

FEB 13 2007

ORDINANCE NO. 56A-13BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, OFFENSES - MISCELLANEOUS, OF THE CODE OF JAMES CITY COUNTY, VIRGINIA, BY AMENDING SECTION 15-25.1, DESIGNATION OF POLICE TO ENFORCE TRESPASS VIOLATIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 15, Offenses-Miscellaneous, is hereby amended and reordained by amending Section 15-25.1, Designation of law enforcement to enforce trespass violations.

Chapter 15. Offenses-Miscellaneous

Section 15-25.1. Designation of ~~police~~ law enforcement to enforce trespass violations.

(a) The owner, lessee, custodian, or person lawfully in charge of any real property may designate the James City County Police Department *and/or the Williamsburg-James City County Sheriff's Office* as a "person lawfully in charge of the property" for the purpose of forbidding another to go or remain upon the lands, buildings or premises of the owner, lessee, custodian, or person lawfully in charge as specified in the designation. This designation shall be valid only upon the execution of a limited power of attorney in a form provided by the James City County Police Department, *the Williamsburg-James City County Sheriff's Office*, or in a form otherwise approved by the county attorney. The limited power of attorney shall appoint the James City County Police Department, and its officers, *or the Williamsburg-James City County Sheriff's Office*, as true and lawful attorneys-in-fact for the owner, lessee, custodian, or person lawfully in charge with the following specific powers:


- (1) To determine if a person has the owner's, lessee's, custodian's, or person lawfully in charge's permission to go or remain upon such property,
- (2) To issue ~~written~~ "notice forbidding trespass" to person(s) without such permission provided they are engaged in illegal activity,

- (3) To arrest person(s) found to be in violation of such notice, and
- (4) To testify in court on behalf of the owner, lessee, custodian, or person lawfully in charge to enforce the notice forbidding trespass and the trespass laws.

(b) In all cases, the actual owner of said real property will have the right to change the officer's *or deputy's* determination of "lack of permission" and the owner may revoke such notice forbidding trespass, in writing, at any time after providing written notice of such change to the chief of police *or the sheriff*. The owner may revoke his limited power of attorney, at any time, after providing written notice of such revocation to the chief of police *or sheriff*. The chief of police *or sheriff* may terminate the agreement to act as agents of the owner, lessee, custodian, or person lawfully in charge for any given property at any time, after providing written notice of such termination to the owner, lessee, custodian, or person lawfully in charge.

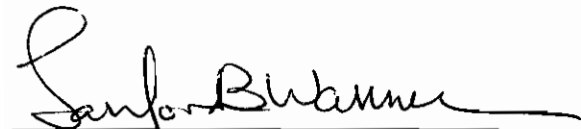
(c) Copies of such limited power of attorney will be kept on file with the James City County Police Department *or the Williamsburg-James City County Sheriff's Office, as applicable*.

State law reference - Code of Va., § 15.2-1717.1



John J. McGlennon
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

SUPERVISOR	VOTE
HARRISON	AYE
BRADSHAW	AYE
GOODSON	AYE
ICENHOUR	AYE
MCGLENNON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February, 2007.