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INJUNCTION - WEST VIRGINIA

T & C Construction Services, LLC v. City of St. Albans

Supreme Court of Appeals of West Virginia - April 25, 2024 - S.E.2d - 2024 WL 1793824

City brought enforcement proceeding seeking injunctive relief against operators of residential rental building in connection with citations issued and criminal fines imposed by municipal court for fire prevention and building code violations.

The Circuit Court issued a cease-and-desist order that enjoined operators from operating rental business at building, granted city a money judgment for the criminal fines, and appointed city's counsel as special commissioner to sell the property and satisfy the judgment. Operators appealed.

The Supreme Court of Appeals held that:

- Statute that specifically applied to every judgment for a fine rendered by a circuit court, or other court of record having jurisdiction in criminal cases, rather than statute that referred generally to liens resulting from a judgment, applied;
- City had authority to bring a civil action in Circuit Court to obtain an injunction to enjoin operators from violating city's building and fire prevention codes;
- Circuit Court had jurisdiction to grant city's request for injunctive relief;
- Sufficient evidence supported circuit court's decision to grant injunctive relief; and
- Circuit Court's failure to follow fieri facias statutory process for execution of money judgment precluded, as premature, appointment of city's counsel as special commissioner to sell property to satisfy money judgment.

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