

**COUNTY ADMINISTRATOR'S OFFICE
P. O. BOX 111
ORANGE, VIRGINIA 22960**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, October 9, 2018, the following action was taken:

181009 – PH3

RE: PUBLIC HEARING #3: AMENDMENTS TO THE CODE OF ORDINANCES CONCERNING TRESPASSING

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adopted the following ordinance, as presented:

ORDINANCE APPROVING AMENDMENTS TO SECTION 42 (OFFENSES) OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING TRESPASSING

WHEREAS, the Board of Supervisors previously initiated action on amendments to Section 42 (Offenses) of the Orange County Code of Ordinances concerning trespassing; and

WHEREAS, the County Attorney drafted recommended language for the amendments, which was presented to the Board of Supervisors for consideration; and

WHEREAS, the Board of Supervisors conducted a duly-advertised Public Hearing on October 9, 2018, to receive public comment; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed text amendments, as presented during its meeting; and

WHEREAS, public necessity, convenience, general welfare, and/or good practice also support approval of the proposed text amendments;

NOW, THEREFORE, BE IT ORDAINED, on this 9th day of October, 2018, that the Orange County Board of Supervisors hereby approves the amendments to Section 42 (Offenses) of the Orange County Code of Ordinances concerning trespassing, as presented and attached.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

MOTION APPROVED



R. Bryan David
County Administrator

cc: Glenda Bradley, Assistant County Administrator for Management Services
Connie Clark, Accountant
Thomas Lacheney, County Attorney
File: Board Actions 2018

Attachment: Adopted Amendments to the Orange County Code of Ordinances

Amendments to the Orange County Code of Ordinances

As adopted in Ord. No. 181009 – PH3
by the Orange County Board of Supervisors
on October 9, 2018

Note: All text below is proposed as new text.

Chapter 42 - Offenses

Sec. 42-35. - Trespass after having been forbidden to do so; Penalties.

- a) If any person without authority of law goes upon or remains upon the lands, buildings, or premises of another, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian, or other person lawfully in charge thereof, or after having been forbidden to do so by sign posted by such persons 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 land, building, premises or portion or area thereof at a place where it 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 Code of Virginia §§ 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, 19.2-152.8, 19.2-152.9, 19.2-152.10 or an ex parte order issued pursuant to Code of Virginia § 20-103, and after having been served with such order, he shall be guilty of a class 1 misdemeanor.
- b) Any owner of real property may, in writing on a form prescribed by the Sheriff's Office, designate the Sheriff's Office as a "person lawfully in charge thereof" as that term is used in subsection (a) of this section, for the purpose of forbidding another to go on or remain upon the lands, buildings, or premises of such owner. Such designation shall include a legal address, detailed description of the lands, buildings, or premises to which it applies; shall be signed by a person who can demonstrate that he is the owner of the property or is legally authorized to act for the property owner; shall include a provision holding the county harmless and indemnifying the county for any claims arising from or in connection with the enforcement of this section; and shall be kept on file in the Sheriff's Office.
- c) A property owner's designation of the Sheriff's Office as a person lawfully in charge of the owner's property, as the term is used in subsection (a) of this section, becomes effective when the Sheriff or his designee delivers in person or mails to the property owner a copy of the property owner's designation which has been signed by the Sheriff or his designee. Either the property owner or the Sheriff may rescind the designation of the Sheriff's Office as a person lawfully in charge of the owner's property at any time by written notification, which shall be kept on file with the property owner's designation as described in subsection (b) of this section.
- d) Such designation of the Sheriff's Office as a person lawfully in charge of the property shall be limited to the sole purpose of enforcing this section.