



Albemarle County

Legislation Details (With Text)

File #: 19-504 **Version:** 1 **Name:**

Type: Ordinance **Status:** Public Hearing

File created: 9/26/2019 **In control:** Board of Supervisors

On agenda: 10/16/2019 **Final action:**

Title: Ordinance to Amend County Code Chapter 10, Offenses - Miscellaneous. To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 10, Offenses - Miscellaneous, by: 1) amending County Code § 10-103, Disorderly conduct in public places, to designate the County Executive as the "person in charge" for the purpose of ejecting any person from any County property any person who engages in disorderly conduct pursuant to County Code § 10-103, and to provide for the County Executive's delegation of this authority to others; 2) amending County Code § 10-120, Trespass – After having been forbidden to do so, to: (i) provide that any owner, lessee, custodian, or person lawfully in charge of any real property may designate the Albemarle County Police Department as a "person lawfully in charge of the property" for the purpose of enforcing a trespass pursuant to County Code § 10-120; (ii) provide that any designation shall be in writing on County-approved forms and may be accepted or rescinded at the discretion of the Chief of Police; and (iii) designate the County Executive as the "person lawfully in charge of the property" for the purpose of enforcing a trespass on County property pursuant to County Code § 10-120, and to provide for the County Executive's delegation of this authority to others; and 3) repealing County Code § 10-120.1, Designation of police to enforce trespass violations.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Att.A - Proposed Ordinance

Date	Ver.	Action By	Action	Result
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AGENDA DATE: 10/16/2019

TITLE:

Ordinance to Amend County Code Chapter 10, Offenses - Miscellaneous

SUBJECT/PROPOSAL/REQUEST: A public hearing to consider the adoption of an ordinance to amend County Code Chapter 10, Offenses - Miscellaneous,

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Walker, Henry, Kamptner, Farley, Lantz, Stewart, Freitas, Carr

PRESENTER (S): Greg Kamptner

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: The Board has been discussing the revision of the County's Community Use of County Facilities Policy to ensure the County and the public are able to conduct County business with minimal or no

disruption; enable the public to use the COB-McIntire and COB-5th in a reasonable manner; recognize the public's interest in exercising First Amendment rights; clarify the County's interests, as a property owner, in making certain areas of COB-McIntire and COB-5th are available for public use while other areas are not open for public access; and clarify the role of the County Executive and his designees as persons in charge of COB-McIntire and COB-5th. That policy is going to the Board as a separate agenda item for its consideration and adoption on October 16.

Amendments to County Code §§ 10-103 (disorderly conduct) and 10-120 (trespass) are also proposed to expressly state that the County Executive or his designee is the "person in charge" in disorderly conduct situations and the "person lawfully in charge of the property" in trespass situations.

STRATEGIC PLAN: Mission: To enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds.

DISCUSSION: The attached proposed ordinance (Attachment A) would:

- 1) Amend County Code § 10-103, Disorderly conduct in public places, to designate the County Executive as the "person in charge" for the purpose of ejecting any person from any County property who engages in disorderly conduct pursuant to County Code § 10-103, and to provide for the County Executive's delegation of this authority to others;
- 2) Amend County Code § 10-120, Trespass - After having been forbidden to do so, to: (i) provide that any owner, lessee, custodian, or person lawfully in charge of any real property may designate the Albemarle County Police Department as a "person lawfully in charge of the property" for the purpose of enforcing a trespass pursuant to County Code § 10-120; (ii) provide that any designation must be in writing on County-approved forms and may be accepted or rescinded at the discretion of the Chief of Police; and (iii) designate the County Executive as the "person lawfully in charge of the property" for the purpose of enforcing a trespass on County property pursuant to County Code § 10-120, and to provide for the County Executive's delegation of this authority to others; and
- 3) Repeal County Code § 10-120.1, Designation of police to enforce trespass violations. The substance of this section is being moved to County Code § 10-120, as summarized in 2(i) and (ii) above.

BUDGET IMPACT: There is no budget impact related to the adoption of this Ordinance.

RECOMMENDATION:

Staff recommends that the Board adopt the attached proposed Ordinance (Attachment A).

ATTACHMENTS:

A - Proposed Ordinance