

**TOWN OF LEESBURG  
NOTICE OF PUBLIC HEARING**

**LEESBURG TOWN CODE AMENDMENT:**

**CHAPTER 24 (OFFENSES AND MISCELLANEOUS PROVISIONS); ARTICLE III (OFFENSES AGAINST PROPERTY); SECTION 24-113 (ENTERING OR REMAINING ON PROPERTY OF ANOTHER AFTER HAVING BEEN FORBIDDEN TO DO SO; DESIGNATION OF POLICE OFFICER TO ENFORCE TRESPASS VIOLATIONS)**

Pursuant to the Code of Virginia of 1950, as amended, Sections 15.2-1427, 18.2-119 and 15.2-1717.1, the **LEESBURG TOWN COUNCIL** will hold a Public Hearing on **January 22, 2013, at 7:30 p.m.**, Council Chambers at Town Hall, 25 West Market Street, Leesburg, Virginia, 20176, to consider the following amendment to the Town Code:

**Section 24-113** Entering or remaining on property of another after having been forbidden to do so; designation of police to enforce trespass violations.

(b) Any owner, lessee, custodian, or the agent of such person, or other person lawfully in charge of real property may, in writing on a form prescribed by the chief of police, designate the police department as a "person lawfully in charge thereof," as those terms are used in subsection (a) of this section, for the purpose of forbidding another to go or remain upon the lands, buildings or premises of such owner. Such designation:

- (1) Shall include a description of the land, building or premises to which it applies;
- (2) Shall reference the period of time during which it is in effect; and
- (3) Shall be kept on file in the office of the chief of police or in such other location within the police department as the chief of police deems appropriate.

A copy of the proposed ordinance is available from the Town Clerk, located in Town Hall, 25 West Market Street, Leesburg, Virginia, during normal business hours (Monday-Friday, 8:30 a.m. to 5:00 p.m.); or by calling Lee Ann Green, Town Clerk, at 703-771-2733.

At this hearing, all persons desiring to express their views concerning these matters will be heard. Persons requiring special accommodations should contact the Clerk of Council at 703-771-2733, three days in advance of the meeting. For TTY/TDD service, use the Virginia Relay Center by dialing 711.



Date of Council Meeting: January 22, 2013

**TOWN OF LEESBURG  
TOWN COUNCIL MEETING**

**Subject:** Town Code amendment to expand persons who can designate Town police officers to issue “barring” or “barment” notices—notice which ban persons from property in the Town.

**Staff Contact:** Jeanette Irby, Town Attorney

**Recommendation:** To amend the Town Code to reflect State Code changes which expand the list of persons who may designate Town police officers to issue notices banning persons from real property.

**Issue:** Should the Town Code be amended to authorize additional persons who may designate Town police officers to issue notices banning people from real property?

**Fiscal Analysis:** No fiscal impact.

**Background:** Section 24-113 (b) of the Town Code currently provides that the owner of real property may designate Town police officers to issue “barring” or “barment” notices which notify persons that they are banned from property within the Town. The State Code was amended to authorize additional persons to designate Town police officers for this purpose. The State Code now authorizes “the lessee, custodian, or the agent of such person, or other person lawfully in charge” of property to designate Town police officers to issue barment notices. The proposed code change will bring the Leesburg Town Code in line with the State Code. The Police Department is in favor of this change as it will ease both the issuance of these barment notices as well as the prosecution of those charged with trespass after receiving barment notices.

Attachment: Proposed Ordinance

PRESENTED: January 22, 2013

ORDINANCE NO. \_\_\_\_\_

ADOPTED: \_\_\_\_\_

AN ORDINANCE: TO AMEND AND REORDAIN CHAPTER 24 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE III (OFFENSES AGAINST PROPERTY), DIVISION 4 (TRESPASS), SECTION 24-113 (ENTERING OR REMAINING ON PROPERTY OF ANOTHER AFTER HAVING BEEN FORBIDDEN TO DO SO; DESIGNATION OF POLICE TO ENFORCE TRESPASS VIOLATIONS.)

WHEREAS, Code of Virginia of 1950, as amended, § 15.2-1717.1 authorizes town police officers to be persons lawfully in charge of the real property for purposes of banning persons without lawful business from the property; and

WHEREAS, the Town desires to continue to afford property owners and those lawfully in charge of property throughout the town the ability to designate Town police officers as persons authorized to issue notices banning persons from property in the Town (“barring notices” or “barment notices”); and

WHEREAS, the aforementioned Code of Virginia section was amended to allow persons in addition to the owner who may be lawfully in charge of the property to designate Town police officers as those who may issue barring or barment notices; and

WHEREAS, the Town of Leesburg Police Department supports this amendment to the existing Leesburg Town Code ordinance.

THEREFORE, ORDAINED by the Council of the Town of Leesburg in Virginia as follows:

**SECTION I.** That Chapter 24, Article III, Division 4, Section 24-113 be and the same is hereby amended to read as follows:

AN ORDINANCE: TO AMEND AND REORDAIN CHAPTER 24 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE III (OFFENSES AGAINST PROPERTY), DIVISION 4 (TRESPASS), SECTION 24-113 (ENTERING OR REMAINING ON PROPERTY OF ANOTHER AFTER HAVING BEEN FORBIDDEN TO DO SO; DESIGNATION OF POLICE TO ENFORCE TRESPASS VIOLATIONS.)

**Sec. 24-113. - Entering or remaining on property of another after having been forbidden to do so; designation of police to enforce trespass violations.**

(b) Any owner, lessee, custodian, or the agent of such person, or other person lawfully in charge of real property may, in writing on a form prescribed by the chief of police, designate the police department as a "person lawfully in charge thereof," as those terms are used in subsection (a) of this section, for the purpose of forbidding another to go or remain upon the lands, buildings or premises of such owner, lessee, custodian, or the agent of such person, or other person lawfully in charge. Such designation:

- (1) Shall include a description of the land, building or premises to which it applies;
- (2) Shall reference the period of time during which it is in effect; and
- (3) Shall be kept on file in the office of the chief of police or in such other location within the police department as the chief of police deems appropriate.

**SECTION II.** All prior ordinances in conflict herewith are hereby repealed.

**SECTION III.** Severability. If a court of competent jurisdiction declares any provision of this ordinance invalid, the decision shall not affect the validity of the ordinance as a whole or any remaining provisions of the Leesburg Town Code.

**SECTION IV.** This ordinance shall be effective upon its adoption.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

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Clerk of Council