

2021-O-12

**AN ORDINANCE OF COUNCIL AMENDING, MODIFYING AND  
RE-ENACTING SECTION 1737.12 OF THE CODIFIED ORDINANCES  
OF THE CITY OF HUNTINGTON, AS REVISED, REGARDING  
PERIODIC INSPECTIONS OF RENTAL UNITS.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HUNTINGTON, CABELL  
AND WAYNE COUNTIES, WEST VIRGINIA**, that Section 1737.12 of the Codified Ordinances  
of the City of Huntington, as revised, are hereby **AMENDED, MODIFIED** and **RE-ENACTED**  
to read as follows:

**ARTICLE 1737**

**RESIDENTIAL RENTAL UNIT LICENSING AND INSPECTION.**

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**1737.12 - PERIODIC INSPECTIONS.**

(a) In addition to all other inspections permitted herein or otherwise permitted by law, each residential rental unit shall be subject to a periodic inspection that shall take place no more than once in any 12-month period for each rental unit. The inspection shall determine compliance with the provisions of this article and all other applicable city, county or state laws related to building, fire, health, safety, or zoning.

(b) Authorized inspecting officials shall conduct all inspections during reasonable hours of the day and after presentation of proper identification. The landlord may arrange, and the tenant shall have the opportunity, to be present during an inspection. In all cases, if the tenant ~~or landlord, or the owner of an unoccupied residential rental unit~~ ~~of a residential rental unit~~ refuses entry to conduct inspection, the authorized inspecting official shall not conduct any such inspection without a search warrant from the municipal court. The authorized inspecting official shall take the necessary action to obtain such search warrant upon a showing of probable cause. The municipal judge shall find probable cause to issue a reasonably restricted search warrant when a valid public interest justifies the intrusion contemplated.

(c) Entry by the authorized inspecting official is for the sole purpose of inspection of the rental unit for compliance with this article and other applicable health, safety, and zoning codes and not for the purpose of criminal prosecution or gathering evidence for use in any criminal charge or proceeding unrelated to condition or zoning of the rental unit.

(d) If the landlord has had an inspection of the residential rental unit pursuant to an insurance or bank inspection or an inspection done by city inspectors for the purposes of a certificate of occupancy, this inspection may, in the discretion of the building inspector and fire marshal, be accepted as qualifying for the required periodic inspection provided that the following requirements have been met:

- (1) The insurance/bank inspection or the certificate of occupancy inspection was completed within the previous 12 months of the city's scheduled inspection;
  - (2) A certified copy of the proof of inspection and proof items covered in the inspection are provided to the city; and
  - (3) The inspecting official is certified to carry out such inspection and provides proof of this certification to the fire marshal or designee, upon request.
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**BE IT FURTHER ORDAINED** that all other articles, sections, and subsections of the Codified Ordinances of the City of Huntington, as revised, shall remain in full force and effect until further Ordinance of this Council.

**BE IT FURTHER ORDAINED** that Sections 1737.12 shall become effective upon its adoption by Council and approval by the Mayor.

SPONSORED BY Councilman Bob Bailey

APPROVED AS TO FORM BY SD

FIRST READING 7/12/2021 - ORDERED ADVERTISED

SECOND READING 7/26/2021 - ADOPTED - (9 yeas, 0 nay and 2 absent - Bowen and Rumbaugh )

DATE 7/26/2021

Lisa Collins, Asst. City Clerk  
BARBARA MILLER, CITY CLERK

DATE 7/26/2021

Steve Williams  
STEVE WILLIAMS, MAYOR

✓  
APPROVE

DATE 7/26/2021

VETO