

Bill No 8081 Committee Substitute as Amended

Introduced in Council:

June 1, 2026

Introduced by:

**Chad Robinson, Bruce King
And Frank Annie**

Adopted by Council:

August 17, 2026

Referred to:

**Public Safety and
Ordinance and Rules**

Bill No. 8081 Committee Substitute as Amended: A BILL to amend the Municipal Code of the City of Charleston and enact a new section, Section 78-63, relating to creation of the Trespass Enforcement Authorization Program.

Now, therefore, be it ordained by the Council of the City of Charleston: That Division 2 of Article II of Chapter 78 of the Municipal Code of the City of Charleston, as amended, is hereby amended and reenacted by adding thereto Section 78-63 to read as follows:

Sec. 78-63. –Trespass Enforcement Authorization Program.

(a) A business owner, property owner of a business location, building owner of a business location, property manager of a business location or person having legal control of business property (the "participant") or their legal representative can authorize the Charleston Police Department to enforce, in absolute police discretion, the trespass ordinance set forth in Section 78-62 of this Code at the assigned business location. "Business" shall be defined as engaged in or intended to be engaged in the purchase, sale, barter, or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, recreational and amusement enterprises. To have the possibility of enforcement pursuant to this division, the participant must:

(1) Provide notice to the Charleston Police Department, on the form to be provided by the City and which shall include a sworn and notarized affidavit from the participant attesting thereto, of the participant's desire to participate in the Trespass Enforcement Authorization Program by filing such notice and affidavit with the Records Division of the Charleston Police Department;

(2) Declare the notice and affidavit to be a business record kept in the normal course of business, and agree to appear in court to testify; and

(3) Post the property with conspicuous signage of sufficient notice declaring the property to be under the Trespass Enforcement Authorization Program. The term "conspicuous signage" means a sign that is at least one square foot in size with lettering that is at least two inches in height and contains the following language or words of similar notice:

NO TRESPASS AT ANY TIME [or at specific designated times as stated]

36
37 PRIVATE PROPERTY
38

39 THE CHARLESTON POLICE DEPARTMENT IS AUTHORIZED TO ENTER THE
40 PREMISES AND ENFORCE THE CITY'S TRESPASS LAWS
41

42 TRESPASS ENFORCEMENT AUTHORIZATION PROGRAM
43

44 The term "sufficient notice" means the conspicuous sign or signs are posted on the
45 subject property where they reasonably may be seen.
46

47 (b) When property has been posted by the participant with conspicuous signage of
48 sufficient notice declaring the property to be under the trespass enforcement authorization
49 program, it shall be prima facie evidence that consent to enter or remain upon the
50 premises of another is absent, denied, or withdrawn.
51

52 (c) It shall be unlawful to deface, damage or remove any sign placed in accordance with
53 this section.
54

55 (d) Any authorization granted by the participant pursuant to the Trespass Enforcement
56 Authorization Program may be withdrawn at any time by the participant by providing
57 actual notice to the Charleston Police Department in writing. In addition, the authorization
58 granted by the participant shall become immediately null and void upon written notice of
59 any transfer of ownership or control of the subject real property, and the participant has
60 a duty to notify the Department of any such transfer.
61

62 (e) Any participant who fails to appear in the prosecution of any criminal action, as
63 contemplated under subsection (a)(2) of this section, may forfeit the right to participate in
64 this Program thereafter.



CITY OF CHARLESTON, WEST VIRGINIA

POLICE DEPARTMENT

P. O. BOX 2749
CHARLESTON, WEST VIRGINIA 25330



NOTICE AND AFFIDAVIT OF PARTICIPATION IN AND RIGHT OF ENTRY FOR THE CHARLESTON TRESPASS ENFORCEMENT AUTHORIZATION PROGRAM

Property/Business Name: _____

Property/Business Address: _____

Participating TEAP Property Address (check one): ☐ same as above; or

☐ _____

Owner/Manager Name(s): _____

Address to send subpoena: _____

Business Phone No.: _____ Emergency Phone No.: _____

Email Address: _____

Pursuant to the requirements of the Trespass Enforcement Authorization Program ("TEAP") set forth in City Code § 78-63, I, _____ (the undersigned), hereby certify with regard to the Participating TEAP Property business location listed above (the "Property") as follows:

1. I am the (check all that apply): ☐ Business Owner; ☐ Property Owner;
☐ Building Owner; ☐ Property Manager; or ☐ Other person having legal control of Property.

2. As such, I have the authority to authorize the Charleston Police Department ("CPD") to enforce, in absolute police discretion, the trespass ordinance set forth in § 78-62 of City Code at the Property. I understand and acknowledge, by entering into this Program, that it in no way guarantees any special duty by or relationship with CPD regarding the Property, and is not in any way a substitution for ordinary security safeguards and/or emergency response calls on behalf of the participant.

3. I understand that the Property must be posted with conspicuous signage of sufficient notice as required by City Code § 78-63 declaring the property to be under the Trespass Enforcement Authorization Program.

4. I hereby grant members of CPD permission and authority, in absolute police discretion, to enter onto the Property and act as my agents to investigate criminal trespassing activity of anyone located within this Property during the times set forth in the No Trespassing signage posted thereon, which state in relevant part as follows (select one):

- ☐ NO TRESPASS AT ANY TIME;
- ☐ NO TRESPASS between the hours of ____:____ a.m./p.m. and ____:____ a.m./p.m.;
- ☐ NO TRESPASS Monday through Friday between the hours of ____:____ a.m./p.m. and ____:____ a.m./p.m., or AT ANY TIME on weekends; or
- ☐ NO TRESPASS [specify specific days and/or times] _____

This authorization includes investigating criminal trespassing pursuant to City Code § 78-62, and enforcing violations of any other crimes or offenses, and any other violations of the City Code and/or the laws of the State of West Virginia discovered while on the Property pursuant to this program.

5. I understand that if the days and/or times set forth above for enforcement through this program are revised, I must file a new Notice and Affidavit with CPD reflecting such change and amend the signage in accordance therewith.

6. I understand that nothing herein or otherwise through TEAP prohibits me from taking action against trespassers on the Property allowed by law, even during regular business hours or otherwise, including, but not limited to, making a report to or requesting CPD or other law enforcement personnel with jurisdiction to respond to instances of trespassing by individuals who have been requested to leave the Property and refuse to do so, who return to the Property after being removed, or who are otherwise on notice that they are banned from the Property.

7. I understand that I or my authorized agent or representative competent to testify must appear in court to testify in any resulting criminal action regarding trespassing violations which occur on the Property. Therefore, I further understand that any willful failure to appear in the prosecution of any such criminal action may forfeit the right to participate in this Program thereafter.

8. I hereby declare that this Notice and Affidavit is a business record kept in the normal course of business and agree to appear in court to testify as necessary in support of this program.

9. I understand that the authorization granted by me as a participant pursuant to the Trespass Enforcement Authorization Program may be withdrawn at any time by providing actual notice to the Charleston Police Department in writing. In addition, the authorization granted herein shall become immediately null and void upon written notice of any transfer of ownership or control of the subject real property, and I have a duty to notify CPD of any such transfer.

WITNESS the following signature(s) executing this Notice and Affidavit:

(Affiant Signature)

Date _____

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, to-wit

The foregoing instrument was acknowledged before me this _____ day of _____, 2026, by _____. My commission expires on _____.

Notary Public Signature

(Notary Seal)