

ORDINANCE NO. 3519

AN ORDINANCE to amend and reordain Article E (ASSESSING COSTS IN CIVIL ACTIONS IN COURTS FOR LAW LIBRARY) by amending the article's catchline, by amending and reordaining Section 3-2-51 (ASSESSMENTS OF COSTS), Section 3-2-52 (EXEMPTIONS) and Section 3-2-53 (COLLECTION), and by repealing Section 3-2-54 (DISBURSEMENT FOR LAW LIBRARY MAINTENANCE, ETC.), all of Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

WHEREAS, the 1990 General Assembly added section 14.1-133.2 to the Virginia Code which authorized the city, by ordinance, to assess an additional fee, not to exceed \$2.00 per case, as part of the court costs charged in criminal and traffic cases processed by the Alexandria Circuit Court and the Alexandria General District Court, so long as the increased fees were used for courthouse and jail construction, renovation and maintenance and for specified utilities; and

WHEREAS, pursuant to the authority provided by Virginia Code section 14.1-133.2, city council adopted Ordinance No. 3461 on June 16, 1990, which imposed an additional fee of \$2.00 to be assessed as costs in each criminal and traffic case in the Alexandria courts; and

WHEREAS, by the terms of a "sunset" provision in the 1990 General Assembly legislation, the authority to impose this additional fee of up to \$2.00 per case was to expire on July 1, 1991, and this expiration date is set out in Ordinance No. 3461; and

WHEREAS, the 1991 General Assembly, in Chapter 689, amended Virginia Code section 14.1-133.2 to clarify its applicability and to repeal the 1990 "sunset" provision and extend the authority for the fee for an indefinite time; and

WHEREAS, city council now wishes to repeal the July 1, 1991, expiration that is contained in Ordinance No. 3461 and formally to set out in The Code of the City of Alexandria, Virginia, 1981, as amended, the \$2.00 fee that is authorized by Virginia Code section 14.1-133.2; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article E of Chapter 2, Title 3 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended to read follows:

ARTICLE E

Assessment of Court Costs and Fees

Sec. 3-2-51 Assessment of fee for law library.

There is hereby assessed as a part of the costs incident to every civil action filed in the Alexandria Circuit and General District Courts a fee of \$4 for the support of the law library. This assessment is made in addition to all other fees and costs prescribed by law, but shall not apply to any action in which the Commonwealth, any political subdivision thereof or the federal government is a party and in which costs are assessed against such governmental entity.

Sec. 3-2-52 Assessment of fee for courthouse and jail.

In addition to any other fee or cost prescribed by law, there is hereby assessed a fee of \$2, for the support of the courthouse and jail, as part of the fees taxed as costs in each criminal and traffic case in the Alexandria Circuit and General District Courts in which the defendant is charged with a violation of any statute or ordinance.

Sec. 3-2-53 Collection, remittance and appropriation.

(a) The assessments provided for in this article shall be charged and collected by the clerk of the court in which the action or case is filed in the same manner as other costs or fees in like actions or cases are charged and collected, and shall be remitted by the clerk to the director of finance to be held for appropriation by city council.

(b) The appropriation by city council of the fee assessed under section 3-2-51 shall be for the support of the law library as follows:

- (1) the acquisition of law books and law periodicals;
- (2) the compensation, as fixed by council, of librarians and necessary staff for the maintenance of the law library; and
- (3) the acquisition of suitable quarters for the library.

(c) The appropriation by city council of the fee assessed under section 3-2-52 shall be for the construction, renovation or maintenance of the city's courthouse, jail or court-related facilities, or to defray increases in the costs of providing heat, cooling, electricity and ordinary maintenance services to the courthouse, jail or court-related facilities.

Section 2. That Ordinance No. 3461, adopted on June 16, 1990, and listed in Appendix F, "Miscellaneous Ordinances Not Codified or Otherwise Listed," of The Code of the City of Alexandria, Virginia, 1981, as amended, is hereby repealed; provided, that all assessments made under Ordinance No. 3461 remain valid and shall be charged, collected and remitted to the director of finance by the clerk of the appropriate court.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage and shall then apply to all pending and future civil, criminal and traffic cases.

PATRICIA S. TICER
Mayor

Final Passage: June 15, 1991