



THE COMMON COUNCIL

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I, Kerri A. Mellott, Deputy Clerk of the Common Council, hereby certify on this 12th day of May 2021 that the following Ordinance is a true and exact copy of one and the same adopted by the Common Council of the City of Winchester, assembled in regular session on the 11th day of May 2021.

AN ORDINANCE REPEALING SECTIONS 14-115, 16-6.2, 16-10, 16-30, 16-31, AND 24-1 OF THE WINCHESTER CITY CODE

WHEREAS, the ruling by the U.S District Court for the Western District of Virginia in *Clatterbuck v. City of Charlottesville* and the 4th Circuit Court ruling of *Reynolds v. Middleton* render the provisions of Sections 14-115 (Interference with traffic prohibited), 16-6.2 (Begging/panhandling), 16-30 (Loitering prohibited; penalty for violation), 16-31 (Loitering in a public place with intent to engage in unlawful drug transaction), and 24-1 (Solicitation of alms) unconstitutional and unenforceable; and,

WHEREAS, Section 16-10 (Public profanity and drunkenness) of the Winchester City Code is duplicative of Virginia Code §18.2-388 and unnecessary for the maintenance of public order and decency; and,

WHEREAS, the repeal of these sections of the Winchester City Code is necessary for the protection of the rights guaranteed by the United States Constitution.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council for the City of Winchester, Virginia, that Sections 14-115, 16-6.2, 16-10, 16-30, 16-31, and 24-1 of the Winchester City Code are hereby repealed.

Ordinance No. O-2021-15

ADOPTED by the Common Council of the City of Winchester on this 11th day of May 2021.

Witness my hand and the seal of the City of Winchester, Virginia.



Kerri A. Mellott
Deputy Clerk of the Common Council