Town of Dumfries
Council Meeting

Meeting Date:	August 7, 2012
Agenda Item#	V - A

AGENDA ITEM FORM

TYPE OF AGENDA ITEM:

☐ CONSENT AGENDA
☐ PRESENTATION
☐ ACTION ITEM
☐ TOWN MANAGER & STAFF COMMENTS
☒ PUBLIC HEARING
  ☒ Duly Advertised

PURPOSE OF ITEM:

☐ INFORMATION ONLY
☐ DISCUSSION ONLY
☐ DISCUSSION AND/OR DECISION
  ☐ Introduction ☐ Resolution
  ☒ Ordinance ☐ Grant/MOU
  ☐By Motion ☐ Bylaws
  ☐Certificate

PRESENTER: Robert E. Forker, Jr. **PRESENTER TITLE**: Chief of Police

AGENDA ITEM:
Adoption of the Ordinance to Amend the Town Code to Create a New "Forbidden to Trespass" Ordinance

BACKGROUND / SUMMARY:

A review of the Town Code shows there is no Town Ordinance to forbid trespassing on posted property or after a person has been warned not to trespass. Police Officers currently cite Virginia State Code 18.2-119. The addition of a "forbidden to Trespass" ordinance will allow officers to use the Town Code. This Town Ordinance, Chapter 38, Article 1, Section 38-15, will be similar to the State Code

ATTACHMENTS:
"Forbidden to Trespass" Ordinance

REQUESTED ACTION: ☐ NO ACTION REQUESTED

Adoption of the "Forbidden to Trespass" Ordinance

FOR MORE INFORMATION, CONTACT: Name: Robert E. Forker, Jr.

Phone#: 703.221.1111 E-mail: rforker@dumfriesva.gov

FOR USE DURING MEETING **VOTE:** ☐ PASSED ☐ NOT PASSED

Y	N		Y	N		Y	N	
☐	☐	Brewer	☐	☐	Foreman	☐	☐	Forrester
☐	☐	Praino	☐	☐	Reynolds	☐	☐	Toney
☐	☐	Washington						

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON AUGUST 7, 2012, IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA: ON A MOTION MADE BY _____, AND SECONDED BY _____, THE FOLLOWING ORDINANCE WAS ADOPTED BY THE FOLLOWING VOTE:

Charles C. Brewer, ;
Gerald M. Foreman, II, ;
Kristin W. Forrester, ;
Louis A. Praino, ;
Helen D. Reynolds, ;
Willie J. Toney, ;
Gwen P. Washington, ;

AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA, AS AMENDED, BY ADDING SECTION 15 TO CHAPTER 38, ARTICLE I RELATING GENERALLY TO NO TRESPASS ORDINANCE

WHEREAS, a review of the Town Code shows there is no Town Ordinance to prohibit trespassing on property or after a person has been forbidden to do so by duly posted signs or other proper notice given not to trespass, and

WHEREAS, Town Council discussed the matter at their June 19, 2012 meeting and directed staff to move forward to a public hearing on an ordinance to prohibit trespass after having been forbidden to do so, and

WHEREAS, the Town Council held a duly advertised public hearing on July 24, 2012.

NOW, THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries on this the 7th day of August, 2012, that the Code of Ordinances, Town of Dumfries, Virginia, as amended, is further amended by adding Section 15 to Chapter 38, Article 1 and is enacted as follows:

Sec. 38-15 - Trespass after having been forbidden to do so.

If any person without authority of law goes upon or remains upon the lands, buildings or premises of another, or any portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian, or the agent of any such person, or other person lawfully in charge thereof, or after having been forbidden to do so by a sign or signs posted by or at the direction of such persons or the agent of any such person or by the holder of any easement or other right-of-way authorized by the instrument creating such interest to post such signs on such lands, structures, premises or portion or area thereof at a place or places where it or they may be reasonably seen, or, if any person, whether he is the owner, tenant or otherwise entitled to the use of such land, building or premises, goes upon, or remains upon such land, building or premises after having been prohibited from doing so by a court of competent jurisdiction by an order issued pursuant to the Code of Virginia, 1950, as amended, §§ 16.1-253,

16.1-253.1, 16.1-253.4, 16.1-278.2 through 16.1-278.6, 16.1-278.8, 16.1-278.14, 16.1-278.15, 16.1-279.1, 19.2-152.8, 19.2-152.9 or § 19.2-152.10 or an ex parte order issued pursuant to § 20-103, and after having been served with such order, he shall be guilty of a Class 1 misdemeanor. This section shall not be construed to affect in any way the provisions of §§ 18.2-132 through 18.2-136.

This ordinance shall become effective on August 7, 2012.

By Order of Council:

_____
Gerald M. Foreman, Mayor

Attest: _____
Dawn Hobgood, Town Clerk