

**TOWN OF ANSTED
FAYETTE COUNTY, WEST VIRGINIA**

ORDINANCE NO. 2027-01

AN ORDINANCE PROHIBITING LOITERING IN CERTAIN PUBLIC PLACES WITHIN THE TOWN OF ANSTED AND ESTABLISHING PENALTIES FOR VIOLATIONS

WHEREAS, the Town of Ansted is authorized by the laws of the State of West Virginia to enact ordinances for the protection of the public health, safety, and welfare of its residents and visitors; and

WHEREAS, the Town Council recognizes the legitimate right of individuals to use public streets, sidewalks, parks, and other public areas for lawful purposes; and

WHEREAS, the Town Council further recognizes that remaining in or occupying public places for the purpose of obstructing pedestrian or vehicular traffic, interfering with the lawful use of public property, threatening or intimidating persons, or engaging in unlawful activity may adversely affect the health, safety, and welfare of the community; and

WHEREAS, the Town Council desires to establish reasonable regulations concerning loitering while preserving lawful access to and use of public places;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANSTED, WEST VIRGINIA, AS FOLLOWS:

SECTION 1. TITLE

This Ordinance shall be known and may be cited as the “**Town of Ansted No Loitering Ordinance.**”

SECTION 2. DEFINITIONS

For purposes of this Ordinance:

A. “Loiter” or “Loitering” means, but is not restricted to, standing, lounging, sitting or lying about idly, whether alone or in company with other loiterers.

B. “Public Place” means any street, sidewalk, alley, public parking area, park, public building, recreational area, or other area owned, leased, operated, or controlled by the Town of Ansted and open to the public.

C. “Legitimate Purpose” includes, but is not limited to, traveling to or from a destination, waiting for transportation, conducting lawful business, attending a lawful meeting or event, exercising First Amendment rights in a lawful manner, exercising, recreating, visiting with others, or otherwise engaging in lawful activity.

SECTION 3. PROHIBITED LOITERING

It shall be unlawful for any person to loiter in a public place within the Town of Ansted when:

1. Obstructs or unreasonably interferes with the free passage of pedestrians or vehicles;
2. Blocks, obstructs, or interferes with access to a public building, business, residence, sidewalk, street, driveway, or other lawful place of access;
3. Prevents or attempts to prevent another person from passing through or using a public place;
4. Threatens, intimidates, harasses, or intentionally interferes with another person's lawful use or enjoyment of a public place;
5. Engages in conduct that creates a public safety hazard or a substantial risk of injury to persons or property; or
6. Remains in a public place for the purpose of engaging in, facilitating, or assisting another person in committing an unlawful act.

SECTION 4. DIRECTIVE TO MOVE

Before issuing a citation for a violation of this Ordinance based solely upon loitering, a law-enforcement officer shall, when reasonably practicable, inform the person that the person's conduct is prohibited and direct the person to cease the prohibited conduct or move to another location.

Nothing in this section shall require an officer to issue a warning or directive when immediate enforcement action is reasonably necessary because of an immediate threat to public safety, the commission of a crime, or other circumstances requiring immediate police action.

SECTION 5. EXEMPTIONS AND PROTECTED ACTIVITIES

Nothing in this Ordinance shall be interpreted or enforced in a manner that prohibits or restricts:

1. A person's lawful use of a public place;
2. A person's lawful right to travel upon or use public streets, sidewalks, parks, or other public places;
3. Lawful picketing, protesting, demonstrating, petitioning, assembly, or other constitutionally protected activity;
4. Lawful exercise of freedom of speech or expression;
5. Persons waiting for public transportation, private transportation, emergency transportation, or a ride;
6. Persons waiting to enter a business, residence, public building, or other lawful destination;

7. Persons conducting lawful business or performing lawful employment;
8. Persons attending a lawful event, meeting, gathering, or activity;
9. Persons seeking emergency assistance or assistance from law enforcement, fire, medical, social-service, or other governmental agencies; or
10. Any other lawful activity protected by the Constitution or laws of the United States or the State of West Virginia.

SECTION 6. PRIVATE PROPERTY

Nothing in this Ordinance shall be construed to authorize a person to remain on private property without the consent of the owner, tenant, or other person lawfully in control of the property.

Nothing in this Ordinance shall limit the rights of a private property owner or lawful occupant to request that a person leave private property or to pursue any other remedy authorized by law.

SECTION 7. ENFORCEMENT

This Ordinance may be enforced by any law-enforcement officer having lawful authority within the Town of Ansted.

Enforcement shall be based upon the person's conduct and shall not be based solely upon the person's presence in a public place, personal appearance, status, economic condition, association with other persons, or exercise of constitutionally protected rights.

SECTION 8. PENALTY

Any person who violates this Ordinance shall be subject to a fine of not more than **\$50.00** for each offense, unless a different penalty is required or prohibited by applicable state law.

Each separate violation may constitute a separate offense.

Nothing in this Ordinance shall prevent the Town or a law-enforcement officer from enforcing any applicable provision of state law or another Town ordinance when the person's conduct constitutes a separate violation.

SECTION 9. SEVERABILITY

If any provision, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect.

SECTION 10. EFFECTIVE DATE

This Ordinance shall take effect in accordance with applicable law following its passage and adoption by the Town Council of the Town of Ansted.

1st Reading this _____ day of _____, 2026.

2nd Reading this _____ day of _____, 2026.

Ordinance effective _____.

Stephen Pridemore, Mayor

Robert T. Wilson, Recorder