CITY OF CHARLES TOWN

ORDINANCE COMMITTEE
AGENDA • MAY 20, 2025

Committee Meeting **COUNCIL CHAMBERS** **5:30 PM**
101 E Washington Street, Charles Town, WV 25414

1. CALL TO ORDER

2. UNFINISHED BUSINESS

: **2025-583:** Review and Suggested Recommendations on the Pending Ordinance List

: **2025-584:** Zoning/Certificate of Continuing Occupancy

3. NEW BUSINESS

: **2025-582:** Article 136 Rental Dwelling Units
Artilce 136 - Rental Dwelling Units.pdf

4. ADJOURNMENT

5. 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

Meeting: 05/20/25
Department: Ordinance Committee
Category: Ordinance
Initiator:

AGENDA ITEM (ID #)

2025-583: Review and Suggested Recommendations on the Pending Ordinance List

ATTACHMENTS:

Ordinance Committee
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

Meeting: 05/20/25
Department: Ordinance Committee
Category: Ordinance
Initiator:

AGENDA ITEM (ID #)

2025-584: Zoning/Certificate of Continuing Occupancy

ATTACHMENTS:

Ordinance Committee
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

Meeting: 05/20/25
Department: Ordinance Committee
Category: Report
Initiator:

AGENDA ITEM (ID #)

2025-582: Article 136 Rental Dwelling Units

ATTACHMENTS:

- Artilce 136 - Rental Dwelling Units.pdf

ARTICLE 136

Rental Dwelling Units

136.01 Purpose.
136.02 Scope.
136.03 Definitions.
136.04 Prohibited activity.
136.05 Application for certificate of rental use and occupancy.
136.06 Certificate of rental use and occupancy; display; transfer; expiration.
136.07 Fees and conditions.
136.08 Annual renewal application.
136.09 Access to rental units.
136.10 Notice of violation.
136.11 Right of appeal.
136.12 Applicability of other laws.
136.13 Penalty.
136.14 Civil remedies.
136.15 Public information.

136.01 PURPOSE.

The purpose of this article is to promote health and safety standards for rental housing and to secure and preserve the integrity and character of residential districts within the City by implementing a system for the registration of Residential Dwelling Units to establish greater accountability of both landlords and tenants so that rental housing is safe, sanitary and suitable in accordance with applicable provisions of the State Building Code and other regulations as adopted by the City.
(Passed 9-19-16.)

136.02 SCOPE.

This article applies to all rental dwelling units within the City saving and excepting that it shall not apply to owner occupied dwellings wherein roomers or boarders are maintained in common living areas in accordance with other applicable codes and ordinances, nor shall it apply to hotels, and motels, nor shall it apply to owners of single family dwellings who, during their ownership, have occupied the dwelling for at least two (2) years immediately prior to rental and for which neither the lease term nor the actual period of rental occupancy shall exceed two (2) years, provided, however, that in any case in which the provisions of this section shall impose a hardship upon any owner of a single family dwelling by reason of extended military service or similar circumstances, such Owner shall have the right to apply to the Building Code Board of Appeals for extension or reduction of the time periods set forth herein under the procedures set forth in Section 136.11 . In reviewing such application for extension or reduction this article, consideration shall be given to whether or not any claimed hardship is self-imposed, provided, however, that hardship resulting from voluntary service in the United States Armed Forces shall not be deemed to have been self-imposed.
(Passed 9-19-16

136.03 DEFINITIONS.

As used in this article:

(a) "Certificate of Rental Use and Occupancy" means the certificate issued by the Code Official which permits the use of a building for the rental unit or units set forth in same.

(b) "Code Official" means the officer or other designated authority charged with the administration and enforcement of the Building Code of this City, or his/her duly authorized agent.

(c) "Dwelling Unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(d) "Owner" means the owner or owners of a Rental Dwelling Unit.

(e) "Owner Occupied" means occupied by one or more of the individuals with whom title is vested by deed, will or intestate succession and shall also include one who is vested with the beneficial interest and possessory rights to the property by virtue of a trust instrument.

(f) "Lease" shall refer to an agreement, oral or written, wherein one grants to another use and possession of a rental unit for a period of more than seven days in exchange for some form of consideration, whether money, goods, services, or otherwise, and the verb form of "lease" shall mean the same as "rent" and "to rent" shall mean "to lease".

(g) "Property Manager" and the word "Manager" shall mean any natural person designated as an agent by the owner(s) for the purpose of managing a Rental Dwelling Unit.

(h) "Rental Dwelling Unit" and "Rental Unit" means any dwelling unit which is offered in whole or part for residential purposes and for which remuneration is received, but shall not be construed so as to include owner occupied dwellings wherein roomers or boarders are maintained in common living areas in accordance with other applicable codes and ordinances, nor shall it include hotels and motels, nor single family dwellings that have been occupied by their owners for at least two (2) years immediately prior to rental and for which neither the lease term nor the actual period of rental occupancy shall exceed two (2) years.

(i) "State Building Code" shall mean the State Building Code as defined by Part Seventeen of the Codified Ordinances of Charles Town and shall include the National Electrical Code.

(j) "Tenant" means an individual occupant of a Rental Dwelling Unit who has entered a lease agreement for occupancy of said unit for a period of more than seven (7) days or who has occupied such Unit for a period of more than seven (7) days in exchange for the giving of something of value to the owner.

(Passed 9-19-16.)

136.04 PROHIBITED ACTIVITY.

136.04 PROHIBITED ACTIVITY.

No owner or property manager shall lease or offer for rent any Rental Dwelling Unit for use in whole or in part for human habitation without a valid Certificate of Rental Use and Occupancy. It shall be unlawful for any owner, property manager or tenant to violate any of the provisions of this article.
(Passed 9-19-16.)

136.05 APPLICATION FOR CERTIFICATE OF RENTAL USE AND OCCUPANCY.

Applications for a Certificate of Rental Use and Occupancy shall be made in writing, on forms provided by the Code Official containing the following information in addition to such supplemental information as may be reasonably required by the Code Official:

(a) For the building or complex in which Rental Units are located:
  (1) The address(es) of the dwelling units;
  (2) The zoning district of the dwelling;
  (3) The number of units in the building;
  (4) The names, addresses and telephone numbers of all owners, and any property manager; and
  (5) Any other uses existing or intended within the building;
  (6) In the case of an out of state non-resident owner, the name and residence address of the natural person who is a resident of the State of West Virginia and who the owner designates as an agent to receive notice and legal service of process on his or her behalf.

(b) For each Rental Unit:
  (1) The floor on which the unit is located;
  (2) The total habitable square feet;
  (3) The number of off-street or on location parking spaces available; and
  (4) The rental unit identification number (i.e., house #, apartment #).

(Passed 9-19-16.)

136.06 CERTIFICATE OF RENTAL USE AND OCCUPANCY; DISPLAY; TRANSFER; EXPIRATION.

(a) Unless the rental unit is found, upon inspection, not to conform to the requirements of this article, the Code Official shall issue a Certificate of Rental Use and Occupancy within forty-five (45) days of receipt of a completed application. The Certificate, and all renewals thereof, shall be issued for a period of one (1) year.

(b) The Certificate of Rental Use and Occupancy shall be transferable to subsequent owners of the respective dwelling unit(s), provided, however, that such subsequent owner shall first register and provide the information as herein required under Section 136.05 and shall pay a transfer fee of thirty dollars ($30.00).

(c) An example of the Certificate of Rental Use and Occupancy shall be available for inspection at City Hall during regular business hours.

(d) The Owner/Agent shall post a copy of the Certificate of Rental Use and Occupancy in a conspicuous location in the interior of the premises or near the interior electrical fuse or circuit box of each dwelling unit.
(Passed 9-19-16.)

136.07 FEES AND CONDITIONS.

(a) Each Owner shall be charged an inspection fee of twenty dollars ($20.00) per Rental Unit for each inspection made in the usual course of the implementation of this article. There shall be no additional inspection fee when a re-inspection fee is required for compliance and compliance is accomplished. However, in the event that two (2) or more re-inspections are required in order to achieve compliance with this article, an additional re-inspection fee of twenty dollars ($20.00) shall be assessed for the second re-inspection and for each subsequent re-inspection.

(b) Owners missing scheduled inspections without prior notice and good cause, shall be assessed twenty dollars ($20.00) in addition to the inspection fee.

(c) In the event that the Code Official is required to attend Court or Deposition as a witness pertaining to the administration of this Article, the party requiring his/her appearance will be assessed an appearance fee equal to fifty dollars ($50.00) per hour or portion thereof for which the Code Official is required to attend Court or Deposition. Where less than twenty-four (24) hours advance notice is given of such required appearance, the fee shall be seventy-five dollars ($75.00) per hour or portion thereof.

(d) An Owner or Manager may request an inspection of his/her Rental Unit(s) at any time for the purpose of establishing compliance with this article and the State Building Code, either incident to a dispute with a tenant or other cause, provided, however, that a fee of fifty dollars ($50.00) per hour shall be assessed to such owner/manager per man-hour with a one-hour minimum charge for such inspection.

(e) A duplicate Certificate of Rental Use and Occupancy shall be provided to any owner/manager for a fee of one dollar ($1.00).

(f) A tenant may request an inspection for specific conditions by filing a request for same on a form provided by the Code Official and paying of a fee of $20.00. Where circumstances warrant, the Code Official may waive or refund the fee to the tenant.
(Passed 9-19-16.)

136.08 ANNUAL RENEWAL APPLICATION.

(a) For the purpose of this article, the registration/inspection year shall be defined as the period commencing July 1, and ending June 30. The registration fee shall be designated as the initial inspection fee for the registered unit.

(b) Annual inspections shall be scheduled by the Code Official during the year with at least fourteen (14) days' advance notice to the property owner or designated agent. Property owners not registered at the time of the scheduled inspection will be in violation of this article. Where deemed appropriate by the Code Official, follow-up inspections may be made at any reasonable time.
(Passed 9-19-16.)

136.09 ACCESS TO RENTAL UNITS.

The Owner/Manager shall provide the Code Official access to all areas of any building containing rental dwelling units at all reasonable times and shall make himself/herself available to accompany the Code Official during inspection. In the absence of the Owner/Manager, the Code Official shall have the right to inspect the interior of rental properties, including individual dwelling units, in order to carry out the provisions of this article under the following circumstances:

(a) When requested to do so by a tenant in possession, provided, however, that the Code Official shall not be required to inspect upon the request of a tenant absent a written application on a form provided by the Code Official and the payment of an inspection fee of $20.00;

(b) After providing due notice to the occupants of unit or upon scheduling an inspection with one or more of the tenants in possession of a unit;

(c) Upon probable cause that a Code violation exists and the issuance of an administrative search warrant by a City Judge.

(Passed 9-19-16.)

136.10 NOTICE OF VIOLATION.

(a) When in the course of the inspection violations are discovered on the premises that do not affect the habitability or safety of a rental dwelling unit, such violations shall be cited in accordance with the administrative provisions of the applicable code or ordinance. Such violations shall not be construed as grounds to withhold or revoke the Certificate of Rental Use and Occupancy.

(b) Where conditions exist which affect the habitability of the dwelling, but do not pose an imminent hazard to the occupants, a Certificate of Rental Use and Occupancy may be issued along with a notice of violation. The notice of violation shall be in writing, must be served to the Owner or Agent containing a description of the property sufficient for identification and shall include:

(1) A statement of the deficient conditions for which the notice of violation it was issued;

(2) A reasonable time in which the violations are required to be eradicated; and

(3) A statement of the Owner's right of appeal.

The Owner shall, within the time period specified in the notice of violation, correct all deficiencies cited in violation of the State Building Code and City codes. The Certificate of Rental Use and Occupancy shall be revoked and a notice to vacate issued if the dwelling unit is not in compliance within the time specified in the notice of violation. However, the Code Official may, upon written request, extend the period for compliance where the work has been delayed despite good-faith efforts to comply and where such extension presents no immediate threat to the health and safety of the occupants of the dwelling unit or other units or properties.

(c) Where violations are found that, in the judgment of the Code Official, are sufficient to withhold or revoke the Certificate of Rental Use and Occupancy, the Code Official shall issue a notice to vacate. The notice to vacate shall:

(1) Be in writing;

(2) Be served to the owner or designated manager;

(3) Be conspicuously posted on the premises;

(4) Contain a description of the property sufficient for identification;

(5) State the reasons therefor;

(6) Include a copy of any relevant notice(s) of violation; and

(7) Include notification of the right of appeal.

(d) Nothing in this article shall be construed to prevent the Code Official from ordering the immediate vacation of any dwelling or dwelling unit where violations are discovered which pose an immediate threat to the health or safety of the occupants.

(e) Occupancy of any rental dwelling unit in violation of a notice to vacate shall subject the Owner and/or the occupants to the penalties prescribed in Section 136.13 .

(Passed 9-19-16.)

136.11 RIGHT OF APPEAL.

Any property Owner shall have the right to appeal to the Building Code Board of Appeals from a decision of the Code Official where it is alleged that the Code Official has made erroneous factual findings or has misinterpreted the application of this article to such facts, provided, however, that and challenge to the Code Official's findings in regard to the State Building Code will be governed by the limited scope of appeal as set forth therein. Such appeal shall be in writing on forms provided stating the reasons therefore and shall be submitted to the Code Official within thirty (30) days of receipt of notice the action taken from which the appeal is taken and shall be accompanied with the appropriate appeal fee as established by the City Council for the taking of appeals to said Board. Upon receipt of the written appeal along with the appeal fee, the Code Official shall cause the appeal to be scheduled for hearing before the Building Code Board of Appeals. Except where conditions warrant immediate vacating of the dwelling, such appeal shall stay all action on the part of the Code Official in furtherance of the notice of violation from which the appeal was taken. Any appeal from a decision of the Building Code Board of Appeals shall be by writ of certiorari to the Circuit Court of Jefferson County and shall not automatically stay the enforcement of such decision.

(Passed 9-19-16.)

136.12 APPLICABILITY OF OTHER LAWS.

The provisions of this article shall not be construed so as to abrogate any common law or statutory rights and responsibilities of landlords and tenants. Neither the requirements of this article nor the requirements of any other ordinance of the City of Charles Town nor the requirements of State or federal law may be waived by any party to any lease.

(Passed 9-19-16.)

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.

(Passed 9-19-16.)

136.14 CIVIL REMEDIES.

In addition to the penalties imposed by Section 136.13 , above, the Code Official may bring, before any court of competent

jurisdiction, an action seeking injunctive relief against any person in violation of any provision of this article. In any order granting such injunctive relief, the City of Charles Town shall be entitled to recovery of its attorney fees and expenses reasonably incurred in such action. 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.
(Passed 9-19-16.)

136.15 PUBLIC INFORMATION.

The official written results of inspections undertaken by virtue of this article shall be deemed public information and subject to publication by the City of Charles Town.
(Ord. 9-19-16.)