2026-O-72

AN ORDINANCE OF COUNCIL ENACTING ARTICLE 551 OF THE CODIFIED ORDINANCES OF THE CITY OF HUNTINGTON, AS REVISED, ESTABLISHING THE CITY OF HUNTINGTON PUBLIC SAFETY TECHNOLOGY AND CONSTITUTIONAL RIGHTS ORDINANCE; ESTABLISHING GOVERNANCE STANDARDS FOR THE USE OF CERTAIN PUBLIC SAFETY TECHNOLOGIES; PROVIDING FOR AUTHORIZED USES, PROHIBITED USES, DATA RETENTION, DATA SHARING, OVERSIGHT, TRANSPARENCY, AUDITS, AND ENFORCEMENT

WHEREAS, this Council has previously approved a contract pursuant to which the City will endeavor to utilize various technologies, including automated license plate readers (ALPR), live video cameras, drone as first responder systems, acoustic gunshot detection systems, and artificial intelligence-assisted investigative software for the detection and prosecution of serious and violent crimes within the City; and

WHEREAS, while the implementation of these systems is anticipated to be of significant value to the Huntington Police Department in the detection and prosecution of violent crimes and drug crimes, it is incumbent upon Council and the Administration to enact common sense guidelines and policies to prevent the misuse of the technologies; and

WHEREAS, Council further acknowledges its responsibility and the responsibility of the Administration to set use parameters to assure compliance with all municipal, state and federal laws, including, but not limited to, the Driver's Privacy Protection Act of 1994, 18 U.S.C. §2721-2725; the Computer Fraud and Abuse Act, 18 U.S.C. 1030; the statute prohibiting the deprivation of rights under the color of law, 18 U.S.C. §242; the Federal Cyber Stalking and Interstate Stalking Act, 18 U.S.C. §2261(A)(2); and the West Virginia statute prohibiting the use of photo monitoring devices to prove traffic violations, W.Va. Code §17C-6-7;

WHEREAS, it is further necessary that Council enact guidelines to establish practical transparency measures in matters concerning the use of this technology; and

WHEREAS, Council finds it necessary to provide criminal penalties for unauthorized access to, use of, or tampering with such technology and the data it generates, in addition to administrative sanctions;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HUNTINGTON, CABELL AND WAYNE COUNTIES, WEST VIRGINIA, that Article 551 of the Codified Ordinances of the City of Huntington, as revised, is hereby **ENACTED** to read as follows:

ARTICLE 551

PUBLIC SAFETY TECHNOLOGY

551.01 PURPOSE.

The City Council finds:

(a) Public safety is a core function of municipal government.

(b) Modern technology can assist law enforcement in many ways including locating

violent offenders, dismantling drug trafficking organizations, recovering stolen vehicles, locating missing persons, and solving serious crimes.

(c) Nevertheless, the Fourth Amendment to the United States Constitution and Article III of the Constitution of West Virginia protect citizens from unreasonable government intrusion.

(d) The technologies governed by this ordinance observe activity occurring in public places where individuals generally do not have a reasonable expectation of privacy; however, the City recognizes that the collection, retention, and use of such information must be subject to meaningful Constitutional safeguards.

(e) The City rejects both mass surveillance and unnecessary restrictions that prevent law enforcement from protecting the public.

(f) The City recognizes that public safety technology can serve legitimate public-safety and law-enforcement purposes when used responsibly. This ordinance establishes enforceable safeguards to ensure that public safety technology is used only for legitimate law enforcement purposes, subject to transparency, accountability, and constitutional limitations.

551.02 APPLICATION.

(a) This ordinance applies to the following technologies:

(1) Automated license plate readers (ALPR);

(2) Live video cameras connected to the Public Safety Technology System;

(3) Drone as First Responder systems;

(4) Acoustic gunshot detection systems; and

(5) Sensor-level artificial intelligence-assisted algorithms utilized to capture and process Public Safety Technology Data.

(b) *Exclusions*. This article shall not apply to:

(1) Routine facility security cameras affixed to the interior or exterior of City-owned or leased buildings, properties, or critical infrastructure, where the primary purpose is premises security, access control, or asset protection not connected to the Public Safety Technology System.

(2) Dashboard cameras or mobile audio/video recording systems installed in City vehicles.

(3) Body-worn cameras worn by law enforcement personnel.

(4) Technology used exclusively for routine IT security functions.

(5) Covert, tactical, or targeted surveillance equipment, including tactical drones (sUAS), deployed by law enforcement personnel or specialized units during high-risk operations, exigent circumstances, an active documented criminal investigation, or the execution of a search warrant.

(6) Drones used by other City departments in execution of their legitimate public duties, such as infrastructure inspections, building hazard inspections, and fire

investigations and drones not connected to the Public Safety Technology System.

(c) The deployment, data retention, and oversight of such excluded equipment shall remain strictly governed by the Fourth Amendment to the United States Constitution, Article III of the Constitution of West Virginia, applicable statutory warrant requirements, Huntington Police Department General Orders, and standard evidentiary procedures.

551.03 DEFINITIONS.

As used in this article:

(a) "Authorized Public Safety Purpose" means an official, law-enforcement or public-safety action undertaken by authorized personnel strictly limited to one or more of the following documented operational needs, as authorized by law:

(1) Documented Criminal Investigations: The investigation of suspected criminal activity tied to a specific, documented case or incident number;

(2) Missing Persons & Public Alerts: Locating missing, abducted, or endangered individuals, including active Amber Alerts, Purple Alerts and Silver Alerts;

(3) Active Warrants: Locating or apprehending individuals subject to active criminal arrest warrants or judicial orders;

(4) Threat Mitigation: Identifying, preventing, or responding to imminent or active threats, including school threats, terroristic threats, or other documented threats to life or public safety;

(5) Critical Infrastructure Protection: Protecting physical facilities, networks, or assets determined to be essential to the functioning of society, public health, safety, or the economy;

(6) Disaster Response: Executing emergency operations during natural disasters, major accidents, civil emergencies, or declared public safety states of emergency; or

(7) Officer Safety: Mitigating direct, documented threats to the physical safety of law enforcement or public safety officers.

The term does not include general, randomized, or targetless surveillance, non-criminal administrative tracking, commercial use, or any action conducted without a documented case, incident, or operational authorization number.

(b) "Authorized User" means a City employee or contractor who has been granted individual, credentialed access to a covered Public Safety Technology System by the Chief of Police or the Chief's designee, whose official duties require such access, and who has completed all required training.

(c) "Authorized Use" means any use expressly permitted by this ordinance and reasonably related to a documented criminal investigation, emergency response, missing person investigation, stolen vehicle investigation, or other lawful public safety purpose authorized herein.

(d) "Drone as First Responder (DFR) Systems" means Unmanned Aerial Vehicles (UAV) deployed programmatically in public airspace to provide rapid visual perspectives and situational awareness for calls for service, emergency responses, and critical incidents.

This definition explicitly excludes small Unmanned Aerial Systems (sUAS) deployed on-scene by specialized investigative or tactical units during high-risk operations, exigent circumstances, covert surveillance, or the execution of a search warrant.

(e) "Hot List" means a curated list, database, or registry contained within or linked to the law enforcement data system containing specific identifying data—including but not limited to motor vehicle license plate numbers, vehicle identification numbers (VIN), or individual identifying information—compiled and maintained by the Huntington Police Department for comparison against scanned or queried data to produce an automated notification or alert regarding:

(1) Stolen or stolen-related property, including stolen vehicles or license plates;

(2) Persons with active arrest warrants, criminal investigative status, or protective orders against them;

(3) Missing, endangered, or exploited persons, including active Amber, Purple or Silver Alerts;

(4) Vehicles or individuals associated with active threats to officer safety or public safety; or

(5) Other documented, legitimate law enforcement investigations tied to an active incident or case number.

(f) "Immutable Audit Log" means an automated, tamper-proof, append-only electronic record system designed to automatically capture, record, and permanently store system activity data—including access, queries, modifications, views, exports, and deletions—in a manner that prevents any user, administrator, or third party from modifying, altering, overwriting, backdating, or deleting log entries once created throughout the mandatory retention period. Excluded from this definition is actual data captured via the Public Safety Technology System.

(g) "Live video cameras" means fixed, mobile, or temporary video recording devices deployed in the public right-of-way or public spaces transmitting real-time visual feeds to department facilities or operational units for the primary purpose of law enforcement surveillance, crime prevention, or emergency response. This definition excludes routine physical security cameras monitoring City-owned facilities, dashboard cameras or mobile audio/video recording systems installed in City vehicles, body-worn cameras worn by law enforcement personnel, as well as covert surveillance equipment deployed for targeted investigations.

(h) "Public Safety Technology" means any technology governed by Section 551.02 of this ordinance.

(i) "Public Safety Technology System" means any hardware, software, cloud-based platform, sensor, camera, drone, database, and AI-assisted algorithms utilized to capture and process Public Safety Technology Data or related technology governed by this ordinance. This definition excludes the department's broader Records Management System (RMS), Computer-Aided Dispatch (CAD), Digital Evidence Management System (DEMS), or general vendor software ecosystems (e.g., the wider Flock Safety platform) when not actively processing or accessing Public Safety Technology Data.

(j) "Public Safety Technology Data" means any image, audio, license plate information,

metadata, geolocation information, alert, or other electronically stored information generated or collected through a Public Safety Technology System.

(k) "Documented Criminal Investigation" means an investigation supported by a case number, incident number, call for service number, intelligence report, or other official law enforcement documentation.

551.04 DEPLOYMENT AND PLACEMENT STANDARDS.

(a) Public Safety Technology governed by this ordinance shall be deployed only where reasonably related to a legitimate public safety objective.

(b) Deployment decisions shall be based upon one or more of the following:

(1) Documented crime patterns;

(2) Drug trafficking activity;

(3) Recovery of stolen vehicles;

(4) Traffic ingress and egress routes;

(5) Critical infrastructure protection;

(6) School safety;

(7) Officer safety;

(8) Emergency response needs;

(9) Missing person investigations; or

(10) Other documented public safety considerations authorized by law and in compliance with Section 551.06.

(c) Public Safety Technology shall not be deployed for the purpose of monitoring persons, and a deployment location shall not be selected or excluded, based solely upon: race; color; national origin; religion; sex; disability; political activity; participation in lawful First Amendment activities; or any other characteristic protected by federal or state law.

(d) The Chief of Police shall maintain written documentation identifying the public safety justification for each permanent deployment location of fixed Public Safety Technology Systems (e.g., fixed ALPRs, stationary video cameras, and gunshot detection sensors) sufficient to demonstrate that the decision was made on the basis of the criteria in subsection (b).

(e) Deployment locations shall be reviewed periodically by members of the City police department designated by the Chief of Police. Public Safety Technology shall be relocated or removed when the original documented public safety justification no longer exists or when another location presents a greater documented public safety need.

551.05 AUTHORIZED USERS.

(a) Access to any Public Safety Technology System shall be limited to Authorized Users.

(b) The Chief of Police shall maintain a current written list of Authorized Users.

(c) Each Authorized User shall receive individual login credentials.

(d) Shared accounts and shared passwords are prohibited. Authorized User accounts may not be created using role-based email addresses, functional email addresses, department email addresses, team email address, or any other email address that is shared between two or more individuals.

(e) Authorized Users shall complete training on this ordinance and applicable departmental policies before receiving access.

(f) Administrative and Technical Support Exemption: The access controls, logging, and investigative documentation requirements established in this ordinance apply specifically to law enforcement and investigative use of Public Safety Technology Data. Authorized City Technology Department personnel accessing the systems solely to perform routine operational or administrative functions—including installation, configuration, firmware updates, troubleshooting, maintenance, testing, and user support—are exempt from investigative documentation requirements. Such technical access shall remain strictly governed by the City's existing Information Technology Access Policy.

(g) *Duty to Report.* An Authorized User who knows or has reason to believe that a violation of this article has occurred shall promptly report it to the Chief of Police or the Chief's designee. A knowing failure to report shall constitute a violation of departmental policy subject to administrative sanction under Section 551.99(d).

551.06 AUTHORIZED USES.

Permitted uses of the Public Safety Technology, Public Safety Technology System, or Public Safety Technology System Data authorized by this ordinance include

(a) The investigation of or emergency response to a known or suspected:

(1) Homicide, attempted homicide, all degrees of sexual assault/abuse, and violent crimes against persons;

(2) Kidnapping, unlawful restraint, human trafficking, missing, endangered, or abducted persons (including AMBER and Silver Alerts), and locating individuals who present an imminent threat of harm to themselves or the public;

(3) Robbery, burglary, and arson;

(4) Crimes of violence, including assault, battery, domestic violence, stalking, harassment, or brandishing of dangerous weapons;

(5) Child abuse, child neglect, and crimes against children;

(6) Illicit drug trafficking, distribution, and organized criminal enterprises;

(7) Terrorism, school threats, and critical infrastructure protection;

(8) Stolen motor vehicles;

(9) Leaving the scene of an accident involving serious injury or death;

(10) Active arrest warrants, NCIC law enforcement alerts, and official BOLO notices related to the offenses listed herein;

(11) Disaster response and officer safety emergencies;

(12) Any other Documented Criminal Investigation into conduct constituting a

felony offense under state or federal law; and

(13) Other imminent threats to life, bodily safety, or public safety as authorized by law.

(b) Upon lawful felony warrant or lawful court order.

(c) Upon request from any state or federal prosecutor regarding any documented criminal investigation into conduct constituting an offense under state and federal law.

551.07 PROHIBITED USES.

Public Safety Technology, Public Safety Technology System, or Public Safety Technology System Data governed by this ordinance shall never be used for:

(a) Tracking persons based solely upon the lawful exercise of constitutional rights or participation in lawful activities protected by federal or state law.

(b) Immigration enforcement unless required by federal warrant or other lawful court order.

(c) Traffic, in accordance with W.Va. Code §17C-6-7a, including but not limited to routine civil traffic enforcement, automated speed or red-light enforcement.

(d) Parking citations.

(e) Violations of the International Property Maintenance Code.

(f) Revenue generation.

(g) Personal curiosity or non-official purposes.

(h) Civil investigations unrelated to legitimate public safety purposes.

(i) Harassing, intimidating, or stalking any individual or group.

(j) Monitoring or targeting individuals or groups based solely upon actual or perceived characteristics, including race, color, national origin, religion, sex, sexual orientation, disability, or political affiliation.

(k) Any commercial purpose, personal financial gain, or unauthorized disclosure to private third parties.

(l) Pattern analysis subject to the provisions of Section 551.09.

(m) Identifying persons engaged in lawful assembly, worship, or the receipt of medical care, absent a warrant or exigent circumstances.

551.08 PUBLIC SAFETY TECHNOLOGY DATA SEARCHES.

(a) Searches of Public Safety Technology Data shall be conducted only by Authorized Users.

(b) Every search shall be documented at the time it is made and shall include:

(1) Authorized User Number Identification;

(2) Date;

(3) Time;

(4) Reason for the search; and

(5) The supporting identification of a Documented Criminal Investigation; provided that during an active emergency or exigent circumstance where a reference number has not yet been generated, the user may log a temporary designation that will suitably identify the Documented Criminal Investigation, provided a Documented Criminal Investigation is subsequently generated to support the search.

551.09 HISTORICAL LOCATION AND MULTI-LOCATION ANALYSIS.

(a) Historical Public Safety Technology Data may be searched only when authorized under Section 551.06 and reasonably limited in time, geographic scope, and investigative purpose.

(b) Pattern, multi-location, or aggregated analysis may be conducted only for a Documented Criminal Investigation or another Authorized Use under this article and with documented supervisory approval.

(c) A warrant shall be obtained whenever required by the Fourth Amendment to the United States Constitution, Article III of the Constitution of West Virginia, or controlling federal or state law. Nothing in this section limits the use of historical Public Safety Technology Data pursuant to a recognized exception to the warrant requirement.

(d) Searches conducted under this section shall comply with all documentation, audit, retention, verification, and data-sharing requirements established by this article.

(e) This section shall be reviewed following any controlling decision of the Supreme Court of the United States, the United States Court of Appeals for the Fourth Circuit, or the Supreme Court of Appeals of West Virginia, or following enactment of governing legislation by the West Virginia Legislature.

551.10 DATA RETENTION.

(a) Routine data shall be retained for no more than seven (7) days, or such shorter period as may be required by applicable federal or state law.

(b) Evidence associated with a criminal investigation shall be retained pursuant to applicable criminal evidence laws and policies.

(c) Automatic deletion shall occur upon expiration of the retention period.

(d) No data shall be retained indefinitely absent lawful authority.

551.11 DATA SHARING AND INTER-AGENCY ASSISTANCE.

(a) *Direct System Access and Network Integration.* Granting an outside governmental agency direct user access to a Public Safety Technology System, or establishing automated system-to-system data sharing, shall occur only:

(1) Pursuant to written agreements approved by the Chief of Police and the City

Attorney. "Written agreements" shall not include mutual aid agreements or memoranda of understanding with other law enforcement agencies executed prior to the adoption of this ordinance;

(2) With law enforcement agencies possessing comparable privacy and security protections;

(3) For documented criminal investigations or other authorized public safety purposes; and

(4) Subject to complete audit capability.

(b) *Specific Investigative Requests and Assistance.* Nothing in this section shall prohibit Authorized Users from performing specific searches or queries of Public Safety Technology Data on behalf of an outside law enforcement agency, provided that:

(1) The request is made for an Authorized Use established under Section 551.06;

(2) The search is conducted directly by an Authorized User; and

(3) The search is logged in compliance with Section 551.08, including the requesting agency's supporting reference for a Documented Criminal Investigation.

(c) Prohibition on Circumvention. The City shall not provide access to, or share, Public Safety Technology Data with another governmental entity for the purpose of circumventing any limitation or prohibition established by this ordinance.

551.12 VENDOR RESTRICTIONS.

(a) No vendor may:

(1) Sell, license, disclose, monetize, retain beyond the period authorized by this ordinance, use to train or improve artificial intelligence or machine learning systems, analyze for product development, or otherwise derive a commercial benefit from Public Safety Technology Data or any derivative thereof, except to the extent reasonably necessary to perform its contractual obligations.

(2) Retain records required to be deleted under this ordinance.

(3) Disclose Public Safety Technology Data except pursuant to lawful legal process or the City's written authorization.

(4) Make changes to use of data policies or practices without prior notice to and written approval of the Chief of Police and City Attorney.

(5) Make any material change to its data-use, data-retention, or data-sharing practices applicable to the City without prior written approval of the Chief of Police and City Attorney.

(b) The vendor shall promptly notify the City of any subpoena, warrant, court order, or other legal demand for Public Safety Technology Data unless prohibited by law.

551.13 VERIFICATION BEFORE ENFORCEMENT.

An automated alert shall never constitute probable cause by itself. Prior to initiating

enforcement action based upon an automated alert generated by any Public Safety Technology System, officers shall independently verify the underlying data, evaluate the totality of the circumstances, and confirm the validity of the alert, which shall include, but is not limited to verification of:

(a) License plate;

(b) Vehicle description;

(c) Registration information;

(d) Hot list status; and

(e) Other relevant circumstances.

551.14 CYBERSECURITY.

All covered Public Safety Technology Systems shall:

(a) Use encryption;

(b) Require multi-factor authentication;

(c) Maintain Immutable Audit Logs; and

(d) Receive annual penetration testing.

551.15 PUBLIC TRANSPARENCY.

The Chief of Police shall provide to the Mayor and City Council an annual report, on or before January 30 of each year, including:

(a) Number of searches conducted;

(b) Crime investigations assisted;

(c) Outside agency searches or requests for assistance;

(d) Documented policy violations; and

(e) Discipline imposed for violations of this ordinance or departmental policy; and

(f) Summary of complaints received from the public regarding the use or misuse of the Public Safety Technology System or Public Safety Technology Data, including their dispositions.

(g) The number of documented misidentification incidents;

(h) The list of outside entities granted direct system access under Section 551.11(a); and

The annual report shall be made available to the public. The annual report shall not disclose information that would compromise an active criminal investigation, reveal confidential law enforcement techniques, or identify protected personal information.

The City will provide access to information available regarding use of the Public Safety Technology System through any public portal made available by the vendor.

551.16 AUDITS.

(a) Quarterly internal audits shall be conducted to ensure compliance with this ordinance and applicable departmental policy.

(b) An independent annual audit shall be completed and presented publicly to the City Council.

(c) Audit findings shall include, at a minimum:

(1) Compliance with authorized use requirements;

(2) Compliance with search documentation requirements;

(3) Compliance with data retention requirements;

(4) Compliance with data sharing requirements;

(5) Documented policy violations; and

(6) Corrective actions taken.

(d) Audit logs of searches of Public Safety Technology Data shall be retained for not less than ten (10) years and shall be available for public inspection, subject to redaction as required by law and as necessary to protect active criminal investigations and personal information.

551.17 MISUSE.

(a) Unauthorized Access or Disclosure.

No person shall knowingly, willfully, or unlawfully:

(1) Access or attempt to access any Public Safety Technology System or Public Safety Technology Data without authorization;

(2) Use Public Safety Technology Data for any non-law enforcement purpose;

(3) Disclose Public Safety Technology Data except as authorized by law or this ordinance; or

(4) Provide another person with credentials or access for the purpose of circumventing the requirements of this ordinance.

(b) Tampering with Public Safety Technology.

No person shall knowingly disable, damage, remove, obstruct, interfere with, or otherwise impair the operation of any Public Safety Technology System owned or operated by the City except during authorized installation, maintenance, repair, replacement, or testing.

551.18 FOURTH AMENDMENT RULE OF CONSTRUCTION.

This ordinance shall be interpreted in favor of protecting constitutional liberties while enabling legitimate public safety objectives. Nothing in this ordinance shall be construed to authorize generalized surveillance, indiscriminate tracking of law-abiding persons, or investigative practices inconsistent with the Fourth Amendment to the United States Constitution or Article III of the Constitution of West Virginia.

551.19 SEVERABILITY.

If any provision, subsection, sentence, clause, phrase, or application of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this ordinance, which shall remain in full force and effect. To this end, the provisions of this ordinance are declared to be severable.

551.20 WRITTEN POLICIES APPLICABLE TO THE HUNTINGTON POLICE DEPARTMENT.

The Chief of Police is directed and authorized to establish written policies consistent with this ordinance applicable to use of the technology described in this article. In addition to the provisions herein, said policies shall establish guidelines for usage reporting by authorized users, prior authorization by a superior for any specific use in non-emergent situations, post-usage authorization by a superior for any specific use in emergent situations, and a disciplinary guideline applicable to misuse under this ordinance or under the written policies. Said policies shall include the training curriculum required under Section 551.05(e) and shall require refresher training for each Authorized User no less than once every two (2) years and upon any material amendment to this article. The guidelines shall be approved by the Chief of Police and the Mayor and shall be made available to the public in the Clerk's office. Any changes to the written policies shall immediately be made publicly available in a like manner.

551.21 PUBLIC COMPLAINTS.

Complaints regarding the use or misuse of the Public Safety Technology System or Public Safety Technology Data may be submitted to the Huntington Police Department Office of Professional Standards. The Office of Professional Standards shall prepare a standard form upon which complaints may be made. The Professional Standard Officer shall investigate all complaints and report the results to the Police Chief and City Attorney. Complaints where investigation finds a violation of Section 551.17 shall be referred for investigation consistent with Section 551.99. Nothing in this section limits any person's right to pursue any other remedy authorized by law. Complaints shall be retained for a minimum of five years.

551.99 PENALTY.

(a) Administrative Sanctions for Authorized Users.

Any Authorized User who knowingly violates this ordinance or any policy adopted pursuant to this ordinance shall be subject to administrative action, and where applicable consistent with the provisions of W.Va. Code §8-14-20and §8-14a-1, *et seq.* concerning the discipline of professional police officers, including:

(1) Immediate suspension or revocation of system access;

(2) Mandatory retraining;

(3) Employee discipline, up to and including termination of employment; or

(4) Referral for criminal investigation where the conduct may constitute a violation of federal or state law.

(b) Enforcement

If any person knowingly and unlawfully violates one or more of the provisions of subsection 551.17, it shall be the duty and obligation of the Police Chief, the Professional Standards Officer, and the City Attorney to refer the matter to either the appropriate County Prosecutor or the United States Attorney for consideration for prosecution under applicable state and federal statutes, which shall include, but shall not be limited to, the following:

(1) The federal Driver's Privacy Protection Act of 1994, 18 USC §2721-2725;
(2) The federal Computer Fraud and Abuse Act, 18 U.S.C. §1030;
(3) The federal statute prohibiting the deprivation of rights under the color of law, 18 USC §242;
(4) The federal Cyber Stalking and Interstate Stalking Act, 18 U.S.C. §2261A(2);
(5) The federal Stored Communications Act, 18 U.S.C. §2701;
(6) The state statute criminalizing the failure of a public official to perform legal duties, W. Va. Code §61-5-28;
(7) The West Virginia Computer Crime and Abuse Act, W.Va. Code §61-3C-1 – 61-3C-21;
(8) The state statute prohibiting stalking and harassment generally, W Va. Code §61-2-9a;
(9) The state statute prohibiting identity theft, W. Va. Code §61-3-54;
(10) The conspiracy statute, W.Va. Code §61-10-31
(11) The statute criminalizing obstruction of justice, W. Va. Code §61-5-17;
(12) The statute criminalizing the concealment or destruction of public records, W.Va. Code §61-5-22.

(c) Other Remedies Preserved.

Nothing in this ordinance shall preclude:

(1) Civil remedies otherwise authorized by law including, but not limited to, 42 U.S.C. §1983;

(2) Injunctive or equitable relief; or

(3) Administrative discipline imposed by the City.

BE IT FURTHER ORDAINED that the enactment of Article 551 of the Codified Ordinances of the City of Huntington, as revised, shall become effective after its adoption by Council and approval by the Mayor.

SPONSORED BY: _____

APPROVED AS TO FORM BY: SD

ACTION TAKEN BY COUNCIL: _____

DATE: _____

_____

LISA ADKINS, CITY CLERK

DATE: _____

_____ _____

PATRICK J. FARRELL, MAYOR APPROVE

DATE: _____ _____

VETO