementioned court costs

Current:		Code Identifies	
$	5.00	$	5.00

Late Parking Ticket Payment Fee - 5-30 Days

City Code 361.99

Basis: Whoever violates any provision of this article (361) .if paid after five (5) days but before thirty (30) days an additional twenty dollars ($20.00) penalty will apply

Current:		Code Identifies	
$	20.00	$	20.00

Late Parking Ticket Payment Fee - Morth than 30 Days

City Code 361.99

Basis: Whoever violates any provision of this article (361) .if paid after thirty (30) days an additional thirty dollars ($30.00) penalty will apply

Current:		Code Identifies	
$	30.00	$	30.00

Parking Boot Fee

City Code 365.12

Basis: The owner/operator of any vehicle that has accumulated three (3) or more unpaid parking violations will receive written notice advising them that they will have twenty days (20) to settle all outstanding tickets and applicable fines and penalties. Failure to comply will result in an immobilization device (boot).....In addition to the payment in full of all unpaid parking citations, fines and penalties, the owner/operator of any vehicle, which has been immobilized shall pay an additional fee of fifty dollars ($50.00) for the removal of the boot from the vehicle

Current:		Code Identifies	
$	50.00	$	50.00

2023 Charles Town Municipal Court Fee Audit

Court Costs Fee
City Code 171.11

Basis: Upon the final hearing of any proceeding to punish for an offense, if judgment is given against the accused, such judgment shall include costs incurred by the City, or due to any officer in that behalf, in addition to court costs of fifty dollars ($50.00), and any fees required by law.

Current:		Code Identifies
$	50.00	$ 50.00

Failure to Appear Fee
City Code

Basis:

Current:		Code Identifies
$	50.00	

City Capias Fee
City Code

Basis:

Current:		Code Identifies
$	75.00	

Payment Plan Fee - City
City Code

Basis:

Current:		Code Identifies
$	50.00	

Payment Plan Fee - State
State Code 8-10-2b

Basis: .the clerk shall establish a payment plan for a person owing costs, fines, forfeitures, restitution, or penalties imposed by the court ..A $25 administrative processing fee shall be paid at the time the payment form is filed

Current:		Code Identifies
$	25.00	$ 25.00

Late Payment Plan Fee
State Code 8-10-2b

Basis: .the clerk shall establish a payment plan for a person owing costs, fines, forfeitures, restitution, or penalties imposed by the court ..The clerk may assess a $10 late fee each month if a person fails to comply with the terms of a payment plan

Current:		Code Identifies
$	10.00	$ 10.00

Ordinance Committee
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

AGENDA ITEM (ID #)

Meeting: 04/20/23
Department: Ordinance Committee
Category: Information Only
Initiator:

2023-386 Review of Fees & Penalties Associated with Municipal Ordinances

Review of Fees and Penalties Associated with Municipal Ordinance

ATTACHMENTS:

- Penalties_CodifiedOrdinancesCharlesTownWV.pdf

Article	Article Title	Section	Section Title	Exact language regarding penalties	Summary	WV Code Referenced
101	Codified Ordinances	101.99	General Penalty	Whenever, in the Codified Ordinances or in any ordinance of the Municipality, any act is prohibited or is made or declared to be unlawful or an offense, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates any such provision shall be fined not more than five hundred dollars ($500.00). Each day any such violation continues shall constitute a separate offense.	Not more than $500	WVaC 8-11-1; WVaC8-12-5(57); WvaC 8-11-1; WVaC 8-12-2(11)
136	Rental Dwelling Units	136.13	Penalty	Any person violating any provision of this Article is guilty of a misdemeanor. Each day for which a violation of any provision of this article exists shall constitute a separate offense subject to a fine for each first offense of $100.00, for each second offense, $200.00 and for each third and subsequent repeat offense $500.00. Any penalty imposed for a violation of this Article shall constitute a lien against all real estate owned by the person(s) fined in favor of the City of Charles Town, together with a lien for all costs and attorney fees incurred in the enforcement of such lien. The imposition of penalties prescribed herein shall not relieve the violator from responsibility for full compliance with all other applicable codes and ordinances, including any and all separate fines and penalties imposed thereunder. By virtue of the designation of an Agent under the provisions of this Article, the Owner or Owners and each of them will be jointly and severally accountable and liable for all actions and inactions of such Agent.	Misdemeanor; Each day = Separate offense; First Offense $100.00; Second Offence $200.00; Third and subsequent offenses $500.00	
171	Municipal Court	171.11	Judgment of Guilty Includes Judgment for costs	Upon the final hearing of any proceeding to punish for an offense, if judgment is given against the accused, such judgment shall include costs incurred by the City, or due to any officer in that behalf, in addition to court costs of fifty dollars ($50.00), and any fees required by law. In addition, a five dollar ($5.00) fee for sustaining the Jefferson County Teen Court Program will be added to aforementioned court costs on the condition that the extra five dollar ($5.00) fee remains in place only during the time period that the Jefferson County Teen Court Program is actively operating.	Court costs $50 Jefferson County Teen Court Program $5.00	WvaC 14-2a-4(a); WVaC 30-29-4(a) & (b)
201	Citations for External Sanitation Violations and Common Nuisance Violations	201.99	Penalty	(a) Any person issued a citation pursuant to Section 201.04 shall be punished by a fine as follows: within any 12-month period, one hundred dollars ($100.00) for a first offense citation, two hundred dollars ($200.00) for a second offense citation, and five hundred dollars ($500.00) for a third offense and subsequent citation thereafter. Each week that such a violation continues, and which shall pose an imminent threat to public health and safety, shall constitute a separate offense.	Each week = separate offense First Offense $100 Second Offense (if within 12 months of the first offense) $200 Third Offense and subsequent citation $500	WVaC 8-1-5(a)
303	Enforcement, Impounding and Penalty	303.99	Penalty	Whoever violates the provisions of West Virginia Code 17C, Articles 5 and SA as adopted by the City of Charles Town by incorporation into this ordinance, shall be punishable as provided in said Code Sections. Whoever violates any other provls1on of the Traffic Code, including the enumerated West Virginia Code Sections adopted and incorporated herein by reference, shall be subject to the penalties contained therein, provided, however, that no person shall be subject to imprisonment for said violations nor shall that person be subject to a fine of more than five hundred dollars ($500.00).	No imprisonment Not more than $500	WVaC 17C-5
313	Traffic Control Devices	313.99	Penalty	(a) General Penalty. Whoever violates Section 313.01, 313.02 or 313.04 shall be fined not more than one hundred dollars ($100.00); upon a second conviction within one year thereafter shall be fined not more than two hundred dollars ($200.00); and upon a third or subsequent conviction, shall be fined not more than five hundred dollars ($500.00). (b) Construction Zones. (1) Any person who exceeds any posted speed restriction or traffic restriction at a construction site referred to in Section 313.08 by less than fifteen miles per hour shall be fined not more than two hundred dollars ($200.00). (2) Any person who exceeds any posted speed restriction or traffic restriction at a construction site referred to in Section 313.08 by fifteen miles per hour or more shall be fined not more than two hundred dollars ($200.00) or imprisoned not more than twenty days, or both.	First Offense Not more than $100 Second Offense (within 1 year) Not more than $200 Third or subsequent conviction not more than $500. Construction Zones exceeds speed limit by less than 15 MPH - not more than $200 exceeds speed limit by 15 MPH or more - not more than $200 or imprisoned not mroe than 20 days or both.	WVaC 17c-3-4(b); WVaC 17c-3-4a(b); WVaC 17C-3-4b(b)(c); WvaC 17C-3-6(b)
331	Accidents	331.99		Any person violating the provisions of Section 331.01 after being involved in an accident resulting in physical injury but not death to any person shall be imprisoned for not more than thirty days, or fined not more than one thousand dollars ($1,000) or both.	Not more than 30 days imprisoned, or fined not more than $1,000 or both	WVaC 17C-4-1
333	Driving Under the Influence; Reckless Driving	333.01	Driving Under The Influence	*(a) Definitions.* *(1) Impaired state means a person:* *A. Is under the influence of alcohol;* *B. Is under the influence of any controlled substance;* *C. Is under the influence of any other drug or inhalant substance;* *D. Is under the combined influence of alcohol and any controlled substance or any other drug; or* *E. Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight.* *(2) Bodily injury means injury that causes substantial physical pain, illness or any impairment of physical condition.* *(3) Controlled substance has the meaning provided in West Virginia Code 60A-1-101.* *(4) Serious bodily injury means bodily injury that creates a substantial risk of death, that causes serious or prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.* *(5) Test and lock program means the Motor Vehicle Test and Lock Program, established in West Virginia Code 17C-5A-3a and administered by the Division of Motor Vehicles.* *(b) Any person who drives a vehicle in this Municipality while he or she is in an impaired state, and such impaired state proximately causes a bodily injury to any person other than himself or herself, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day nor more than one year and shall be fined not less than two hundred dollars ($200.00) nor more than one thousand dollars ($1,000), and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of two years or for a period of time conditioned on participation in the test and lock program in accordance with West Virginia Code 17C-5A-3a: provided, that if the person has previously been convicted under this section, the person shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for life or for a period of time conditioned on participation in the test and lock program in accordance with West Virginia Code 17C-5A-3a. Any jail term imposed pursuant to this subsection shall include actual confinement of not less than twenty-four hours: provided, however, that a person sentenced pursuant to this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.* *(c) Any person who drives a vehicle on any public highway or private road in this Municipality: (1) while he or she is in an impaired state; or (2) while he or she is in an impaired state but has an alcohol concentration in his or her blood of less than fifteen hundredths of one percent, by weight, is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for up to six months and shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of six months or for a period of time conditioned on participation in the test and lock program in accordance with West Virginia Code 17C-5A-3a: provided, that a person sentenced pursuant to this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.* *(d) Any person who drives a vehicle on any public highway or private road in this Municipality while he or she has an alcohol concentration in his*	DUI + causes bodily harm to another = misdemeanor and imprisoned not less than one day nor more than one year and not less than $200 nor more than $1,000 and license revoked for 2 years or for period of Test & Lock Program per WV 17C-5A-3a, unless previous conviction than revoked for life or test & lock per above code. DUI BAC less than 0.15 = misdemeanor imprisoned for 6 months and not less than $100 nor more than $500 and license revoked for 6 month or test & lock program in accordance with WVaC 17C-5A-3a. DUI BAC equal or greater than 0.15 = misdemeanor imprisoned not less than 2 days nor more than 6 months and not less than $200 nor more than $1,000 and license revoked for 1 year or test & lock program per WVaC 17C-5A-3a. Habitual user of narcotics or amphetamines = misdemeanor imprisoned not less than one day nor more than 6 months and not less than $100 nor more than $500 and license revoked for 6 months. Allowing impaired person to drive your car = misdemeanor and imprisoned not more than 6 months and not less than $100 nor more than $500 and license revoked for 6 months. Under 21 DUI BAC 0.02 or more and less than 0.08 First misdemeanor not less than $25 nor more than $100 and license suspended for 60 days or test & lock program per WVaC 17C-5A-3a; Second misdemeanor imprisoned for 24 hours and not less than $100 nor more than $500 and license revoked for 1 year or until 21st birthday whichever period is longer or lock & test program per WVaC17C-5A-3a. First offense - continuance and test & lock program completed = dismiss charges & expunge record. License suspended or revoked for at least one year or test & lock if previous conviction. DUI & minors under 16 in car = misdemeanor and imprisoned not less than 2 day nor more than 12 months and not less than $200 nor more than $1,000 and license revoked for 1 year or test & lock program . Multi offense with this section = misdemeanor imprisoned for not less than 6 months nor more than one year and may be fined not less than $1,000 nor more than $3,000 and license revoked for 10 years of Test & lock program. Unless other charge is more than more.	WVaC 17C-5-2
333	Driving Under the Influence; Reckless Driving	333.02	Reckless Driving	(c) Every person convicted of reckless driving, shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than thirty days, or both.	not more than $500 or imprisoned not more than 30 days or both	WVaC 17C-5-3

333	Driving Under the Influence; Reckless Driving	333.99	Penalty	(EDITOR'S NOTE: See Section 303.99 for general Traffic Code penalty.)	See 303.99	
334	Open Container Law	334.99	Penalty	Whoever violates any provision of this article shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00).	Not less than $50 nor more than $100	WvaC 17C-5D-3
335	Speed Restrictions	335.99	Penalty	(a) General Article Penalty. Whoever violates any provision of this article for which no other penalty is provided shall be fined not more than one hundred dollars ($100.00); upon a second conviction within one year thereafter shall be fined not more than two hundred dollars ($200.00); and upon a third or subsequent conviction, shall be fined not more than five hundred dollars ($500.00). (b) Speeding. (1) Unless otherwise provided in this subsection (b) hereof, any person who violates the provisions of Section 335.01 shall be fined not more than one hundred dollars ($100.00); upon a second conviction within one year thereafter, shall be fined not more than two hundred dollars ($200.00); and, upon a third or subsequent conviction within two years thereafter, shall be fined not more than five hundred dollars ($500.00); provided, that if such third or subsequent conviction is based upon a violation of the provisions of Section 335.01 where the offender exceeded the speed limit by fifteen miles per hour or more, then the person shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than thirty days, or both. (2) Any person who violates the provisions of Section 335.01 (b)(1) shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00); provided, that if such conviction is based upon a violation of the provisions of Section 335.01 (b)(1) where the offender exceeded the speed limit by fifteen miles per hour or more in the presence of one or more children, then the person shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or imprisoned not more than thirty days, or both: Provided, that if the signage required by Section 335.01 (b)(1) is not present in the school zone at the time of the violation, then any person who violates said provision shall be fined not more than twenty-five dollars ($25.00). (WVaC 17C-6-1) (c) Street Racing. Whoever violates Section 335.04 shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00); for a second offense fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00), or by imprisonment for not less than six days nor more than thirty days, or both; and for a third and each subsequent offense fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000), or by imprisonment for not more than thirty days or both. For the purposes of this section, a forfeiture of bail or collateral deposited to secure such person's appearance in court, which forfeiture has not been vacated, shall be equivalent to a final conviction. If at the time of any violation of the provisions of Section 335.04 by any person as an operator of a motor vehicle, such person was not entitled to operate a motor vehicle in this State because his operator's or chauffeur's license, or privilege to drive in this State if such person be a nonresident, had earlier been suspended or removed, then in addition to the penalties provided for in this section, the provisions of Section 351.10 shall be applicable. (WVaC 17C-6-8) (d) Waste Service Vehicles. Any person who violates the provisions of Section 335.06 shall be fined not less than one hundred dollars ($100.00) nor more than three hundred dollars ($300.00). If the person convicted of violating Section 335.06 exceeded the speed limit by fifteen miles per hour or more or caused serious injury or death to a service vehicle worker, then the person shall be fined not less than three hundred dollars ($300.00) nor more than one thousand dollars ($1,000) or confined in jail for not more than thirty days, or both. (WVaC 17C-6-11)	First Offense Not more than $100 Second Offense (within 1 year) Not more than $200 Third or subsequent conviction (within2 years) not more than $500, unless third offense is speeding 15 mph or more over speed limit shall be fined not more than $500 or imprisoned not more than 30 days or both. 335.01(b)(1) violation: not less than $100 nor more than $500, if at least one child present than not less than $100 nor more than $500 or imprisoned for not more than 30 days or both. If signage is not present in the school zone then fine is not more than $25. 335.04 violation - First offence: not less than $50 nor more than $100; Second Offence not less than $50 nor more than $500 or imprisoned not less than 6 days nor more than 30 days or both; Third offense & subsequent offenses fined not less than $100 nor more than $1,000 or imprisoned for not more than 30 days or both. 335.06 violation - not less than $100 and not more than $300, if over the speed limit by 15 mph or more or cause serious injury or death to a service vechile worker, then fine not less than $300 nor more than $1000 or imprisoned for not more than 30 days or both.	WVaC 17C-6-1; WVaC 17C-6-8; WVaC 17C-6-11
337	Driving on Right; Passing	337.99	Penalty	Whoever violates any provision of this article shall be fined not more than one hundred dollars ($100.00); upon a second conviction within one year thereafter shall be fined not more than two hundred dollars ($200.00); and upon a third or subsequent conviction, shall be fined not more than five hundred dollars ($500.00).	First not more than $100; Second (within one year) not more than $200; Third or subsequent not more $500	WVaC 17C-7-1; WVaC 17C-7-2; WVaC 17C-7-3; WVaC 17C-7-4; WVaC 17C-7-5; WVaC 17C-7-6; WVaC 17C-7-7; WVaC 17C-7-8(b)&(c); WVaC 17C-7-9; WVaC 17C-7-10; WVaC 17C-11; WVaC 17C-7-12
339	Turning and Starting; Signals	339.99	Penalty	Whoever violates any provision of this article shall be fined not more than one hundred dollars ($100.00); upon a second conviction within one year thereafter shall be fined not more than two hundred dollars ($200.00); and upon a third or subsequent conviction, shall be fined not more than five hundred dollars ($500.00).	First not more than $100; Second (within one year) not more than $200; Third or subsequent not more $500	WVaC 17C-8-2; WVaC 17C-8-3; WVaC 17C-8-4; WVaC 17C-8-6; WVaC 17C-8-7; WVaC 17C-8-8; WVaC 17C-8-9; WVaC 17C-8-10
341	Right of Way	341.99	Penalty	Whoever violates any provision of this article shall be fined not more than two hundred dollars ($200.00); upon a second conviction within one year thereafter shall be fined not more than three hundred dollars ($300.00); and upon a third or subsequent conviction, shall be fined not more than one thousand dollars ($1,000).	First not more than $200; Second (within one year) not more than $300; Third or subsequent conviction not more than $1,000	WVaC 17C-9-1, WVaC 17C-9-2, WVaC 17C-9-3, WVaC 17C-9-4, WVaC 17C-9-5, WVaC 17C-9-6

343	Special Stops Required	343.99	Penalty	(EDITOR S NOTE: See Section 303.99 for general Traffic Code penalty if no specific penalty is provided.) (a) Driving Onto Roadway From Place Other Than Roadway. Whoever violates Section 343.06 shall be fined not more than one hundred dollars ($100.00); upon a second conviction within one year thereafter shall be fined not more than two hundred dollars ($200.00); and upon a third or subsequent conviction, shall be fined not more than five hundred dollars ($500.00). (b) Stopping for School Bus. Any driver acting in violation of Section 343.07(a) for a first offense, shall be fined not less than five hundred dollars ($500.00) or more than one thousand dollars ($1,000), or confined in jail not more than thirty days, or both fined and confined. Upon conviction of a second violation of Section 343.07(a), the driver shall be fined not less than one thousand dollars ($1,000) nor more than fifteen hundred dollars ($1,500), or confined in jail not more than thirty days, or both fined and confined. Upon conviction of a third or subsequent violation of Section 343.07(a), the driver shall be fined two thousand dollars ($2,000) and confined not less than forty-eight hours in jail but not more than thirty days. (c) Stopping For Passenger Van. Any driver acting in violation of Section 343.08 (b) shall be fined not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00), or imprisoned not more than thirty days, or both. If the identity of the driver cannot be ascertained, then any such owner or lessee of the vehicle in violation of Section 343.08 (b) shall be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00): provided, however, that such conviction shall not subject such owner or lessee to further administrative or other penalties for such offense, notwithstanding other provisions of this Traffic Code to the contrary.	(a) 343.06 first not more than $100; second (within one year) not more than $200; third/subsequent not more than $500. (b) 343.07(a) First not less than $500 not more than $1,000 or confined in jail not more than 30 days or both; second not less than $1,000 not more than $1,500 or confined in jail not more than 30 days or both; third/subsequent $2,000 and cn=onfined not less than 48 hours not more than 30 days. (c) 343.08(b) not less than $50 nor more than $200 or imprisoned not more than 30 days or both. If driver cannot be ascertained, then owner/lessee of the vehicle shall be fined not less than $25 nor more than $100 provided that such conviction shall not subject such owner or lessee to further administrative or other penalties.	WVaC 17C-12-6; WVaC 17C-12-7; WVaC 17C-12-17a
345	Safety and Equipment	345.99	Penalty	(a) General Article Penalty. Unless otherwise provided for in this article, any person violating any provision of this article shall be fined not more than one hundred dollars ($100.00); upon a second conviction within one year thereafter, shall be fined not more than two hundred dollars ($200.00); and upon a third or subsequent conviction, shall be fined not more than five hundred dollars ($500.00). (b) Brakes. Any person violating Sections 345.19 or 345.20 shall be fined not more than one hundred dollars ($100.00) or imprisoned not more than ten days, or both; upon a second conviction within one year thereafter, shall be fined not more than two hundred dollars ($200.00) or imprisoned not more than twenty days, or both; and upon a third or subsequent conviction, shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than thirty days, or both. (WVaC 17C-15-6) (c) Sunscreening Devices. Whoever violates Section 345.34 shall be fined not more than two hundred dollars ($200.00). (WVaC 17C-15-36a) (d) Safety Belts. Any person who violates the provisions of Section 345.35 shall be fined not more than twenty-five dollars ($25.00). No court costs or other fees shall be assessed for a violation of this section. (WVaC 17C-15-49)	(a) First not more than $100, second (within one year) not more than $200; Third/subsequent not more than $500. (b) 345.19/345.20 First not more than $100 or imprisoned not more than 10 days or both; Second (within one year) not more than $200 or imprisoned not more than 20 days or both; Third/subsequent not more than $500 or imprisoned not more than 30 days or both. (c) 345.34 not more than $200. (d) 345.35 not more than $25 - no court costs or other fees.	WVaC 17C-15-6; WVaC 17C-15-36a; WVaC 17C-15-49
347	Commercial and Heavy Vehicles	347.04	Vehicles carrying loose materials	(d) Penalties. Any person who shall operate a vehicle in violation of this section shall be guilty of a misdemeanor and shall be subject to a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00). (1) No vehicle or combination of vehicles shall be operated on any street or highway unless such vehicle or combination of vehicles is so constructed or loaded as to prevent any of its loads from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, and water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway. (2) No person shall operate on any street or highway any vehicle or combination of vehicles with any load unless such load and any covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached or in any manner a hazard to other users of the street or highway.	not less than $100 nor more than $500	
349	Miscellaneous Rules	349.22	All Terrain Vehicles Prohibited	Editor s Note: The penalty provisions of Section 349.99 apply, providing for first offense $100 fine, second offense in same year $200, and subsequent offense $500 fine.	First $100, Second in same year $200, subsequent $500.	
349	Miscellaneous Ruled	349.99	Penalty	(a) General Article Penalty. Whoever violates any provision of this article for which no other penalty is provided shall be fined not more than one hundred dollars ($100.00); upon a second conviction within one year thereafter shall be fined not more than two hundred dollars ($200.00); and upon a third or subsequent conviction, shall be fined not more than five hundred dollars ($500.00). (b) (1) Any person who violates Section 349.061 shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than thirty days, or both fined and imprisoned. (2) If violation of Section 349.061 results in property damage in addition to any other penalty imposed, driving privileges of the persons causing the property damage shall be suspended for ninety days. (3) If violation of Section 349.061 results in injury to another person in addition to any other penalty imposed, the driving privileges of the person causing the injury shall be suspended for six months. (4) If violation of Section 349.061 results in the death of another person in addition to any other penalty imposed, the driving privileges of the person causing the death shall be suspended for two years. (5) Any person who violates Section 349.061 and while doing so also violates Section 333.01 shall be prosecuted under appropriate State law. (WVaC 17C-14-9a) (c) Taking, Injuring or Tampering With Vehicle. Whoever violates Section 349.13 shall, for a first offense, be fined not more than five hundred dollars ($500.00) or imprisoned not more than thirty days, or both. (WVaC 17A-11-1) (d) Vehicle Security. Whoever violates Section 349.20 shall be fined not less than two hundred dollars ($200.00) or more than five thousand dollars ($5,000) or imprisoned not more than thirty days, or both. (WVaC 17D-2A-9) (e) Electronic Communication Devices. (1) Any person who violates the provisions of Section 349.23 is guilty of a traffic offense and, shall for a first offense be fined one hundred dollars ($100.00); for a second offense be fined two hundred dollars ($200.00): and for a third or subsequent offense be fined three hundred dollars ($300.00). No court costs or other fees shall be assessed for a violation of Section 349.23. (2) Notwithstanding any other provision of this code to the contrary, points may not be entered on any driver s record maintained by the Division of Motor Vehicles as a result of a violation of Section 349.23, except for the third and subsequent convictions of the offense, for which three points shall be entered on any driver s record maintained by the Division of Motor Vehicles. (3) Driving or operating a motor vehicle on a public street or highway while texting shall be enforced as a primary offense. Driving or operating a motor vehicle on a public street or highway while using a cell phone or other electronic communication device without hands-free equipment shall be enforced as a secondary offense until July 1, 2013 and as a primary offense as of July 1, 2013 for purposes of citation. (4) Nothing contained in this section shall be construed to authorize seizure of a cell phone or electronic device by any law enforcement agency. (WVaC 17C-14-15)	First not more than $100; Second (within one year) not more than $200; Third or subsequent not more $500. 349.061 not more than $500 or imprisoned not more than 30 days or both. 349.061 + property damage = driving privileges suspended for 90 days. 349.061 + injury to another person = driving privileges suspended for 6 months. 349.061 + death of another person = driving privileges suspended for 2 years. 349.061 + 333.01 = WvaC 17C-14-9a 349.13 First not more than $500 or imprisoned 30 days or both. 349.20 not less than $200 or more than $5,000 or imprisoned not more than 30 days or both. 349.23 guilty of a traffic offense First $100; Second $200; Third/Subsequent $300; No court cost or other fees; no points on drivers record, except 3rd/subsequent - 3 points. No authorization to seize device.	WVaC 17C-14-1; WVaC 17C-14-2; WVaC 17C-14-4; WVaC 17C-14-5; WVaC 17C-14-6; WVaC 17C-14-9; WVaC 17C-14-9a; WVaC 17C-14-10; WVaC 17C-23; WVaC 17A-8-4; WVaC 17A-8-6; WVaC 17D-2A; WVaC 17C-14-14; WVaC 17A-3-2(6); WVaC 17C-14-15;

351	Licensing	351.99	Penalty	(a) General Article Penalty. Whoever violates any provision of this article for which no other penalty is provided shall be fined not more than five hundred dollars ($500.00); for a second or subsequent violation of the same provision such person shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than thirty days, or both. (b) Driving Under Suspension or Revocation. (1) Except as otherwise provided in West Virginia Code 17B-4-3(b) or (d), or subsection (b)(2) or (3) hereof, whoever drives a motor vehicle on any street or highway of this Municipality at a time when his or her privilege so to do has been lawfully suspended or revoked shall, for the first offense, be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00); for the second offense, such person, shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00); for the third or any subsequent offense, such person shall be imprisoned for a period of thirty days and, in addition to such mandatory jail sentence, shall be fined not less than one hundred fifty dollars ($150.00) nor more than five hundred dollars ($500.00). A record of the conviction of any person under this section upon a charge of driving a vehicle while the license of such person was suspended lawfully shall be sent to the State Department of Motor Vehicles. (2) Any person who drives a motor vehicle on any public highway at a time when his or her privilege to do so has been lawfully revoked for driving under the influence of alcohol, controlled substances or other drugs, or any combination thereof, or for driving while having an alcoholic concentration in his or her blood of eight hundredths of one percent or more, by weight, or for refusing to take a secondary chemical test of blood alcohol content, for the first offense shall be imprisoned thirty days and in addition to the mandatory jail sentence, shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00); for the second offense, shall be imprisoned thirty days and in addition to the mandatory jail sentence, shall be fined not less than one thousand dollars ($1,000) nor more than three thousand dollars ($3,000); for the third or any subsequent offense, the person is guilty of a felony and shall be prosecuted under appropriate State law. (3) Any person who drives a motor vehicle on any public highway at a time when his or her privilege to do so has been lawfully suspended for driving while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, shall be imprisoned for twenty-four hours or shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00), or both. (4) An order for home detention by the court pursuant to the provisions of West Virginia Code Article 62-11B may be used as an alternative sentence to any period of incarceration required by this section. (c) Additional Penalties. Whoever violates Sections 351.02, 351.03, 351.05, 351.09 or 351.11 shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than thirty days, or both.	First not more than $500; Second/subsequent not more than $500 or imprisoned not more than 30 days or both; Driving under suspension Exception- WVaC 17B-4-3(b) or (d) or (b)(2) or (3) First not less than $100 nor more than $500; Second not less than $100 nor more than $500; Third/Subsequent imprisoned for 30 days and not less than $100 nor more than $500. Driving while revoked First Imprisoned for 30 days and not less than $100 nor more than $500; Second imprisoned 30 days and not less than $1,000 nor more than $3,000; Third/Subsequent FELONY - prosecuted under State law. Driving while suspended under 21 Imprisoned for 24 hours or not less than $50 nor more than $500 or both Home detention may be used as an alternative sentence to any period of imprisonment. 351.02, 351.03, 351.05, 351.09, 351.11 not more than $500 or imprisoned not more than 30 days or both	WVaC 17B-4-3(b) or (d) or (b)(2) or (3); WVaC 62-11B; WVaC 17A-3-1; WVaC 17A-3-13; WVaC 17A-3-15; WVaC 17A-9-2; WVaC 17A-9-3; WVaC 17B-2-1; WVaC 17B-2-2; WVaC 17B-2-9; WVaC 17B-4-3; WVaC 17B-4-4;
353	Commercial Drivers	353.06	Drivers prohibited from operating with any alcohol in system	(a) In addition to any other penalties provided by the West Virginia Code or these Codified Ordinances, any person who drives, operates or is in physical control of a commercial motor vehicle while having an alcohol concentration in his or her blood, breath or urine of four hundredths of one percent or more, by weight, shall be imprisoned for not less than twenty-four hours nor more than thirty days, and shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00). A person convicted of a second or any subsequent offense under the provisions of this subsection shall be imprisoned for a period of thirty days, and the court may, in its discretion, impose a fine of not less than one thousand dollars ($1,000) nor more than three thousand dollars ($3,000). (b) A person who violates the provisions of subsection (a) of this section shall be treated in the same manner set forth in West Virginia Code 17C-19-3, as if he or she had been arrested for driving under the influence of alcohol or of any controlled substance. (c) In addition to any other penalties provided by the West Virginia Code or these Codified Ordinances, a person who drives, operates or is in physical control of a commercial motor vehicle having any measurable alcohol in such person s system or who refuses to take a preliminary breath test to determine such person s blood alcohol content as provided by West Virginia Code 17E-1-15 shall be placed out of service for twenty-four hours by the arresting law enforcement officer. (WVaC 17E-1-14)	DUI BAC of 0.04 or more imprisoned not less than 24 hours nor more than 30 days and not less than $100 nor more than $500. Second/subsequent imprisoned for 30 days may be fined not less than $1,000 nor more than $3,000.	WVaC 17E-1-14
353	Commercial Drivers	353.99	Penalty	Unless another penalty is provided in this article, whoever violates any provision of this article shall be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000), or imprisoned for not more than thirty days, or both except that for the second violation of Section 353.04, the offender shall be fined not less than five hundred dollars ($500.00) nor more than two thousand dollars ($2,000) or imprisoned not more than thirty days, or both. For the third or any subsequent conviction for violation of Section 353.04, the offender shall be fined not less than one thousand dollars ($1,000) nor more than two thousand five hundred dollars ($2,500), or imprisoned for not more than thirty days, or both. (WVaC 17E-1-25)	Not less than $100 nor more than $1,000 or imprisoned not more than 30 days or both. Second Not less than $500 nor more than $2,000 or imprisoned not more than 30 days or both. Third/Subsequent not less than $1,000 nor more than $2,500 or imprisoned not more than 30 days	WVaC 17E-1-25
355	All-Terrain Vehicles	355.99	Penalty	(a) Except as provided in the provisions of subsection (b) of this section and in addition to any other legal remedy for violation of civil or criminal provisions of this Code, any person who violates the provisions of this article or who owns or has control over an all-terrain vehicle and knowingly permits it to be used in violation of the provisions of this article shall be fined not more than one hundred dollars ($100.00). (b) Any parent, legal guardian or person who has actual responsibility for a child under eighteen years of age who knows or should have known the child is operating or is a passenger on an all-terrain vehicle without a helmet as required by the provisions of Section 355.02 shall be subject to the following penalties: (1) For a first offense, a fine of not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) or not more than ten hours of community service, or both; (2) For a second offense, a fine of not less than one hundred dollars ($100.00) nor more than two hundred dollars ($200.00) or not more than twenty hours of community service, or both; (3) For a third or subsequent offense, a fine of not less than two hundred dollars ($200.00) nor more than five hundred dollars ($500.00) or not more than one hundred hours of community service, or both. (WVaC 17F-1-8)	(a) not more than $100. (b) First not less than $50 nor more than $100 OR not more than 10 hours community service OR both; Second not less than $100 nor more than $200 OR not more than 20 hours community service OR both; Third/subsequent not less than $200 nor more than $500 OR not more than 100 hours of community service OR both.	WVaC 17F-1-1; WVaC 17F-1-2; WVaC 17F-1-4; WVaC 17F-1-5; WVaC 17F-1-6; WVaC 17F-1-7; WVaC 17F-1-8; WVaC 17F-1-9.

361	Parking Generally	361.99	Penalties and appeals	(a) General Article Penalty. Whoever violates any provision of this article shall be assessed fines and penalties. according to the following: (1) The following violations will result in a fine of ten dollars ($10.00) if paid within five (5) days; if paid after five (5) days but before thirty (30) days an additional twenty dollars ($20.00) penalty will apply for a total fine amount of thirty dollars ($30.00); if paid after thirty (30) days an additional thirty dollars ($30.00) penalty will apply for a total fine and penalty amount of sixty dollars ($60.00): A. Expired meter; B. Failure to display a valid parking permit or pay via an applicable mobile pay app at the Liberty Street Parking Lot; C. Parking permit violation; D. Exceeding the two (2) hour free parking; E. Improper manner of parking; F. Exceeding time in a ten minute take away parking space. (2) Accessible parking violations (WV Code 17C-13-6): first conviction is two hundred dollars ($200.00); second conviction is three hundred dollars ($300.00); and subsequent convictions are five hundred dollars ($500.00). (3) Violation of Section 361.04(a) is sixty dollars ($60.00). (4) Abandoned or junked motor vehicles: not more than five hundred dollars ($500.00) or imprisonment of not more than thirty (30) days, or both. (5) Other violations not otherwise listed in this section will result in a fine of sixty dollars ($60.00). (b) To appeal a ticket, a person must notify the Charles Town Municipal Court within five (5) calendar days of the date and time the parking ticket was originally issued. At the time an appeal is made, the required fines and/or penalties will be fixed until a resolution is reached by a municipal judge. If the ticket is upheld as valid, the owner/operator will satisfy the fixed cost of the citation and may be subject to additional court costs.	(1) $10 is paid within 5 days; Paid after 5 days but before 30 days +$20 = $30; Paid after 30 days +$30 = $60. (2) Accessible Parking First $200; Second $300; Subsequent $500; (3) 361.04 $60. (4) Abandoned Vehicles not more than $500 or imprisoned not more than 30 days or both. (5) $60	
365	Charles Town Parking District	365.12	Immobilization device (booting)	(a) The owner/operator of any vehicle that has accumulated three (3) or more unpaid parking violations will receive written notice advising them that they will have twenty days (20) to settle all outstanding tickets and applicable fines and penalties. Failure to comply will result in an immobilization device (boot), which is a wheel restraint that immobilizes the vehicle, being affixed to the aforementioned vehicle. (b) Whenever a vehicle is immobilized by this method, a written notice will be conspicuously affixed to the vehicle notifying the owner/operator that the vehicle has been immobilized for the violation of unpaid parking citations and that the vehicle is subject to impoundment at the owner's expense per Section 361.04 of the Charles Town Codified Code. (c) In addition to the payment in full of all unpaid parking citations, fines and penalties, the owner/operator of any vehicle, which has been immobilized shall pay an additional fee of fifty dollars ($50.00) for the removal of the boot from the vehicle. (d) It shall be unlawful for any unauthorized person to attempt to remove the booting device or move any vehicle immobilized prior to obtaining such release.	(c) in addition to the payment in full for ciations, additional $50 to remove boot	
365	Charles Town Parking District	365.99	Penalty	Refer to Article 361- Parking Generally- of the Charles Town Codified Code for any violation penalties not specifically cited in this Article.	see 361	
371	Pedestrians	371.99	Penalty	(a) Whoever violates any provision of this article, for which no other penalty is provided, shall be fined not more than one hundred dollars ($100.00); upon a second conviction within one year thereafter shall be fined not more than two hundred dollars ($200.00); and upon a third or subsequent conviction, shall be fined not more than five hundred dollars ($500.00). (WVaC 17C-10-7) (b) An operator who violates a provision of Section 371.09 shall receive a warning for the first offense. For a second or subsequent offense, the operator shall be punished by a fine of not less than ten dollars ($10.00) and not greater than one hundred dollars ($100.00). (WVaC 17C-10A-2)	(a) First not more $100; Second not more $200; Third/subsequent not more than $500. (b) First - warning; Second/subsequent - not less than $10 not greater than $100.	WVaC 17C-10-7 WVaC 17C-10A-2
501	Administration and Law Enforcement	501.02	Obstructing or giving false information to an officer; fleeing.	(a) A person who by threats, menaces, acts or otherwise forcibly or illegally hinders or obstructs or attempts to hinder or obstruct a law enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, or a full-time Deputy or Assistant Fire Marshal acting in his or her official capacity is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) or confined in jail not more than one year, or both fined and confined. (b) A person who, with intent to impede or obstruct a law-enforcement officer, the State Fire Marshal or a full-time Deputy or Assistant Fire Marshal in the conduct of an investigation of a misdemeanor or felony offense, knowingly and willfully makes a materially false statement is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200.00) or confined in jail for five days, or both fined and confined. The provisions of this section do not apply to statements made by a spouse, parent, stepparent, grandparent, sibling, half-sibling, child, stepchild or grandchild, whether related by blood or marriage, of the person under investigation. Statements made by the person under investigation may not be used as the basis for prosecution under this subsection. For purposes of this subsection, law-enforcement officer does not include a watchman, a member of the West Virginia State Police or college security personnel who is not a certified law-enforcement officer. A criminal charge under this subsection relating to the investigation of a misdemeanor offense may not be used to seek or support a secured bond or pre-trial incarceration. (c) A person who intentionally flees or attempts to flee by any means other than the use of a vehicle from a law-enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, or a full-time Deputy or Assistant Fire Marshal acting in his or her official capacity who is attempting to make a lawful arrest of or to lawfully detain the person, and who knows or reasonably believes that the officer is attempting to arrest or lawfully detain him or her, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) or confined in jail not more than one year, or both fined and confined. (d) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement officer, probation officer, or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000) and shall be confined in jail not more than one year. (e) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement officer, probation officer, or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop, and who causes damage to the real or personal property of a person during or resulting from his or her flight, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one thousand dollars ($1,000) nor more than three thousand dollars ($3,000) and shall be confined in jail for not less than six months nor more than one year. (f) For purposes of this section, the term vehicle includes any motor vehicle, motorcycle, motorboat, all-terrain vehicle, or snowmobile as those terms are defined in West Virginia Code 17A-1-1, whether or not it is being operated on a public highway at the time and whether or not it is licensed by the state. (g) For purposes of this section, the terms flee , fleeing and flight do not include a person s reasonable attempt to travel to a safe place, allowing	(a) misdemeanor not less than $50 nor more than $500 or imprisoned not mroe than one year or both. (b) misdemeanor not less than $25 nor more than $200 or imprisoned for 5 days or both. (c) misdemeanor not less than $50 nor more than $500 or imprisoned not mroe than one year or both. (d) misdemeanor not less than $500 nor more than $1,000 AND imprisoned not more than 1 year. (e) misdemeanor not less than $1,000 nor more than $3,000 AND imprisoned not less than 6 months nor more than 1 year. (h)(4) imprisoned not less than 1 day nor more than 1 year or not less than $250 nor more than $2,000 or both. (h)(5) Second misdemeanor imprisoned not less than 3 months not more than 1 year or not less than $500 nor more than $3,000 or both. (h)(6) Third/subsequent misdemeanor imprisoned not less than 6 months nor more than 1 year or not less than $500 nor more than $4,000 or both. (1)(3)misdemeanor not more than $1,000 or imprisoned not more than 6 months or both.	

501	Administration and Law Enforcement	501.1	False Alarms	Fees for False Alarms. Fees for false alarms and the actions available to the City to reduce false alarms shall be as follows: Number of False Alarms During any Calendar Month — Fee/Action One Two through five — $20.00 per occurrence. Six through ten — $100.00 per occurrence; the City Manager may require the subscriber to provide certification from the vendor or installer of the subscriber s equipment that the equipment is in good working order and/or certification that the subscriber has taken the necessary action to prevent reoccurrence if the false alarm was caused by human error. Eleven or more — $200.00 per occurrence; the City Manager may require disconnection of the subscriber s equipment from the monitoring system and may permit the reconnection of the equipment only upon presentation of satisfactory proof that the subscriber has taken necessary corrective action to prevent an excessive number of false alarms from occurring in	2-5 false alarms in one month - $20/occurrence. 6-10 - $100/occurrence 11+ $200/occurrence	
501	Administration and Law Enforcement	501.99	Penalty	(a) Whoever violates any provision of this Part Five - General Offenses Code for which no other penalty is provided shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than thirty days, or both. Each day such violation continues shall constitute a separate offense. (b) Whoever violates Section 501.01 shall be fined not more than one hundred dollars ($100.00) or imprisoned not more than thirty days, or both. (c) Whoever violates Section 501.09 shall be fined not more than two hundred dollars ($200.00) or imprisoned not more than five days, or both. (d) Whoever violates Section 501.02(c) shall be fined not more than one thousand dollars ($1,000) and shall be imprisoned not more than thirty days. (e) Whoever violates Section 501.02 (e) shall be fined not less than one thousand dollars ($1,000) nor more than three thousand dollars ($3,000) and shall be imprisoned for not more than thirty days. (WVaC 61-5-17) (f) Whoever violates Section 501.02(h) shall be fined not less than two hundred fifty dollars ($250.00) nor more than two thousand dollars ($2,000) or imprisoned not less than one day nor more than thirty days, or both fined and imprisoned. (WVaC 61-5-17) (g) (1) Except as provided by the provisions of subsection (g)(2) of this section, any person who violates the provisions of Section 501.03 shall be fined for a first offense not more than one hundred dollars ($100.00) or imprisoned for not more than thirty days, or both; and for a second and each subsequent offense fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or imprisoned for not more than thirty days, or both. (2) Any person who violates the provisions of Section 501.03 with the intent to cause injury to the person of another, to cause destruction of the property of another or to divert the attention of law enforcement or fire personnel to help effectuate the commission of another crime shall be guilty of a felony and shall be prosecuted under appropriate state law. (h) Whoever violates Section 501.04 shall be fined not more than one thousand dollars ($1,000) or imprisoned not more than thirty days, or both. (WVaC 61-6-17) (i) Whoever violates Section 501.05(a) shall be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000), or confined in jail for not more than thirty days, or both fined and confined. (WVaC 61-1-9)	(a) not more than $500 or imprisoned not mroe than 30 days or both; Each day = separate offense. (b) 501.01 not mroe than $100 or imprisoned not more than 30 days or both. (c) 501.09 not more than $200 or imprisoned not more than 5 days or both. (d) 501.02(c) not more than $1,000 AND imprisoned not more than 30 days. (e) 501.02(e) not less than $1,000 nor more than $3,000 AND imprisoned not more than 30 days. (f) 501.02(h) not less than $250 nor more than $2,000 or imprisoned not less than 1 day nor more than 30 days or both. (g)(1)501.03 First not mroe than $100 or imprisoned not more than 30 days or both. Second/subsequent not less than $100 nore more than $500 or imprisoned not more than 30 days or both. (g)(2) 501.03 w/ intent to injure or divert attention of law enforcement or fire guilty of felony - prosecuted under State law. (h) 501.04 not more than $1,000 or imprisoned not more than 30 days or both. (i) 501.05(a) not less than $100 nor more than $1,000	WVaC 61-5-17; WVaC 61-5-14. WVaC 61-1-9; WVaC 61-6-20; WVaC 62-1-5(a); WVaC 61-11-8; WVaC 61-6-17;
509	Disorderly Conduct and Peace Disturbance	509.99		(a) Whoever violates any provision of 509.01 to 509.05, shall be fined not more than five hundred dollars ($500.00). Each day such violation continues shall constitute a separate offense. (Ord. 91-0-3-4. Passed 3-4-91.) (b) Whoever violates Section 509.06 shall be fined not more than one hundred dollars ($100.00) for the first offense. For a second, such person shall be fined not more than five hundred dollars ($500.00). For a third and subsequent offense, such person shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than thirty days, or both	509.01 to 509.05: Not more than $500; each day = separate offense. 509.06 First not more than $100; Second not more than $500; Third/subsequent not more than $500 or imprisoned not more than 30 days or both	WVaC 61-6-1b; WVaC 61-6-14a; WVaC 61-6-22;
513	Gambling	513.99		(EDITOR'S NOTE: See Section 501.99 for general Code penalty if no specific penalty is provided.) (a) Whoever violates Section 513.04 or 513.06 shall be fined not more than one hundred dollars ($100.00). (b) Whoever violates Section 513.05 shall be fined not more than three hundred dollars ($300.00).	(a) not more than $100. (b) not more than $300.	
517	Indecency and Obscenity	517.99		(a) Whoever violates Section 517.01(a) shall be fined not more than two hundred fifty dollars ($250.00) or imprisoned not more than thirty days, or both. (b) Whoever violates Section 517.01(b) shall be fined not more than one hundred dollars ($100.00) or imprisoned not more than thirty days, or both, and for a second offense shall be fined not more than two hundred fifty dollars ($250.00) or imprisoned not more than thirty days, or both. (c) (1) Except as provided in subsection (c)(2), any person who violates the provisions of Section 517.07 shall be confined in jail not more than thirty days, or fined not more than two hundred fifty dollars ($250.00) or both. (2) Any person who violates the provisions of Section 517.07 by intentionally exposing himself or herself to another person and the exposure was done for the purpose of sexual gratification, shall be fined not more than five hundred dollars ($500.00), or confined in jail not more than thirty days, or both. For a second offense, the person shall be fined not more than one thousand dollars ($1,000) and confined in jail for thirty days. For a third or subsequent offense, the person is guilty of a felony and shall be prosecuted under appropriate State law. (d) Whoever violates Section 517.10 shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than thirty days, or both, for a first offense. For a second or subsequent offense such person shall be fined not more than one thousand dollars ($1,000) or imprisoned not more than six months, or both.		

521	Liquor Control	521.07		(b) Any person who violates any provision of West Virginia Code 11-16, including, but not limited to, any provision of this section, or any rule, or order lawfully promulgated by the Commissioner, or who makes any false statement concerning any material fact in submitting an application for a license or for a renewal of a license or in any hearing concerning the revocation of a license, or who commits any of the acts in this section declared to be unlawful is guilty of a misdemeanor and, upon conviction thereof, shall be punished for each offense by a fine of not less than twenty-five dollars ($25.00), nor more than five hundred dollars ($500.00), or confined in the county or regional jail for not less than thirty days nor more than six months, or by both fine and confinement. Magistrates have concurrent jurisdiction with the circuit court and any other courts having criminal jurisdiction in their county for the trial of all misdemeanors arising under this article.		
521	Liquor Control	521.99		(a) Whoever violates Section 521.05(a), 521.12(b) or 521.13(b) shall be fined not more than fifty dollars ($50.00), or imprisoned for not more than seventy-two hours, or both, or, in lieu of such fine and imprisonment, may, for the first offense, be placed on probation for not more than one year. (b) Whoever violates Section 521.05(b), 521.12(c) or 521.13(d) shall be fined not more than one hundred dollars ($100.00), or imprisoned for not more than ten days, or both. (WVaC 11-16-19, 60-3-22a, 60-8-20a, 60-3A-24) (c) Whoever violates subdivision (1), subsection (a) of Section 521.06 shall be sentenced by a judicial officer in accordance with the following options: (1) Upon first offense, a fine of not less than five dollars ($5.00) nor more than one hundred dollars ($100.00). If the individual, prior to conviction, agrees to voluntarily attend an alcohol education program of not more than six hours duration at the nearest community mental health - mental retardation center, the judicial officer may delay sentencing until the program is completed and upon completion may dismiss the charges; (2) Upon conviction for a second offense, a fine of not less than five dollars ($5.00) nor more than one hundred dollars ($100.00) and not more than sixty days in jail or completion of not less than five hours of alcoholism counseling at the nearest community mental health - mental retardation center; (3) Upon third and subsequent convictions, a fine of not less than five dollars ($5.00) nor more than one hundred dollars ($100.00) and not less than five nor more than thirty days in jail or a fine of not less than five dollars ($5.00) nor more than one hundred dollars ($100.00) and completion of not less than five hours of alcoholism counseling at the nearest community mental health - mental retardation center: provided, that three convictions for public intoxication within the preceding six months is considered evidence of alcoholism. For the educational counseling programs described in this subsection the community mental health - mental retardation center may charge each participant its usual and customary fee and shall certify in writing to the referring judicial officer the completion or failure to complete the prescribed program for each individual. (4) A person charged with a violation of subdivision (1), subsection (a) of Section 521.06 who is an alcoholic shall be found not guilty by reason of addiction and proper disposition made pursuant to West Virginia Code Articles 27-5 and 6A. (d) Whoever violates subdivision (2), subsection (a) of Section 521.06 shall be fined not less than five dollars ($5.00) nor more than one hundred dollars ($100.00); and upon a second or subsequent conviction thereof, shall be fined not less than five dollars ($5.00) nor more than one hundred dollars ($100.00) or imprisoned not more than thirty days, or both. (e) Whoever violates subdivision (3), subsection (a) of Section 521.06 shall be fined not less than five dollars ($5.00) nor more than one hundred dollars ($100.00) or imprisoned not more than thirty days, or both. (f) Whoever violates subdivision (4) or (5), subsection (a) of Section 521.06 shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00). Upon conviction of a second or subsequent offense, he or she is guilty of a felony and, shall be prosecuted under appropriate State law. (WVaC 60-6-9)		
525	Minors	525.01		(f) Upon conviction, the court may suspend the sentence of a person found guilty under this section. A suspended sentence may be subjected to the following terms and conditions: (1) That offender pay for any and all treatment, support, and maintenance while the child is in the custody of the state or person that the court determines reasonable and necessary for the welfare of the child; (2) That the offender post a sufficient bond to secure the payment for all sums ordered to be paid under this section, as long as the bond does not exceed five thousand dollars ($5,000); and (3) That the offender participate in any program or training that will assist the child in correcting the delinquent behavior or, in the case of		
525	Minors	525.99		not more than two hundred dollars ($200.00) or imprisoned not more than thirty days, or both.		
529	Offenses Relating to Persons	529.03		(d) Penalties. Whoever violates any provision of this section, shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than thirty days, or both. Each day such violation continues shall constitute a separate offense.		
529	Offenses Relating to Persons	529.99		not more than five hundred dollars ($500.00). Each day such violation continues shall constitute a separate offense.		
530	Loitering	530.99		not less than one hundred dollars ($100.00) and not to exceed five hundred dollars ($500.00) and/or imprisonment not to exceed ninety days	misdemeanor	
531	Simple Possession of Marijuana	531.99		Any person who shall violate this article shall be subject to a fine of not more than one thousand dollars ($1,000).		
532	Wandering, Remaining in or Prowling Public Places with Purpose of Obtaining or Selling Controlled Substance; Disorderly Person Offense	532.99		up to five hundred dollars ($500.00). A subsequent second offense in violation of the provisions of this article shall be punishable by a fine of up to one thousand dollars ($1,000) and up to 30 days in jail, and third and subsequent offenses shall be punishable by a fine up to one thousand dollars ($1,000) and up to 60 days in jail.		

533	Offenses Relating to Property	533.01		(f) Penalty. A person convicted of shoplifting shall be punished as follows: (1) First offense conviction. Upon a first shoplifting conviction: A. When the value of the merchandise is less than or equal to five hundred dollars ($500.00) the defendant shall be fined not more than two hundred fifty dollars ($250.00). B. When the value of the merchandise exceeds five hundred dollars ($500.00), the defendant shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) and such fine shall not be suspended; or the defendant shall be confined in jail not more than thirty days, or both. (2) Second offense conviction. Upon a second shoplifting conviction: A. When the value of the merchandise is less than or equal to five hundred dollars ($500.00) the defendant shall be fined not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00) and such fine shall not be suspended; or the defendant shall be confined in jail not more than thirty days, or both. B. When the value of the merchandise exceeds five hundred dollars ($500.00), the defendant shall be fined not less than five hundred dollars ($500.00) and shall be confined in jail not more than thirty days. (3) Mandatory penalty. In addition to the fines and imprisonment imposed by this section, in all cases of conviction for the offense of shoplifting, the court shall order the defendant to pay a penalty to the mercantile establishment involved in the amount of fifty dollars ($50.00), or double the value of the merchandise involved, whichever is higher. The mercantile establishment shall be entitled to collect such mandatory penalty as in the case of a civil judgment. This penalty shall be in addition to the mercantile establishment's rights to recover the stolen merchandise. (4) Prior convictions. In determining the number of prior shoplifting convictions for purposes of imposing punishment under this section, the court shall disregard all such convictions occurring more than seven years prior to the shoplifting offense in question.		
533	Offenses Relating to Property	533.02		(b) Trespass in Structure or Conveyance. Any person who knowingly enters in, upon or under a structure or conveyance without being authorized, licensed or invited, or having been authorized, licensed or invited is requested to depart by the owner, tenant or the agent of such owner or tenant, and refuses to do so, shall be fined not more than one hundred dollars ($100.00). If the offender is armed with a firearm or other dangerous weapon while in the structure or conveyance, with the unlawful and felonious intent to do bodily injury to a human being in such structure or conveyance at the time the offender knowingly trespasses, such offender shall, notwithstanding the provisions of West Virginia Code 61-7-1, be subject to the penalty provided in Section 501.99 (a). (WVaC 61-3B-2) (c) Trespass on Property Other than Structure or Conveyance. (1) Whoever knowingly and without being authorized, licensed or invited, enters or remains on any property, other than a structure or conveyance, as to which notice against entering or remaining is either given by actual communication to such person or by posting, fencing or cultivation, shall be fined as follows: A. First Offense Conviction. Upon a first trespassing conviction pursuant to subsection (a) of this section, the person shall be fined not less than $100.00 nor more than $500.00. B. Second Offense Conviction. Upon a second trespassing conviction pursuant to subsection (a) of this section, the person shall be fined not less than $500.00 nor more than $1,000. C. Third Offense Conviction. Upon a third and subsequent trespassing conviction pursuant to subsection (a) of this section, the person shall be fined not less than $1,000 nor more than $1,500. (2) If the offender defies an order to leave, personally communicated to him by the owner, tenant or agent of such owner or tenant, or if the offender opens any door, fence or gate, and thereby exposes animals, crops or other property to waste, destruction or freedom, or causes any damage to property by such trespassing on property other than a structure or conveyance, he shall be subject to the penalty provided in Section 501.99 (a). (3) If the offender is armed with a firearm or other dangerous weapon with the unlawful and felonious intent to do bodily injury to a human being during his commission of the offense of trespass on property other than a structure or conveyance, such offender shall, notwithstanding the provisions of West Virginia Code 61-7-1, be imprisoned not more than thirty days, or fined not more than one hundred dollars ($100.00), or both		
533	Offenses Relating to Property	533.99		(a) Whoever violates Section 533.05(b) or 533.10 shall be fined not more than two hundred dollars ($200.00) or imprisoned not more than thirty days, or both. (b) Any person convicted of a violation of Section 533.09 shall be subject to the following penalties: (1) Upon a first conviction, the defendant shall be fined not less than fifty dollars ($50.00) nor more than two hundred fifty dollars ($250.00). (2) Upon a second conviction, the defendant shall be fined not less than two hundred fifty dollars ($250.00) nor more than five hundred dollars ($500.00). (3) Upon any subsequent conviction in excess of a second conviction, the defendant shall be fined not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000) or imprisoned not more than thirty days, or both. Notwithstanding the provisions of West Virginia Code 61-11A-4 or West Virginia Code 50-3-2a, the magistrate or court may order restitution not to exceed the value of unauthorized solid waste services received. (WVaC 61-5-33)		
541	Railroads	541.99		(a) Any railroad company, carrier or railroad violating the provisions of Section 541.01(b)(1) shall be fined not less than one hundred fifty dollars ($150.00); upon a second conviction occurring at the same crossing within one year thereafter, shall be fined not less than two hundred fifty dollars ($250.00); and upon a third or subsequent conviction occurring at the same crossing within one year after the first conviction, shall be fined not less than three hundred fifty dollars ($350.00). (b) Any railroad company, carrier or railroad violating the provisions of Section 541.01(b)(2) shall be fined not less than one thousand dollars ($1,000); upon a second conviction occurring at the same crossing within one year thereafter, shall be fined not less than two thousand five hundred dollars ($2,500); and upon a third or subsequent conviction occurring at the same crossing within one year after the first conviction, shall be fined not less than five thousand dollars ($5,000). (WVaC 31-2A-6) (c) Whoever violates Section 541.02 shall be fined not more than twenty-five dollars ($25.00) or imprisoned not more than thirty days, or both.		
545	Weapons and Explosives	545.1		(h) Penalty. (l) A person in violation of this section is subject to a fine up to $500.00, plus the costs of prosecution. (2) Following final disposition of a finding of responsibility for a violation of this section, the city may dispose of or destroy any consumer fireworks retained as evidence in that prosecution. (3) In addition to any other penalty, a person that is found responsible for a violation of this section is subject to reimbursing the city for the costs of storing, disposing of, or destroying consumer fireworks that were confiscated for a violation of this section.		

545	Weapons and Explosives	545.99		(a) Whoever violates Section 545.04 shall be fined not more than one thousand dollars ($1,000) or imprisoned not more than thirty days, or both. (b) Notwithstanding the provisions of subsection (a) of this section, any person: (1) Who has been convicted in this State or any other jurisdiction of a felony crime of violence against the person of another or of a felony sexual offense; or (2) Who has been convicted in this State or any other jurisdiction of a felony controlled substance offense involving a Schedule I controlled substance other than marijuana, a Schedule II or a Schedule III controlled substance as such are defined in West Virginia Code 60A-2-204, 60A-2-205 and 60A- 2-206, and who possesses a firearm as such is defined in Section 545.01 shall be guilty of a felony and shall be prosecuted under appropriate State law. The provisions of Section 545.04(b) shall not apply to persons convicted of offenses referred to in this subsection or to persons convicted of a violation of this subsection. (WVaC 61-7-7)		
549	Drug and Gang Houses, Houses of Prostitution, and Illegal Gambling Houses	549.99		(a) Each day that a violation of this section continues will be considered a separate and distinct offense. (1) No person will be found in violation of Section 549.02(b)(2) unless the City proves by a preponderance of the evidence that the abatement measures were reasonable and warranted and that the defendant knowingly failed to implement them. (2) A fine in accordance with Section 549.04(b) may be assessed by the City of Charles Town Municipal Court. (b) Upon a finding of liability under this article, the defendant may be fined not less than one hundred dollars ($100.00) and not more than one thousand dollars ($1,000.00) per offense.		
713	Advertising	713.99		not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00). Failure or refusal to comply with this article each and every day shall constitute a separate and distinct offense.	misdemeanor	
741	Municipal License Tax	741.99		(a) Whoever engages in any activity contrary to the provisions of this article, whether without obtaining a license required therefor before commencing the same or by continuing the same after the termination of the effective period of any such license, shall, in addition to paying the license tax, be subject to a penalty of fifty dollars ($50.00) for each month or fraction thereof during which he has been in default of the license tax. It shall be the duty of the City Treasurer to collect the full amount of the license tax and penalty imposed. Any waiver of the penalty herein provided for shall have the approval of City Council. (b) In addition to the foregoing and except as may herein be otherwise expressly provided, whoever violates any provision under this article during any one twelve month period shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00), and whoever shall commit multiple violations of this article during more than one twelve month period, whether or not said periods shall be consecutive and whether or not said person shall have been previously convicted thereof, shall be fined not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000) and imprisoned not more than thirty days or both. Each day or part thereof that any violation continues shall be deemed to constitute a distinct and separate offense and be punishable accordingly. (c) Whoever knowingly makes a false statement in any tax form or application shall be fined not less than two hundred dollars ($200.00) nor more than one thousand dollars ($1,000). Each false statement, whether made with or without other false statements on any one or more application shall constitute a separate offense. And, whoever shall knowingly make a false statement in two separate tax filings , whether or not said applications shall have been filed consecutively, and whether or not said person shall have been previously convicted thereof, shall be fined not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000) and imprisoned not more than six months, or both.		
745	Business and Occupation Tax	745.21		(b) Any officer, employee or agent of the municipality or any former officer, employee or agent of the municipality who shall divulge facts or information obtained from returns or tax statements other than for the purpose of administering such tax shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than one year, or both, together with costs of prosecution. (c) Any officer, employee or agent of the municipality or any former officer, employee or agent of the municipality who shall make unauthorized disclosure of information received from the State Tax Commissioner under authority of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than one year, or both,		
745	Business and Occupation Tax	745.34		a penalty in the amount of twenty-five (25.00%) percent of the tax due for the period of such failure or delinquency. Such tax and penalty shall bear interest at the rate of twelve percent (12.00%) per annum from the due date of the payment until paid. Additionally, whoever engages in any activity contrary to the provisions of this article shall, in addition to paying the tax imposed by this article, penalty and interest, be subject to an additional penalty of fifty dollars ($50.00) for each month or fraction thereof during which he has been in default of said tax. It shall be the duty of the treasurer to collect the full amount of the tax, penalty and interest imposed. Upon the recommendation of the municipality's Finance Committee, for good cause shown, and upon the request by the person, the municipality may abate and forgive the penalty and interest, or both, in whole or in part. (b) Interest and penalties may be collected in the same manner as the tax imposed by this article. (c) Any person who shall willfully, and with intent to evade, refuse to pay all or any part of the tax imposed by this article shall be guilty of a misdemeanor. If the amount of the unpaid tax shall be less than one thousand dollars ($1,000), such person shall, in addition to such tax, penalties and interest as is owed, be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), and if the amount of the unpaid tax shall be one thousand dollars ($1,000) or more, such person shall, in addition to such tax, penalties and interest as is owed, be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000), or imprisoned not more than thirty days, or be both fined and imprisoned as herein provided. Each day or part thereof that any violation continues shall be deemed to constitute a distinct and separate offense and be punishable accordingly. (d) Whoever knowingly makes a false statement in any tax form or application shall be fined not less than two hundred dollars ($200.00) nor more than one thousand dollars ($1,000). Each false statement, whether made with or without other false statements on any one or more applications shall constitute a separate offense. And, whoever shall knowingly make a false statement in two separate "tax filings", whether or not said applications shall have been filed consecutively, and whether or not said person shall have been previously convicted thereof, shall be fined not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000) and imprisoned not more than six months, or both.		

745	Business and Occupation Tax	745.34		(a) If any person fails to make the return or any semi-annual installment required by this article, or makes its return but fails to remit, in whole or in part, the proper amount of tax, there shall be added to the amount of tax unpaid, from the date such tax should have been paid, a penalty in the amount of twenty-five (25.00%) percent of the tax due for the period of such failure or delinquency. Such tax and penalty shall bear interest at the rate of twelve percent (12.00%) per annum from the due date of the payment until paid. Additionally, whoever engages in any activity contrary to the provisions of this article shall, in addition to paying the tax imposed by this article, penalty and interest, be subject to an additional penalty of fifty dollars ($50.00) for each month or fraction thereof during which he has been in default of said tax. It shall be the duty of the treasurer to collect the full amount of the tax, penalty and interest imposed. Upon the recommendation of the municipality's Finance Committee, for good cause shown, and upon the request by the person, the municipality may abate and forgive the penalty and interest, or both, in whole or in part. (b) Interest and penalties may be collected in the same manner as the tax imposed by this article. (c) Any person who shall willfully, and with intent to evade, refuse to pay all or any part of the tax imposed by this article shall be guilty of a misdemeanor. If the amount of the unpaid tax shall be less than one thousand dollars ($1,000), such person shall, in addition to such tax, penalties and interest as is owed, be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), and if the amount of the unpaid tax shall be one thousand dollars ($1,000) or more, such person shall, in addition to such tax, penalties and interest as is owed, be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000), or imprisoned not more than thirty days, or be both fined and imprisoned as herein provided. Each day or part thereof that any violation continues shall be deemed to constitute a distinct and separate offense and be punishable accordingly. (d) Whoever knowingly makes a false statement in any tax form or application shall be fined not less than two hundred dollars ($200.00) nor more than one thousand dollars ($1,000). Each false statement, whether made with or without other false statements on any one or more applications shall constitute a separate offense. And, whoever shall knowingly make a false statement in two separate "tax filings", whether or not said applications shall have been filed consecutively, and whether or not said person shall have been previously convicted thereof, shall be fined not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000) and imprisoned not more than six months, or both.		
749	Public Utility Service Tax	749.99		Any purchaser failing or refusing to pay the tax hereby imposed and levied and any seller or purchaser violating any of the provisions hereof or any lawful rules and regulation promulgated hereunder shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than one hundred dollars ($100.00). The failure or refusal to pay the tax for public utility service purchased, used or consumed during different periodic statement periods shall constitute a separate and distinct offense.		
753	Romm Occupancy Tax	753.05		(g) Special Rule For Taxes Due in Amounts Less Than $10.00 Per Month. In the event that the tax due for any reporting period is less than ten dollars ($10.00), the reporting requirements as stated under subsection (f) hereof are hereby waived and no reporting shall be required until such time that the tax liability exceeds ten dollars ($10.00).		
753	Room Occupancy Tax	753.99		not more than five hundred dollars ($500.00) or imprisoned for a period of not more than thirty days, or both fined and imprisoned. For each offense after the first offense, such person shall be guilty of a felony, and, upon conviction thereof, shall be fined not less than one thousand dollars ($1,000) nor more than ten thousand dollars, ($ 10,000) or imprisoned in the penitentiary not less than one nor more than three years, or in the discretion of the Court be confined in the county jail not more than one year, or both fined and imprisoned. (c) Any member of the City Council who willingly and knowingly votes to or causes to be expended moneys generated by the provisions of this section for purposes other than specifically set forth in this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars.	misdemeanor	
771	Municipal Service Fee for Yard Waste Pickup	771.06		(c) Anyone who violates this article shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00). Each and every day that person violates any part of this article shall constitute a separate offense.		
921	Sewers	921.08		(e) Each bill shall bear on its face the latest pay date and the date it shall be a delinquent bill if not paid. On all current usage billings not paid in full by the latest pay date, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.		
921	Sewers	921.16		DELAYED PAYMENT PENALTY The above scheduled is net. On all accounts not paid in full when due, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.		
925	Water Rates	925.01		DELAYED PAYMENT PENALTY The above tariff is net. On all current usage billings not paid within twenty (20) days, a ten percent (10%) charge shall be added to the net current amount unpaid. The delayed payment penalty is not interest and is only to be collected once for each bill where it is appropriate.		
951	**Garbage Collection**	951.12	**Failure to pay colle**	No person shall fail to pay the collection fees or charges imposed by this article. Anyone who violates this article shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00). Each and every day that person violates any part of this article shall constitute a separate offense.		
1101	Nuisances	1101.99	Penalty	(a) Any person violating any provision of this Article shall be punished by a fine as follows: within any 12-month period, one hundred dollars ($100.00) for the first offense, two hundred dollars ($200.00) for a second offense, and five hundred dollars ($500.00) for a third or subsequent offense. Each week that such a violation continues, and which shall pose an imminent threat to public health and safety, shall constitute a separate offense. (b) Such fine, and costs as assessed by the municipal court, together with all attorney fees incurred in the enforcement thereof, and any potential abatement costs identified in Section 1101.05, shall constitute a lien against the real estate of the owner subject to perfecting by filing notice in the Office of the Clerk of the County Commission of Jefferson County, West Virginia.		
1102	Animals and Fowl	1102.99		not more than five hundred dollars ($500.00). Each day such violation continues shall constitute a separate offense.		
1103	Weeds, Trees and Shrubs	1103.02		(b) The minimum cost of cutting and removing weeds, grass or brush, or other combustible material shall be one hundred dollars ($100.00) for any one lot or parcel of real estate. (e) In addition to the above civil remedies, anyone who violates the provisions of Section 1103.01 and fails or refuses to remove such weeds, grass, brush or combustible materials within the time period set forth in the notice to the person shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00). Each and every day that the owner refuses to remove such weeds, grass, brush or combustible materials, will constitute a separate offense.		
1103	Weeds, Trees, and Shrubs	1103.99		not more than five hundred dollars ($500.00). Each day such violation continues shall constitute a separate offense.		
1104	Trees	1104.04		(c) Additional Penalties. (1) Fines. Any person who violates any provision of this article or who fails to comply with any notice issued pursuant to provision of the article, upon being found guilty of such violation, shall be subject to a fine not to exceed five hundred dollars ($500.00). Each day during which the violation of the provision of this article occurs shall constitute a separate offense. (2) Repair or replacement of trees. If, as the result of the violation of any provision of this article, the injury, mutilation, or death of a public tree is caused, in addition to criminal penalties, the cost of the repair or replacement of such tree shall be borne by the at fault party. Replacement value of the tree shall be determined in accordance with the latest revision of the Guide for Planting Appraisal, as published by the Council of Trees &		

1104	Trees	1104.04		(c) Additional Penalties. (1) Fines. Any person who violates any provision of this article or who fails to comply with any notice issued pursuant to provision of the article, upon being found guilty of such violation, shall be subject to a fine not to exceed five hundred dollars ($500.00). Each day during which the violation of the provision of this article occurs shall constitute a separate offense. (2) Repair or replacement of trees. If, as the result of the violation of any provision of this article, the injury, mutilation, or death of a public tree is caused, in addition to criminal penalties, the cost of the repair or replacement of such tree shall be borne by the at fault party. Replacement value of the tree shall be determined in accordance with the latest revision of the Guide for Planting Appraisal, as published by the Council of Trees &		
1705	West Virginia State Building Code	1705.06		not less than ten dollars ($10.00) nor more than five hundred dollars ($500.00). Failure or refusal to comply with this Article, each and every day the violation continues, shall constitute a separate offense. However, this penalty shall not be the exclusive remedy of the City, the City reserving all of the remedies provided by law	misdemeanor	
1741	All-Terrain Vehicles	1741.07		(c) Penalties. Any person who fails to comply with any or all of the requirements or provisions of this article or direction of the Floodplain Administrator or duly authorized representative shall be guilty of an offense and, upon conviction, shall pay a fine of not less than fifty dollars ($50.00) or more than five hundred dollars ($500.00) plus cost of prosecution. In default of such payment such person shall be imprisoned in the Jefferson County prison for a period not to exceed 10 days. Each day during which any violation of this article continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or non-compliance with, this article shall not excuse the violation or non-compliance with this article or permit it to continue; and all such persons shall be required to correct or remedy such violations or non-compliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in non-compliance with this article may be declared by the City of Charles Town Council to be a public nuisance and abatable as such.		
1759	Vacant Properties and Vacant Structures	1759.06		(c) General Penalty. Each day for which a violation of any provision of this Ordinance exists shall constitute a separate offense subject to a fine for each first offense of $100.00, for each second offense, $200.00 and for each third and subsequent repeat offense $500.00. Any penalty imposed for a violation of this Article shall constitute a lien against all real estate owned by the person(s) fined in favor of the City of Charles Town, together with a lien for all costs and attorney fees incurred in the enforcement of such lien. Such penalties are exclusive of any registry fees that may have been assessed		
1102	Animals and Fowl	1102.05A		(c) Penalties. Any violation of this Section shall be punishable by a fine of up to five hundred dollars ($500.00) for each offense.		