

**AN ORDINANCE REPEALING PORTIONS OF CHAPTER 36 ARTICLE II
RESPECTING LOITERING AND SIMILAR OFFENSES**

WHEREAS, the City of Hendersonville has formerly enacted a number of ordinances respecting loitering and related offences, and

WHEREAS, the City now believes that certain of these ordinances are unnecessarily vague or otherwise of dubious enforceability, and

WHEREAS, the City wishes to ascertain always that its ordinances be generally understandable to persons of ordinary sense and understanding,

NOW, THEREFORE, be it ordained by the City Council of the City of Hendersonville:

SECTION 1. Code of Ordinances Section 36-4 repealed.

(a) Section 36-4 of the Code of Ordinances is hereby repealed in its entirety.

SECTION 2. Code of Ordinances Section 36-123 repealed.

(a) Section 36-123 of the Code of Ordinances is hereby repealed in its entirety.

SECTION 3. SEVERABILITY. If any provision of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this ordinance.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this sixth day of October 2016.


Barbara G. Volk, Mayor

Attest:


Tammie K. Drake, MMC, City Clerk

Approved as to form:


Samuel H. Fritschner, City Attorney