



## Board of Supervisors

1800 Sandy Hook Road  
Goochland, VA 23063

Category: Ordinance Amendment NOT Appendix A or B

Meeting: 04/20/21 04:00 PM

Department: County Attorney

Prepared By: Christina Neale

Department Head: Tara A. McGee

(ID # 3943)

### ADOPTED ORDINANCE

✓ Vote Record - Ordinance 3943						
<input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn <input type="checkbox"/> Meeting Cancelled <input type="checkbox"/> Deferred <input type="checkbox"/> Denied <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended <input type="checkbox"/> referred			Yes/Aye	No/Nay	Abstain	Absent
	Susan Lascolette	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ken Peterson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Lumpkins	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Neil Spoonhower	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Don Sharpe	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**AT A MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF GOOCHLAND, VIRGINIA, HELD ON APRIL 20, 2021, IN THE GOOCHLAND COUNTY ADMINISTRATION BUILDING, 1800 SANDY HOOK RD., SUITE 250, GOOCHLAND, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:**

**Ordinance repealing County Code Article VI (Panhandling and Loitering), Sections 10-80 through 10-82**

**WHEREAS**, Virginia Code §§ 15.2-1427 and 15.2-1433 enable a local governing body to adopt, amend, and codify ordinances or portions thereof; and

**WHEREAS**, the proposed ordinance amendment repeals the current panhandling and loitering ordinances as they are unnecessary and not in compliance with constitutional standards; and

**WHEREAS**, Commonwealth's Attorney D. Michael Caudill and Sheriff Steven N. Creasey both report that these ordinances are not necessary for the public safety of county residents and they support their repeal; and

**WHEREAS**, the repeal of these ordinances would benefit the health, safety, and welfare of county residents; and

**WHEREAS**, the Board of Supervisors wishes to amend and update the County Code for the foregoing reasons; and

**WHEREAS**, the full text of this proposed ordinance amendment was available for public inspection in the Goochland County Administrator's Office, County Administration Building, 1800 Sandy Hook Road, Goochland, Virginia 23063; and

**WHEREAS**, after proper advertisement was made as required by law, a public hearing was conducted on April 20, 2021 at the Goochland County Administration Building, Board

**NOW, THEREFORE, BE IT ORDAINED**, that the Goochland County Code is hereby amended and this ordinance is hereby enacted as follows:

- 1. Article VI (Panhandling and Loitering), Sections 10-80 through 10-82, of the Goochland County Code is repealed in its entirety.**

~~ARTICLE VI. PANHANDLING AND LOITERING~~

~~Sec. 10-80. Definitions.~~

~~The following words and phrases, when used in this article, unless otherwise stated, shall have the following meanings:-~~

- ~~(a) *Lawful assembly* [shall mean] lawful assembly is a protected constitutional right of two (2) or more persons to gather, unless there are three (3) or more persons assembled, who share the common intent to advance some lawful or unlawful purpose by the commission of an act or acts of unlawful force or violence likely to jeopardize seriously public safety, peace or order, and the assembly actually tends to inspire persons of ordinary courage with well grounded fear of serious and immediate breaches of public safety, peace or order.~~
- ~~(b) *Lawful picketing* [shall mean] lawful picketing is a protected constitutional right of a person to express their views, as long as a person does not engage in picketing by force or violence, or pickets alone or in concert with others in such a manner as to obstruct or interfere with the free ingress or egress to and from any premises, or obstruct or interfere with the free use of public places or places open to the public.~~
- ~~(c) *Loiter or Loitering* shall mean to stand around, sit, lie or remain, or to park or remain parked in a motor vehicle at a public place or a place open to the public, whether alone, or gathered with others, and to engage in any conduct prohibited under section 10-82 of this article.~~
- ~~(d) *Parade or procession* shall mean any parade, march, procession, motorcade, marathon or race consisting of people, animals or vehicles, or a combination thereof, upon the streets, highways, sidewalks or other public rights of way within the county, which has a substantial likelihood of interfering with the normal flow or regulation of pedestrian or vehicular traffic and has been approved by the board of supervisors or its duly authorized agent, pursuant to section 9-11 of the county Code.~~
- ~~(e) *Public place(s)* shall mean any public street, road, highway, bridge, alley, land, sidewalk, crosswalk, right of way or other public way, any public resort, public place of amusement, park or playground, any public building or grounds appurtenant thereto, school buildings, school grounds, public parking lot, or any other publicly owned property.~~
- ~~(f) *Place(s) open to the public* shall mean any place open to the public or any place to which the public is invited or may reasonably expect to be invited and in, on, or around any privately owned place of business, private parking lot or private institution, including without limitation, driveways, parking lots, plazas, buildings, doorways, entrances and the grounds surrounding buildings, service stations, shopping centers, malls, places of~~

~~worship, cemeteries, or any place of amusement and entertainment, whether or not a charge of admission or entry thereto is made. It includes the elevator, lobby, halls, corridors and areas open to the public of any store, office, or apartment building.~~

~~(g) *Travel area* means the portion of a public highway or right of way that is improved, designed or ordinarily used for vehicular traffic.~~

~~Sec. 10-81. Panhandling.~~

~~(a) *Purpose.* Pursuant to the authority granted to the county by the Code of Virginia and its general police powers, the county does hereby adopt the following section in order to ensure the free and safe passage of pedestrians and vehicles on the public rights of way, to ensure free and safe access to public places and places open to the public, and to regulate the time, place and manner of activities that could otherwise threaten the public health, safety and welfare, while also protecting the exercise of citizens' First Amendment rights within the county.~~

~~(b) *Definitions.* The following words and phrases, when used in this section, shall have the following meanings:-~~

~~(1) *Aggressive manner* means:~~

~~a. Approaching, speaking to or following a person in a manner that would cause a reasonable person to fear an assault, imminent physical injury, or the imminent commission of a criminal act upon the person or upon property in the person's immediate possession;~~

~~b. Touching another person without that person's consent;~~

~~c. Intentionally blocking or interfering by any means with the free passage of a person; or~~

~~d. Engaging in any conduct with the intention of intimidating another person into giving money or goods to any person.~~

~~(2) *Panhandle or panhandling* means engaging in any of the following acts:~~

~~a. Approaching someone to beg, solicit or ask for any item of value, monetary or otherwise;~~

~~b. Attempting to sell or obtain compensation for an item or service for or in an amount that is at least twice its value, or an item or service that is already offered or available at no charge to the general public; or~~

~~c. Attempting to sell or obtain compensation for an item or service under circumstances that would lead a reasonable person to conclude that the payment is in substance a donation.~~

~~(c) *Prohibited acts.* It shall be unlawful for any person to panhandle at, on or in a public place or place open to the public in the following manner:-~~

~~(1) To panhandle in an aggressive manner;~~

~~(2) To panhandle within fifteen (15) feet of any automatic teller machine;~~

~~(3) To distribute newspapers, newsletters, flyers or any other items to the operator or occupant of a motor vehicle while the vehicle is in a travel area on a public highway;~~

~~(4) To panhandle in places open to the public without the permission of the private property~~

~~owner, lessee or other lawful occupant; or~~

- ~~(5) To ask for or solicit money or things of value from any operator or occupant of any motor vehicle in a travel area, while standing, sitting, or otherwise occupying a portion of the public highway that is improved, designed or ordinarily used for vehicular or pedestrian traffic, or an area directly adjacent thereto; the median area that separates any public highway; or from any area of a public highway designated as a crosswalk or sidewalk.~~

~~(d) [Additional provisions.] Any person convicted of violating this section shall be guilty of a Class 3 misdemeanor.~~

~~(e) [Severability.] If any portion of this section is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this section and such invalid provision or portions thereof shall be severable.~~

~~Sec. 10-82. Loitering; obstructing free passage.~~

~~(a) Purpose. The purpose of this section is to ensure the free and safe passage of pedestrians and vehicles within public places and places open to the public, while preserving the rights of citizens to engage in free speech and assembly protected by the First Amendment to the Constitution of the United States.~~

~~(b) Prohibited conduct. It shall be unlawful for any person to loiter at, on or in a public place or place open to the public in the following manner:~~

~~(1) To unreasonably hinder, impede or obstruct the free passage of pedestrians or vehicles;~~

~~(2) To block or obstruct, or prevent the free access to the entrance of any public place or place open to the public;~~

~~(3) To stop a motor vehicle in such a manner as to impede or render dangerous the use of the highways by others;~~

~~(4) To loiter on or in the public streets or highways for the purpose of engaging the operator of any motor vehicle or any passenger in a motor vehicle in conversation or any other activity while such motor vehicle is stopped on the travel area of a highway;~~

~~(5) To or attempt to interfere, obstruct, harass, curse, threaten, or do physical harm to another person;~~

~~(6) To threaten or do physical harm to public or private property;~~

~~(7) To engage in any conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed when such conduct occurs on or in a public place or place open to the public; or~~

~~(8) To create, by words, acts or other conduct, a present danger of disorderly conduct or a breach of the peace.~~

~~(c) Lawful assembly. Nothing herein shall be construed to prohibit a lawful assembly, picket, parade or procession.~~

~~(d) Penalties. Violation of this section shall constitute a Class 1 misdemeanor.~~

~~(e) [Severability.] If any portion of this section is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this section and such invalid provision or portions thereof shall be severable.~~

2. **Except as amended herein, all County Code provisions remain in effect.**
3. **This ordinance shall be effective immediately.**

A COPY ATTEST:



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Kenneth A. Young, County Administrator  
Goochland County Board of Supervisors