



Each chapter of this guide is updated independently as necessary.



Community Resource Guide

This publication is a collaborative crime prevention and quality of life project originally developed by the Henrico County Neighborhood Watch Council and the Police Division.



A Letter from the Chief of Police



Last Update:
November 4, 2014



DOUGLAS A. MIDDLETON
CHIEF OF POLICE

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO
DIVISION OF POLICE



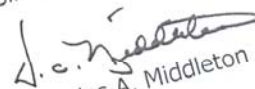
Dear Citizen:

It is with great pride and pleasure that I introduce this Community Resource Guide. This document represents the true meaning of Community Policing, which is the philosophy and foundation of the Division's mission. Community Policing is a partnership between the Division of Police and the citizens and business people of Henrico County. Together, we can prevent crime and disorder and maintain the high quality of life that makes Henrico one of the most desirable places to live and conduct business in central Virginia.

As you read the acknowledgement pages, you will see that the Community Resource Guide is truly a concerted effort, a partnership if you will, between our officers and others in the community. It is not only our officers who have assisted Mr. Solomon with the development of this guide, but also many other County employees and people from local and state agencies who have given their knowledge, time, talents, and skills to the development of the Community Resource Guide. The result is a common sense, plain language guide that any Henrico County resident or businessperson can access to solve many problems that affect their quality of life or threaten their livelihood. It is a living document that will change and evolve as Henrico County grows and changes. So please consult it often. If an issue that affects you is not in the guide, please let the Crime Prevention Unit know, and they will review and consider its inclusion. They may be reached at 501-4838.

I know that our citizens' use of this guide will allow our officers to concentrate on other problems of crime and disorder that you are not empowered to solve. Your support of community policing through the use and application of the problem solving steps in this guide will ensure that future generations will enjoy the excellent quality of life that we have become accustomed to in Henrico County.

Sincerely,


Douglas A. Middleton
Chief of Police

AN INTERNATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY
7721 EAST PARHAM ROAD / P.O. BOX 90775 / HENRICO, VIRGINIA 23273-0775

Acknowledgements



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The following acknowledgement was written in 2003, by (then) Neighborhood Watch Reporting Secretary, Melvin Solomon. Since that time, the Community Resource Guide has been updated numerous times, and those mentioned in the acknowledgement below have either been promoted, retired, married, or moved on, and so on. Consequently, the many ranks, titles, and/or names mentioned below may have changed. Nevertheless, we keep this acknowledgement as it was originally written to illustrate the collaboration, expertise, and dedication needed to develop this resource guide. In addition, the guide is updated and maintained annually by those dedicated to maintaining quality of life and preventing crime in Henrico County.

The Police Division thanks Mr. Melvin Solomon, Neighborhood Watch Reporting Secretary (2002-2004), for developing the idea of a resource guide and for his hard work and dedication to this project.

The Community Resource Guide is the result of the collective contributions and efforts of law enforcement agencies and individuals. The major contributors to this first edition are from the Henrico County Division of Police, the Henrico County Office of Planning and Community Maintenance, the Office of Attorney General of the Commonwealth of Virginia, and the Commonwealth's Attorney's Office. As editor, I wish to thank the following individuals who are the true authors of this work:

Colonel Henry W. Stanley Jr., Chief of Police, whose leadership and adherence to excellence forged one of the finest police agencies in the United States. His support of, attention to, and critiques of this guide were most welcome and appreciated.

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Crystal Martin (Delk), Publication and Media Specialist, whose expertise, professionalism, joy, enthusiasm, and

dedication always add the magic luster that makes all of us shine. The final product is her work.

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Officer Brian K. Anderson, Community Officer, who has given so much so generously to this work. Besides being the major contributor on multiple topics, he most graciously has reviewed much of this guide and has made many important corrections. His knowledge, wisdom and experience are peppered throughout these pages.

Officer R. K. Cordle, Crime Prevention Specialist, for his time and expertise on the topics of trespassing and loitering.

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Officer T. C. Bullock for his expertise on larceny of vehicles.

Officer Mark Banks for his knowledge of larceny from vehicles.

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George Martin, Assistant Commonwealth's Attorney, for his deep insight into the issue of suspicious behavior.

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The Office of Attorney General, Commonwealth of Virginia, for their permission to use the contents of their publication, Virginia Consumer Guide, as the contents of our topics on fraud.

Officer Brian T. Wilson, Courts Liaison Officer and former Neighborhood Watch Coordinator, for his authorship of the original Community Resource Guide that is the basis for this one.

Captain James B. Fitzgerald, Commanding Officer - Criminal Investigations Section, who has given so kindly and generously of his time, extraordinary sagacity, experience and wisdom in teaching me not only the history of law enforcement, but also many of the philosophies and theories used in solving problems.

My colleagues in the Henrico County Neighborhood Watch, who give their time, effort and spirit to make Henrico County a safe, clean, quiet and special place in which to live.

To the Executive Board of the Henrico County Neighborhood Watch Council:

John Kilmer, President, whose enthusiastic support and guidance as well as his many suggestions are an important part of this work.

Margo McKnight, Vice President, whose wisdom, knowledge and experience in solving neighborhood problems are visible throughout this work. She is a major contributor on the issues of noise.

Pat Ryan, Treasurer, whose experience, knowledge and advice have been most valuable to me.

Imad Abi-Falah, Corresponding Secretary, whose support, enthusiasm, warmth and sense of justice and balance have been an important inspiration to me.

Jane Ward Solomon, my wife, who has helped me to locate and obtain the materials necessary to do the research for this work.

Melvin Solomon
Editor



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How to Use this Guide



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Format

The text of each topic covered in this manual is arranged in the following format:

1. Legal citations
2. Explanatory information (if needed or appropriate)
3. A set of solutions

Legal Citations

So that we may understand better how law enforcement officials handle problems, the laws that govern their actions have been cited. The chapter, article, and section numbers as well as the titles to each are as they occur in either the Henrico County Municipal Code and/or the Virginia State Code. This information allows anyone to access the full text of the law in the following ways:

1. Go to the Henrico County Police website at <http://www.henricopolice.org>, where you may access the Henrico County Municipal Code and link to the Virginia State Code.
2. Go to a public library where some branches may have actual law books and where all branches have computers needed to access the aforementioned websites. Librarians also provide support to citizens who do not know how to use computers and can assist you with accessing this information.

Explanatory Information

When necessary, additional information may appear, such as definitions of terms, a brief synopsis of the laws cited, or advice obtained from police officers and other law enforcement officials that is relevant to the topic. This information is included to assist in selecting the most proper and effective solution at the time.

A Set of Solutions

As many solutions as possible are offered under each topic with the hope that at least one will fit the situation at the time. If a problem can be solved by calling Community Maintenance select that solution first. If the problem is one that is a NON-EMERGENCY and the police must be called, use the 501-5000 telephone number or the www.henricopolice.org website.

Only use 911 when an EMERGENCY situation presents itself. It is of extreme importance that we Neighborhood Watch members know whom to call, when to call, and what to do so that we can help our partners, the Henrico County Police Division, arrange their time and resources to achieve the most efficient handling of the most serious problems.



NOISE:

Penalty and Enforcement, Prohibited Noises Enumerated, and Exemptions



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RELEVANT LAW: Henrico County Municipal Code

Chapter 10 - ENVIRONMENT

ARTICLE III. NOISE

Section 10-67: Penalty and Enforcement

A. No person shall be charged with a violation of the provisions of section 10-68 unless:

1. A complainant appears before a magistrate and requests a summons to be issued; or
2. A violation is committed in the presence of a police officer.

B. Any person convicted of violating any of the provisions of section 10-68 shall be punished by a fine not to exceed \$500.00. Any person convicted of a second offense within less than five years after a first offense under this article shall be punished by a fine not to exceed \$1,000.00. Any person convicted of a third offense within less than ten years after a first offense under this article shall be punished by a fine not to exceed \$2,500.00.

C. Each day a violation continues unabated shall constitute a separate offense.

D. Criminal enforcement against a person violating this article shall not be a bar against, or a prerequisite for, taking any other action permitted by this Code or the Code of Virginia to abate the violation.

Section 10-68: Prohibited noises enumerated

It shall be unlawful for any person to cause or permit to be caused any of the following prohibited sounds or noises:

A. *Social gatherings and parties.* Allowing any noise between 11:00 p.m. and 7:00 a.m. generated from a gathering of ten or more people that is plainly audible:

1. Inside the confines of the dwelling unit, house or apartment of another person; or
2. In a residential area, at 100 or more feet from the gathering.

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NOISE:

Penalty and Enforcement, Prohibited Noises Enumerated, and Exemptions



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B. Sound-producing and sound-reproducing devices. Except for commercial establishments located in areas zoned for urban mixed use, the use, operation or playing of any radio, phonograph, television, record, compact disc, tape, digital music, MP3 or DVD player, musical instrument, loudspeaker, sound amplifier or other machine or device capable of producing or reproducing sound, regardless of whether such sound-producing or sound-reproducing machine or device is located inside of a structure or outside of or on a structure, in such a manner or with such volume or duration that it is plainly audible between 11:00 p.m. and 7:00 a.m.:

1. Inside the confines of the dwelling unit, house or apartment of another person; or
2. In residential areas, at 50 or more feet from the device.

C. Noisy animals. Allowing any animal to cause any sound or noise such that it is plainly audible.

1. Inside the confines of the dwelling unit, house or apartment of another person at least once a minute for ten consecutive minutes; or
2. At 100 or more feet from the animal at least once a minute for ten consecutive minutes.

However, this prohibition shall not apply to animal sounds or noises arising between the hours of 7:00 a.m. and 11:00 p.m. on the premises of any commercial kennel, animal boarding place, small animal hospital, veterinarian hospital, or veterinarian clinic, as those terms are defined in chapter 24, or any county animal shelter.

D. Trash and recycling collection. The creation of any sound or noise between 12:00 midnight and 6:00 a.m. that is plainly audible in a residential area, except those areas zoned for urban mixed use, when the sound or noise is produced in connection with the loading or unloading of refuse, waste or recycling collection vehicles.

E. Street cleaning and construction. The creation of any sound or noise between 11:00 p.m. and 6:00 a.m. that is plainly audible in a residential area, except those areas zoned for urban mixed use, when the sound or noise is produced in connection with:

1. The cleaning of streets or parking lots; or
2. Construction or demolition activities.

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NOISE:

Penalty and Enforcement, Prohibited Noises Enumerated, and Exemptions



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F. Peddlers and hawkers. Yelling, shouting, whistling, screaming or crying for the purpose of attracting attention to a performance, show, sale or display of merchandise between the hours of 11:00 p.m. and 7:00 a.m. on any public street, sidewalk or parking lot or any privately owned street, sidewalk or parking lot open to the public, except to summon aid in an emergency.

G. Amplified sound from vehicles. Playing, using or operating, or permitting the playing, use or operation of, any radio, stereo, tape player, compact disc player, loudspeaker or other electronic device or mechanical equipment used for the amplification of sound, which is located on or within a motor vehicle and which is plainly audible from outside the motor vehicle at a distance of 50 feet or more. The provisions of this subsection shall not apply to the playing of music or jingles by an ice cream truck or similar mobile food service vehicle, provided such vehicle may emit sounds otherwise prohibited by this subsection only between the hours of 7:00 a.m. and 9:00 p.m.

H. Lawn care activities. Creating any sound or noise plainly audible in residential areas between 11:00 p.m. and 7:00 a.m. in connection with lawn care, leaf removal, gardening, tree maintenance or removal or other landscaping, lawn or timbering activities. The provisions of this subsection shall not apply to sound or noise generated by the maintenance of recreational facilities such as golf courses and ball or playing fields.

(Code 1980, § 15-9; Code 1995, § 10-73; Ord. No. 908, 10-11-1995; Ord. No. 1141, § 3, 2-23-2010; Ord. No. 1192, § 1, 3-11-2014)

MORE >

NOISE:

Penalty and Enforcement, Prohibited Noises Enumerated, and Exemptions



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Section 10-69. Exemptions The prohibitions of section 10-68 shall not apply to any sound or noise generated by any of the following:

- A. Sound or noise which is necessary for the protection or preservation of property or the health, safety, life or limb of any person, including sound or noise caused by restoration of utility service after an interruption.
- B. Sound or noise which is necessary for the maintenance or construction of roads and highways.
- C. Radios, sirens, horns and bells on police, fire or other emergency response vehicles.
- D. Parades, fireworks displays, school-related activities and other such public special events or public activities.
- E. Band performances or practices, athletic contests or practices and other school-sponsored activities on the grounds of public or private schools, colleges or universities.
- F. Athletic contests and other officially sanctioned activities in county parks.
- G. Fire alarms, burglar alarms and car alarms, prior to the giving of notice and a reasonable opportunity for the owner or person in possession of the premises or vehicle served by any such alarm to turn off the alarm.
- H. Religious services, religious events or religious activities or expressions, including, but not limited to, music, singing, bells, chimes and organs which are part of such service, event, activity or expression.
- I. Locomotives and other railroad equipment, and aircraft.
- J. Military activities of the state or of the United States of America.
- K. Agricultural operations, as defined in Code of Virginia, § 3.2-300, provided such operations comply with all applicable laws, regulations and ordinances.
- L. Amateur and professional motorsports competitions and competition-related events such as time trials and practices, provided the competition is sanctioned by a nationally recognized motorsports racing organization and complies with all applicable laws, regulations and ordinances, including permit terms and conditions, if any.
- M. Political gatherings and other activities protected by the First Amendment to the United States Constitution.
- N. Activities for which the regulation of noise has been preempted by federal law.

(Ord. No. 1141, § 4, 2-23-2010)

MORE >

NOISE:

Penalty and Enforcement, Prohibited Noises Enumerated, and Exemptions



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SOLUTION #1: Call the Police at 501-5000. They will respond on a non-emergency basis in order of the number and severity of calls in queue at the time. You may also inform them via email at police@henrico.us. This way of sending a complaint may take one to several days for a response. A police officer can issue a summons to a violator only upon catching that person in the act. Short of that, you have two choices:

1. Ask the officer to warn the offender, which means that you will need to provide a license plate number and a description of the vehicle.
2. Provide documentation to the police that indicates when, where and, if possible, who is committing these acts. If there is a pattern to the occurrences, the police can use adequate resources to solve the problem.

SOLUTION #2: Go to a Magistrate. You may visit a Henrico County Magistrate to explain the problem. A Magistrate requires certain specific information about an offender, which must be obtained by a police officer. Because you are not entitled to that information, you may do one of the following:

1. Ask the officer to meet you at the Magistrate's office with the required information.
2. Ask the officer to give you a case number that you can present so the Magistrate may obtain the required information through the county government information systems. You will need to convince the Magistrate of the truthfulness of your claims, so you should bring with you one or more of the following forms of evidence:
 - A. One or more witnesses.
 - B. Audio recording.
 - C. Video recording.
 - D. Documentation in the form of a chronological journal or log with as much data as possible about the offenses. If the Magistrate issues a warrant based on your evidence, you and your evidence will have to appear in open court. If your evidence consists of witnesses, they may have to testify in open court.



DISORDERLY CONDUCT:

Disorderly Conduct in Public



Last Update:
October 16, 2014

RELEVANT LAW: Virginia State Code

Title 18.2-415: Crimes and offenses generally

Article 2: Disorderly conduct

Section 18.2-415: Disorderly conduct in public places

Henrico County Municipal Code

Section 13-20: Disorderly conduct

A. A person is guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he:

1. In any street, highway, public building or while in or on a public conveyance or public place, engages in conduct having a direct tendency to cause acts of violence by the persons at whom, individually, such conduct is directed;
2. Willfully or being intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts any funeral, memorial service, or meeting of the governing body of any political subdivision of this state or a division or agency thereof, or of any school, literary society or place of religious worship, if the disruption prevents or interferes with the orderly conduct of the funeral, memorial service or meeting, or has a direct tendency to cause acts of violence by the persons at whom, individually, the disruption is directed; or
3. Willfully or while intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts the operation of any school or any activity conducted or sponsored by any school, if the disruption prevents or interferes with the orderly conduct of the operation or activity, or has a direct tendency to cause acts of violence by the persons at whom, individually, the disruption is directed.

B. However, the conduct prohibited under subsections (a)(1) through (3) of this section shall not be deemed to include the utterance or display of any words or to include conduct made punishable by provisions of the Code of Virginia, title 18.2 (Code of Virginia, § 18.2-1 et seq.), other than Code of Virginia, § 18.2-415.

C. The person in charge of any such building, place, conveyance, meeting, operation or activity may eject therefrom any person who violates any provision of this section, with the aid, if necessary, of any persons who may be called upon for such purpose.

(Code 1980, § 15-5; Code 1995, § 13-32; Ord. No. 1094, § 1, 3-13-2007)

State law reference — *Similar provisions, Code of Virginia, § 18.2-415.*

MORE >

DISORDERLY CONDUCT:

Disorderly Conduct in Public - Solutions



Last Update:
October 16, 2014

DISORDERLY CONDUCT (continued)

SOLUTION #1: Call the police at 911 if you encounter behavior by one or more persons that could result in violence and/or be a threat to the safety of others.

SOLUTION #2: Call the police at 501-5000 if you encounter behavior by one or more persons that disrupts the proper decorum of the community but does not indicate any violence or pose a threat to the safety of others.



COMMUNITY MAINTENANCE:

Tall Grass and Weeds



Last Update:
August 10, 2015

RELEVANT LAW: Henrico County Municipal Code

Chapter 10 - ENVIRONMENT

ARTICLE V. WEEDS AND GRASS

Section 10-136: Weeds defined: weeds mean any grass, weeds, bushes, poison ivy, poison oak or any other vegetable growth other than trees, ornamental shrubbery, flowers and garden vegetables.

Section 10-136: Cutting of weeds and grass require:

A. It shall be unlawful for any owner of any vacant developed or undeveloped property, including such property upon which buildings or other improvements are located, within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use, to permit weeds of more than 12 inches in height within 250 feet of property developed for residential use.

B. The owner of occupied residential real property shall cut the grass or lawn area of less than one-half acre on such property when growth of such grass or lawn area exceeds 12 inches in height.

SOLUTION #1: Call the Community Maintenance hotline at 501-4757. Please assist the Community Maintenance inspectors by providing the following information:

1. Whether the property is vacant or occupied.
2. Whether there are any inoperable or unlicensed vehicles or trailers on the property.
3. Whether there is any trash, garbage, or litter on the property that is not stored in a covered, water tight container.
4. Whether there is any evidence of rats on the property.

An inspector will contact the property owner within three (3) days of receiving the complaint. The owner will be given five (5) calendar days to correct the problem voluntarily, otherwise the County will correct it at the owner's expense.

COMMUNITY MAINTENANCE:

Rodent Control



Last Update:
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RELEVANT LAW: Henrico County Municipal Code

Chapter 10 - ENVIRONMENT

ARTICLE VI. RATS

Section 10-165: Ratproofing means a form of construction preventing the ingress of rats into buildings from the exterior or from one building to another. It consists essentially of treating or closing all actual or potential openings in the exterior walls, ground or first floors, basements, roofs and foundations that may be reached by rats from the ground, by climbing or by burrowing, with material or equipment which is impervious to rat gnawing.

Section 10-166: Penalty for refusal to implement rat eradication or eliminate rat harborages:

If, after receipt of the written notice or an order from the director of community revitalization under this article, the owner, occupant or other person responsible refuses to implement rat eradication or eliminate rat harborages, such owner or individual shall, upon conviction, be guilty of a class 4 misdemeanor. Each day that the violation continues shall constitute a separate offense.

Section 10-167: It shall be the duty of each owner or occupant to keep his building and premises rat proofed, freed of rats, and maintained in a rat proof and rat-free condition and to eradicate any rat harborage.

(Also see Section 10-168 to 10-171 for further information)

SOLUTION #1: Call the Community Maintenance hotline at 501-4757. Please assist the Community Maintenance inspectors by providing the following information:

1. Whether the property is vacant or occupied.
2. Whether there are any inoperable or unlicensed vehicles or trailers on the property.
3. Whether there is any trash, garbage or litter on the property that is not stored in a covered, watertight container.

COMMUNITY MAINTENANCE:

Trash, Garbage, Refuse and Litter



Last Update:
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RELEVANT LAW: Henrico County Municipal Code

Chapter 10 - ENVIRONMENT

ARTICLE V. TRASH, GARBAGE, REFUSE AND LITTER

Section 10-100: Prohibits the storage or accumulation of trash, garbage, refuse, litter and other substances that might endanger the health or safety of other county residents. All garbage, trash, refuse and litter must be placed in watertight containers and kept covered.

Section 22-39: Prohibits dumping trash, garbage or refuse from a vehicle on to a public highway or right-of-way or on to private property.

Virginia Building Maintenance Code

IPMC Section-308.1: Prohibits accumulations of garbage or rubbish inside buildings or structures.

SOLUTION #1: Call the Community Maintenance hotline at 501-4757. Please assist the Community Maintenance inspectors by providing the following information:

1. Whether the property is vacant or occupied.
2. Whether there are any inoperable or unlicensed vehicles or trailers on the property.
3. Whether there is any evidence of rats on the property.

An inspector will contact the property owner within 3 days of receiving the complaint. The owner will be given 5 to 7 calendar days to correct the problem voluntarily, otherwise the County will correct it at the owner's expense.

SOLUTION #2: You may also file a complaint online at <http://henrico.us/revit/community-maintenance/filingacomplaint/>. You will need to provide information as listed above.

SOLUTION #3: Any chartered neighborhood association can organize and schedule a Saturday cleanup through the Solid Waste Division of the Department of Public Utilities. The County will supply the refuse truck. Volunteer homeowners, 18 years of age and above, will be responsible for loading their household refuse and yard waste. Call the Department of Public Utilities at 261-8770.

SOLUTION #4: Make use of the bulky waste collection service to dispose of brush, bagged leaves, household appliances, and furniture. There is a fee for this service. Call the Department of Public Utilities at 261-8770.

SOLUTION #5: Citizen volunteers may adopt a road, park, school, or community where they pick up litter and monitor their locations. Call 501-7631 for information or visit <http://henrico.us/revit/community-maintenance/> for information on becoming a volunteer.

COMMUNITY MAINTENANCE:

Zoning Ordinance Issues: Trailers and Trailer Parks



Last Update:
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RELEVANT LAW: Henrico County Municipal Code

Chapter 24 - ZONING

ARTICLE V. TRAILERS

Section 24-102: No trailer of any kind shall be parked or stored in any district except as follows:

1. In an R district, one manufactured home may be parked or stored in an enclosed garage on the same lot with the principal use, provided it shall not be occupied for living or business purposes. The wheels or other transporting devices shall not be removed, except for repairs, nor shall the manufactured home be connected to any utility service or to the ground or another structure in any manner that would prevent its ready removal.
2. In any district used for residential purposes, one travel, utility and/or boat trailer, as an accessory use, may be parked or stored in the rear, side yard or in a carport or garage on the same lot with the principal use, provided it shall not be occupied for living or business purposes. The wheels or other transporting devices shall not be removed, except for repairs, nor shall the trailer be connected to any utility service or to the ground or other structure in any manner that would prevent its ready removal.

SOLUTION #1: Call the Community Maintenance hotline at 501-4757. An inspector will investigate the report and make every effort to notify the property owner if they are in violation by leaving business cards, educational brochures, and notices at the dwelling and following up by U.S. mail. Property owners will normally be given 15 days to correct the violation before the inspector will follow up on the issue.

Please assist the Community Maintenance inspectors by providing the following information:

1. Whether the property is vacant or occupied.
2. Whether there are any inoperable or unlicensed vehicles or trailers on the property.
3. Whether there is any trash, garbage or litter on the property that is not stored in a covered, watertight container.
4. Whether there is any evidence of rats on the property.

Willful compliance is the goal of the program. **However, if voluntary compliance cannot be reached, a court summons may be obtained.** Only one Notice of Violation will be issued in any 12 month period. Additional violations may result in a summons being issued to the property owner to appear in Henrico County General District Court.

COMMUNITY MAINTENANCE:

Zoning Ordinance Issues: Inoperable and/or Abandoned Vehicles



Last Update:
November 4, 2014

RELEVANT LAW: Henrico County Municipal Code

Chapter 10 - ENVIRONMENT

Sec. 10-3. Inoperable motor vehicles.

- (a) *Restrictions.* It shall be unlawful to keep more than one inoperable motor vehicle outside a fully enclosed building or structure on property zoned or used for residential purposes, or any property zoned for, commercial or agricultural purposes. For purposes of this section, the term "inoperable motor vehicle" means any motor vehicle, trailer or semitrailer, as defined in Code of Virginia, § 46.2-100, which:
- (1) Is not in operating condition;
 - (2) Does not display valid license plates;
 - (3) Does not display an inspection decal that is valid; or
 - (4) Displays an inspection decal that has been expired for more than 60 days.
- (b) *Shielding or screening required.* One inoperable motor vehicle may be kept outside a fully enclosed building or structure if it is shielded or screened from view. As used in this section, the term "shielded or screened from view" means not visible to someone standing at ground level from outside of the property on which the subject vehicle is located.
- (c) *Exceptions.* This section shall not apply to a licensed business which is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.
- (d) *Enforcement.* The director of community revitalization shall enforce this section.

Chapter 22 - ZONING

Sec. 22-252. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned motor vehicle means a motor vehicle, trailer or semitrailer that:

- (1) Is left unattended on public property in violation of a state law or local ordinance, for more than 48 hours;
- (2) Has remained for more than 48 hours on private property without the consent of the property's owner, regardless of whether it was brought onto the private property with the consent of the owner or person in control of the private property; or
- (3) Is left unattended on the shoulder of a primary highway.

COMMUNITY MAINTENANCE:

Zoning Ordinance Issues: Inoperable and/or Abandoned Vehicles



Last Update:
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Commissioner means the commissioner of the state department of motor vehicles.

Department means the state department of motor vehicles.

Scrap metal processor means any person who is engaged in the business of processing motor vehicles into scrap for remelting purposes who, from a fixed location, utilizes machinery and equipment for processing and manufacturing ferrous and nonferrous metallic scrap into prepared grades, and whose principal product is metallic scrap.

Vehicle removal certificate means a transferable document issued by the department for any abandoned motor vehicle that authorizes the removal and destruction of the vehicle.

Sec. 22-253. Abandoning motor vehicles prohibited; civil penalty.

- (a) No person shall cause any motor vehicle to become an abandoned motor vehicle as defined in section 22-252. In any prosecution for a violation of this section, proof that the defendant was, at the time that the vehicle was found abandoned, the owner of the vehicle shall constitute in evidence a rebuttable presumption that the owner was the person who committed the violation. Such presumption, however, shall not arise if the owner of the vehicle provided notice to the state department of motor vehicles as provided in Code of Virginia, § 46.2-604, as amended, that he had sold or otherwise transferred the ownership of the vehicle.
- (b) Any person convicted of a violation of this section shall be subject to a civil penalty of no more than \$500.00. If any person fails to pay any such penalty, his privilege to drive a motor vehicle on the highways of the state shall be suspended as provided in Code of Virginia, § 46.2-395, as amended.

SOLUTION #1: Call the Community Maintenance hotline at 501-4757. An inspector will investigate the report and make every effort to notify the property owner if they are in violation by leaving business cards, educational brochures, and notices at the dwelling and following up by U.S. mail. Property owners will normally be given 15 days to correct the violation before the inspector will follow up on the issue.

Please assist the Community Maintenance inspectors by providing the following information:

1. Whether the property is vacant or occupied.

MORE>

COMMUNITY MAINTENANCE:

Zoning Ordinance Issues: Inoperable and/or Abandoned Vehicles



Last Update:
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SOLUTION #1: (continued)

3. Whether there are any inoperable or unlicensed vehicles or trailers on the property.
4. Whether there is any trash, garbage or litter on the property that is not stored in a covered, watertight container.
5. Whether there is any evidence of rats on the property.

Willful compliance is the goal of the program. **However, if voluntary compliance cannot be reached, a court summons may be obtained.** Only one Notice of Violation will be issued in any 12 month period. Additional violations may result in a summons being issued to the property owner to appear in Henrico County General District Court.

COMMUNITY MAINTENANCE:

Zoning Ordinance Issues: Pets



Last Update:
November 4, 2014

RELEVANT LAW: Henrico County Municipal Code

Chapter 24 - ZONING

ARTICLE II. DEFINITIONS

Section 24-3: Kennel or animal boarding place: Any building and/or premises used, designed or arranged for the boarding, breeding or care of four or more dogs, cats, pets, fowl or domestic animals of at least four months of age.

Section 24-12 (e): Conditional uses permitted by special exception:
Noncommercial kennels for the keeping of animals by the occupant of the property.

Chapter 5 - Animals

Article II. DOGS AND CATS

Section 5-90 (a): It shall be unlawful for any person to own, keep or harbor any dog or cat four months of age or older within the county unless such dog or cat has been vaccinated with a species-appropriate vaccine approved by the United States Department of Agriculture and administered by a licensed veterinarian, and has received any required revaccination against rabies as specified in the certificate of vaccination.

SOLUTION #1: Call the Community Maintenance hotline at 501-4757. Please assist the Community Maintenance inspectors by providing the following information:

1. Whether the property is vacant or occupied.
2. Whether there are any inoperable or unlicensed vehicles or trailers on the property.
3. Whether there is any trash, garbage or litter on the property that is not stored in a covered, watertight container.
4. Whether there is any evidence of rats on the property.

SOLUTION #2: Obtain a conditional use permit from the planning and zoning office at 501-7280. This permit allows for a private kennel in a residence. A "private kennel" is defined as a premises used by the property's occupants for the care of four (4) or more cats, dogs, pets, fowl, or domestic animals that are at least four (4) months old for noncommercial purposes.

COMMUNITY MAINTENANCE:

Zoning Ordinance Issues: Trucks, Commercial Trailers and Wreckers



Last Update:
November 4, 2014

RELEVANT LAW: Henrico County Municipal Code

Chapter 24 - ZONING

Article VIII.URBAN MIXED USE DISTRICT; USES

Section 24-34 (t)

Commercial vehicles. Parking of any commercial vehicle exceeding 10,000 pounds gross weight, or any commercial trailer or wrecker, is permitted only when loading, unloading, or working at or near the location where it is parked.

(See Section 22-153 and Section 24-96 for further information)

SOLUTION #1: Call the Community Maintenance hotline at 501-4757. Please assist the Community Maintenance inspectors by providing the following information:

1. Where on the property the vehicle is placed.
2. A description of the vehicle, including the license plate number.
3. Any other information regarding the condition of the vehicle or trailer.
4. Whether the property is vacant or occupied.
5. Whether there are any inoperable or unlicensed vehicles or trailers on the property.
6. Whether there is any trash, garbage or litter on the property that is not stored in a covered, watertight container.
7. Whether there is any evidence of rats on the property.

COMMUNITY MAINTENANCE:

Zoning Ordinance Issues: Outside Storage of Household Appliances, Furniture, and Building Materials



Last Update:
November 4, 2014

RELEVANT LAW: Henrico County Municipal Code

Chapter 24 - ZONING

Article XXI. - HEIGHT, LOT, YARD AND BUILDING REGULATIONS

Section 24-94 (a)

Farm and public utility structures may be constructed to any necessary height, when located as far from all lot lines as the height of the structure.

Section 24-95 (m)

Outside storage in R and A districts. In all R or A districts, household appliances or furniture manufactured and sold for indoor use may not be placed in yards.

In addition, building materials may not be stored outside a fully enclosed building unless such materials are being used on the lot for agricultural operations or substantial and continuing construction activities.

SOLUTION #1: Call the Community Maintenance hotline at 501-4757. Please assist the Community Maintenance inspectors by providing the following information:

1. Whether the property is vacant or occupied.
2. Whether there are any inoperable or unlicensed vehicles or trailers on the property.
3. Whether there is any trash, garbage or litter on the property that is not stored in a covered, water tight container.
4. Whether there is any evidence of rats on the property.
5. The location on the property of the appliances, furniture, and/or building materials.
6. How long the items have been in place.
7. A description of the types of appliances, furniture, and/or building materials.

COMMUNITY MAINTENANCE:

Standing Water



Last Update:
November 4, 2014

Relevant Principle: Henrico County Standing Water Policy

"Standing water" means any outdoor, stagnant accumulation of water that can breed mosquitoes. Standing water does NOT include tidal and non-tidal wetlands, moving water, fountains, or water that contains natural predators, such as fish.

The purpose of the Standing Water Policy is to reduce the risk of exposure to the West Nile virus and other mosquito-borne diseases such as malaria, meningitis and encephalitis by encouraging the elimination or treatment of standing water that can breed mosquitoes. Note that the West Nile virus can cause meningitis or encephalitis.

SOLUTION #1: Prevent standing water and mosquito breeding on your property. Walk around your property once a week and empty any containers that you have not disposed of. Look for hidden locations around your property.

Some things you can do:

1. Turn over or remove containers in your yard where rainwater collects, such as potted plants trays, buckets or toys.
2. Dispose of all cans, bottles, plastic containers and tires.
3. Clean roof gutters and downspout screens regularly.
4. Empty birdbaths once a week.
5. Drain wading pools often.
6. Eliminate standing water on flat roofs.
7. Do not allow water to collect in garbage cans; do not leave garbage cans open or lids upside down.
8. Check under your deck and stairs for hidden containers or puddles.
9. Dump or drain pockets of water on tarps.
10. Dump containers weekly or treat them with mosquito bits or dunks.
11. For a more extensive detailed list, visit the following Henrico County Web Site:
<http://www.henrico.us/health/healthcare-provider/west-nile-virus/>

MORE >

COMMUNITY MAINTENANCE:

Standing Water



Last Update:
November 4, 2014

SOLUTION #2: Treat standing water on your property. Residents can purchase and use larvicide products labeled for consumer use on their own property. They may not legally apply larvicides on any properties other than their own, unless they are licensed (certified-Category 8) pesticide applicators and have permission from the property owner. Timing is the key; mosquito larvae can develop and hatch in just six days.

1. Dump or drain containers or tarps once a week.
2. Drain water in puddles or ditches by digging or improving a drainage channel, or fill the hole with sand, gravel or soil so water is absorbed and flows elsewhere.
3. Treat water with an environmentally friendly larvicide with the active ingredient, Bti.

Larvicides are available at a number of area home and garden centers, hardware stores, home improvement or general merchandise stores. If your favorite store does not carry the products that you are looking for, ask them to start carrying them.

Consumer product larvicides come in two forms: dunks (donut-shaped briquettes) and granules. Dunks are better suited for use in open water areas. A single dunk can treat 100 square feet of water area, and the active ingredient can release continuously for up to 20 days. Treat smaller areas of water by breaking a dunk and using appropriately sized chunks depending on the size of the container.

Granular larvicide are more effective in treating water that contains a lot of vegetation such as grassy ditch lines or standing water in lawn areas. Granules are more economical when treating a small amount of water. Be sure to read and follow all label directions on any products that you choose to use.

SOLUTION #3: Report standing water and/or mosquito problems. Call the West Nile Hotline at 226-NILE (6453). After reporting the presence of standing water or mosquito problems, an Environmental Inspector from the Department of Public Works will respond to investigate your complaint. This information will be used along with other data to determine if a mosquito-breeding standing water problem exists. If so, the owner of the property will be notified and requested to eliminate or treat the standing water. The County will provide information regarding the elimination of standing water, methods of mosquito control and where control measures can be purchased. In the case of County owned property, any mosquito larva will be treated at the time it is discovered and the area will be monitored until the standing water problem is resolved.

SOLUTION #4: Report dead birds. Between the months of April and September, call the West Nile Hotline. 226-NILE (6453.) The public can help state officials monitor for the virus by reporting dead CROWS, BLUEJAYS and BIRDS OF PREY to the West Nile Information Line. Selected birds will be tested for the virus during the months of April through August. Birds must be tested within 24 hours of death to be able to detect the virus. Sunken eyes and the presence of fly larvae (maggots) are good indicators that the bird has been dead too long.

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COMMUNITY MAINTENANCE:

Standing Water



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FOR MORE INFORMATION:

1. Call the West Nile Hotline at 226-NILE (6453).
2. Call the Henrico Health Department for questions regarding the West Nile virus and health related concerns.
3. Visit the following websites:
Henrico County www.henrico.us/works/engineering-environmental-services/. Click on the following link in the left hand column: [Mosquito and West Nile Virus Information](#) .
3. Visit the following websites: (continued)
Virginia Department of Health www.vdh.state.va.us
Virginia Mosquito Control Association www.mosquito-va.org
Centers of Disease Control & Prevention www.cdc.gov
EPA Pesticides & Mosquito Control www.epa.gov/pesticides/





LARCENY:

Larceny from Vehicles



Last Update:
October 16, 2014

RELEVANT LAW: Virginia State Code

Section 18.2-95: Grand Larceny defined; how punished.

Any person who:

1. Commits larceny from the person of another of money or other thing of value of \$5 or more, or
2. Commits simple larceny not from the person of another of goods and chattels of the value of \$200 or more, or
3. Commits simple larceny not from the person of another of any firearm, regardless of the firearm's value, shall be guilty of grand larceny, punishable by imprisonment in a state correctional facility for not less than one nor more than twenty years or, in the discretion of the jury or court trying the case without a jury, be confined in jail for a period not exceeding twelve months or fined not more than \$2,500, either or both.

Section 18.2-96: Petit Larceny defined; how punished

Any person who:

1. Commits larceny from the person of another of money or other thing of value of less than \$5, or
2. Commits simple larceny not from the person of another of goods and chattels of the value of less than \$200, except as provided in subdivision (3) of § 18.2-95, shall be deemed guilty of petit larceny, which shall be punishable as a Class 1 misdemeanor.

Larceny from Vehicles

BE SUSPICIOUS OF THE FOLLOWING:

1. Anyone walking up and down the street or in parking lots appearing to check out vehicles or looking into cars.
2. Vehicles being driven without any license plates or without the proper license plates.
3. Vehicles being driven in cold weather with one or more windows down (this could indicate that the window was broken to gain entry into the vehicle).
4. Vehicles being driven with a broken vent window.

SOLUTION #1: Call the Police. If the vehicle was broken into a short time ago (minutes, hours, etc.), call 911; otherwise, call 501-5000 for larcenies from vehicles that occurred a while ago (overnight, yesterday, etc.)



DOGS AND CATS:

Dogs Running at Large



Last Update:
August 10, 2015

RELEVANT LAW: Henrico County Municipal Code

Chapter 5: Animals

Article II: Dogs and Cats

Division 1. Generally

Section 5-29: Unlawful acts; animals running at large

The following shall be deemed unlawful acts and constitute a class 4 misdemeanor:

1. *Diseased dogs or cats off of owner's premises.* It shall be unlawful for the owner of any dog or cat with a contagious or infectious disease to permit such dog or cat to stray from his premises if such disease is known to the owner.
2. *Female dogs in season off of owner's premises.* It shall be unlawful for the owner of any female dog to permit such dog to stray from his premises while such dog is known to such owner to be in season.
3. *Removing license tag.* It shall be unlawful for any person, except the owner or custodian, to remove a legally acquired license tag from a dog.
4. *Concealing unlicensed or rabid dog.* It shall be unlawful for any person to conceal or harbor any dog on which the license tax has not been paid, or to conceal a mad dog to keep it from being destroyed.
5. *Poisoning, injuring or killing dogs.* It shall be unlawful for any person, except the owner or his authorized agent, to administer poison to any dog under four months of age or any dog licensed pursuant to this article, or to expose poison where it may be taken by any such dog, or to injure, disfigure or kill any such dog except as otherwise provided in this article.
6. ***Dogs running at large.*** It is prohibited for any dog to run at large within the county at any time during any month of the year. For the purposes of this subsection, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. A dog shall not be deemed to be running at large if it and its owner or custodian are within a county-designated off-leash, fenced dog exercise area. Any owner who permits his dog to run at large in the county shall be deemed to have violated the provisions of this subsection.

SOLUTION #1: Call the Animal Protection Police at 727-8800, Monday - Saturday 10 AM to 4:30 PM, or call 501-500 any other time.

DOGS AND CATS:

Vicious Dogs



Last Update:
August 10, 2015

RELEVANT LAW: Henrico County Municipal Code

Chapter 5: Animals

Article II: Dogs and Cats

Division 1. - Generally

Sec. 5-30. - Control of dangerous or vicious dogs.

- (a) Any law enforcement officer or animal protection officer who has reason to believe that a canine or canine crossbreed is a dangerous dog shall apply to a county magistrate for the issuance of a summons requiring the owner or custodian, if known, to appear before the general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law enforcement officer successfully makes an application for the issuance of a summons, he shall contact an animal protection officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous. The animal protection officer shall confine the animal until a verdict is rendered on the summons. If the animal protection officer determines that the owner or custodian can confine the animal in a manner that protects public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered.
- (b) No canine or canine crossbreed shall be found to be a dangerous dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog if the threat, injury or damage was sustained by a person who was:
- (1) Committing, at the time, a crime upon the premises occupied by the animal's owner or custodian;
 - (2) Committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or
 - (3) Provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times.
- No police dog that was engaged in the performance of its duties at the time of the acts complained of shall be found to be a dangerous dog. No animal that, at the time the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog.
- (c) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.
- (d) Within 45 days of a finding that an animal is a dangerous dog, the owner of the animal shall obtain a dangerous dog registration certificate from the animal protection unit of the division of police or the director of finance for a fee of \$150.00. This fee is in addition to other fees required by this chapter. The animal protection police officer or the director of finance shall provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. By January 31 of each year, until such time as the dangerous dog is deceased, all certificates obtained pursuant to this subsection shall be updated and renewed for a fee of \$85.00 and in the same manner as the initial certificate was obtained. The animal protection police officer shall post registration information on the Virginia Dangerous Dog Registry.

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DOGS AND CATS:

Vicious Dogs (continued)



Last Update:
August 10, 2015

- (e) Certificates or renewals.
 - (1) All certificates or renewals thereof required to be obtained under this section shall be issued only to persons 18 years of age or older who present satisfactory evidence:
 - a. Of the animal's current rabies vaccination, if applicable;
 - b. That the animal is and will be confined in a proper enclosure, or is and will be confined inside the owner's residence, or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed;
 - c. That the animal has been spayed or neutered; and
 - d. That the owner has liability insurance, to the value of at least \$100,000.00, that covers animal bites or has obtained and will maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.00.
 - (2) In addition, no owner shall be issued a certificate or renewal unless he presents satisfactory evidence that:
 - a. His residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property; and
 - b. The animal has been permanently identified by means of electronic implantation.
- (f) While on its owner's property, an animal found to be a dangerous dog shall be confined indoors, or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. While so confined within the structure, the animal shall be provided for according to Code of Virginia, § 3.2-6503. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
- (g) The owner of a dog found to be dangerous shall cause the animal protection unit of the division of police to be promptly notified of:
 - (1) The names, addresses, and telephone numbers of all owners;
 - (2) All of the means necessary to locate the owner and the dog at any time;
 - (3) Any complaints or incidents of attack by the dog upon any person or cat or dog;
 - (4) Any claims made or lawsuits brought as a result of any attack;
 - (5) Chip identification information;
 - (6) Proof of insurance or surety bond; and
 - (7) The death of the dog.
- (h) If an animal has been found to be a dangerous dog, the owner shall immediately cause the animal protection unit to be notified upon learning that the animal:
 - (1) Is loose or unconfined;
 - (2) Bites a person or attacks another animal; or
 - (3) Is sold, is given away, or dies.

Any owner of a dangerous dog who relocates to a new address shall, within ten days of relocating, provide written notice to the appropriate local animal protection unit for the old address from which the animal has moved and the new address to which the animal has been moved.

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DOGS AND CATS:

Vicious Dogs (continued)



Last Update:
August 10, 2015

- (i) Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:
- (1) Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person; or
 - (2) Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury.
- The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.
- (j) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a misdemeanor. Whenever an owner or custodian of an animal found to be a dangerous dog is charged with a violation of this section, the animal control officer shall confine the dog until such time as evidence shall be heard and a verdict rendered.
- (k) All fees collected pursuant to this section, less the costs incurred by the animal protection unit of the division of police in producing and distributing the certificates and tags required by this ordinance, shall be paid into a special fund dedicated to paying the expenses of any training courses required under Code of Virginia, § 3.2-6556.

State Law reference— County may regulate dangerous and vicious dogs, § 3.2-6540(M); penalty for class 2 misdemeanor, Code of Virginia, § 18.2-11.

SOLUTION #1: Call the Animal Protection Police at 727-8800, Monday - Saturday 10 AM to 4:30 PM, or call 501-500 any other time.

SOLUTION #2: If the dog poses a life-threatening situation, call 911.

DOGS AND CATS:

Dog Licenses



Last Update:
August 10, 2015

RELEVANT LAW:

Henrico County Municipal Code

Chapter 5: Animals

Article II: Dogs and Cats

Division 2. - Dog Licenses

Sec. 5-49. - Required; tax year; amount of tax; exemptions from tax.

(a) It shall be unlawful for any person residing in the county, other than a releasing agency that has registered as such with the division of police, animal protection unit, to own a dog four months of age or older unless such dog is licensed as required by this division. The licensing period for an individual dog license issued after July 13, 2011, shall be equal to and run concurrently with the rabies vaccination effective period for that dog. The licensing period for a kennel shall be for the calendar year, from January 1 to December 31. A dog license issued under this division is nonrefundable, nontransferable, and will not be prorated. The license tax is in addition to any fee due under this chapter for a dangerous dog registration certificate. The license tax shall be payable to the office of the director of finance or at such substation as shall be designated by the director of finance, and shall be in the following amounts:

- (1) For each dog, \$10.00 for one year or less, or \$15.00 for more than one year.
- (2) For each duplicate tag, \$1.00.
- (3) For each kennel for up to 50 dogs, \$50.00.

(b) No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing impaired person, or that is trained and serves as a service dog for a mobility impaired person. As used in this subsection, the term "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond, and the term "service dog" means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

State Law reference— License tax, Code of Virginia, § 3.2-6528.

Sec. 5-57. - Dogs not wearing tag presumed unlicensed.

Any dog not wearing a collar bearing a license tag shall, prima facie, be deemed to be unlicensed. In any proceedings under the provisions of this chapter, the burden of proof of the fact that such dog has been licensed or is otherwise not required to bear a tag at the time shall be on the owner of the dog.

SOLUTION #1: If you suspect any animal has rabies, call 501-5000. If it is a life-threatening situation, call 911.

DOGS AND CATS:

Rabies Vaccinations



Last Update:
August 10, 2015

RELEVANT LAW: State Law reference – Rabies inoculation of dogs and cats, Code of Virginia, § 3.2-6521

Henrico County Municipal Code

Division 3. - Rabies Vaccination

Sec. 5-90. - Required; certificate.

- (a) It shall be unlawful for any person to own, keep or harbor any dog or cat four months of age or older within the county unless such dog or cat has been vaccinated with a species-appropriate vaccine approved by the United States Department of Agriculture and administered by a licensed veterinarian, and has received any required revaccination against rabies as specified in the certificate of vaccination.
- (b) Upon vaccination or revaccination of a dog or cat as required by this section, a suitable and distinctive rabies tag and a certificate of vaccination, properly executed and signed by the licensed veterinarian performing the vaccination, shall be issued to the animal's owner by the veterinarian, who shall retain a copy of the certificate for his records.
- (c) The certificate issued pursuant to subsection (b) of this section shall be NASPHV Form No. 50, or its equivalent, and shall certify that the dog or cat has been vaccinated in accordance with this division, and shall include the following information:
 - (1) The date of the vaccination;
 - (2) The date for required revaccination;
 - (3) The rabies tag number;
 - (4) A brief description of the dog or cat and its age, sex and breed; and
 - (5) The name and address of the animal's owner.
- (d) The certificate issued pursuant to subsection (b) of this section shall be preserved by the owner of the dog or cat and exhibited promptly on request for inspection by any animal protection police officer or other law enforcement officer.
- (e) Any person owning, keeping or harboring any dog or cat four months of age or older shall have the required vaccination performed within 30 days from the day on which the dog or cat is first owned, kept, harbored or moved into the county by the person.

SOLUTION #1: The Animal Protection Police conducts rabies clinics four times annually. To learn more about the clinics and when they are scheduled, visit www.henricopolice.org and click on the Animal Protection Police link on the front page. It will take you to the Animal Protection Police page where you will find a list of each year's scheduled rabies clinics. You may also call the Animal Shelter at 804-727-8800, Monday through Saturday between the hours of 10 AM to 4:30 PM for more information.

TRESPASSING:

Trespassing



Last Update:
August 10, 2015

RELEVANT LAW: Virginia State Code

Section 18.2-119: Trespass after having been forbidden to do so; penalties.

If any person without authority of law goes upon or remains upon the lands, buildings or premises of another, or any portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian, or the agent of any such person, or other person lawfully in charge thereof, or after having been forbidden to do so by a sign or signs posted by or at the direction of such persons or the agent of any such person or by the holder of any easement or other right-of-way authorized by the instrument creating such interest to post such signs on such lands, structures, premises or portion or area thereof at a place or places where it or they may be reasonably seen, or if any person, whether he is the owner, tenant or otherwise entitled to the use of such land, building or premises, goes upon, or remains upon such land, building or premises after having been prohibited from doing so by a court of competent jurisdiction by an order issued pursuant to §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.2 through 16.1-278.6, 16.1-278.8, 16.1-278.14, 16.1-278.15, 16.1-279.1, 19.2-152.8, 19.2-152.9 or § 19.2-152.10 or an ex parte order issued pursuant to § 20-103, and after having been served with such order, he shall be guilty of a Class 1 misdemeanor. This section shall not be construed to affect in any way the provisions of §§ 18.2-132 through 18.2-136.

If the trespassing is NOT accompanied by any offensive, harmful or criminal activity, then use one of solutions #1 - #3; otherwise, use one of solutions #4 - #5.

SOLUTION #1: Personally ask the trespasser(s) to please stop their trespassing.

SOLUTION #2: Call the police at 501-5000, and ask to make a formal complaint. A police officer will visit you to obtain the necessary information about the offense.

SOLUTION #3: Go to a Magistrate. You may visit a Henrico County Magistrate to explain the problem. A Magistrate requires certain specific information about an offender which must be obtained by a police officer. Because you are not entitled to that information, you may do one of the following:

1. Ask the officer to meet you at the Magistrate's office with the required information.
2. Ask the officer to give you a case number that you can present so the Magistrate may obtain the required information through the county government information systems. You will need to convince the Magistrate of the truthfulness of your claims, so you should bring with you one or more of the following forms of evidence:
 - One or more witnesses
 - Audio recording

TRESPASSING:

Trespassing



Last Update:
August 10, 2015

.. forms of evidence continued:

- Video recording.
- Documentation in the form of a chronological journal or log with as much data as possible about the offenses. If the Magistrate issues a warrant based on your evidence, you and your evidence will have to appear in open court. If your evidence consists of witnesses, then they will have to testify in open court.

SOLUTION #4: Call the police at 501-5000 if the trespassing is accompanied by behaviors that do not constitute an emergency.

SOLUTION #5: Call the police at 911 if the trespassing is accompanied by behaviors that constitute an emergency.



BURGLARY:

Burglary



Last Update:
November 4, 2014

RELEVANT LAW: Virginia State Code

Chapter 5: Burglary and related offenses

Section 18.2-89: Burglary; how punished

If any person break and enter the dwelling house of another in the nighttime with intent to commit a felony or any larceny therein, he shall be guilty of burglary, punishable as a Class 3 felony; provided, however, that if such person was armed with a deadly weapon at the time of such entry, he shall be guilty of a Class 2 felony.

Section 18.2-90: Entering dwelling house, etc., with intent to commit murder, rape, robbery or arson; penalty.

If any person in the nighttime enters without breaking or in the daytime breaks and enters or enters and conceals himself in a dwelling house or an adjoining, occupied outhouse or in the nighttime enters without breaking or at any time breaks and enters or enters and conceals himself in any building permanently affixed to realty, or any ship, vessel or river craft or any railroad car, or any automobile, truck or trailer, if such automobile, truck or trailer is used as a dwelling or place of human habitation, with intent to commit murder, rape, robbery or arson in violation of §§18.2-77, 18.2-79 or § 18.2-80, he shall be deemed guilty of statutory burglary, which offense shall be a Class 3 felony. However, if such person was armed with a deadly weapon at the time of such entry, he shall be guilty of a Class 2 felony.

Section 18.2-91: Entering dwelling house, etc., with intent to commit larceny, assault and battery or other felony.

If any person commits any of the acts mentioned in § 18.2-90 with intent to commit larceny, or any felony other than murder, rape, robbery or arson in violation of §§ 18.2-77, 18.2-79 or § 18.2-80, or if any person commits any of the acts mentioned in § 18.2-89 or § 18.2-90 with intent to commit assault and battery, he shall be guilty of statutory burglary, punishable by confinement in a state correctional facility for not less than one or more than twenty years or, in the discretion of the jury or the court trying the case without a jury, be confined in jail for a period not exceeding twelve months or fined not more than \$2,500, either or both. However, if the person was armed with a deadly weapon at the time of such entry, he shall be guilty of a Class 2 felony.

BURGLARY:

Burglary



Last Update:
November 4, 2014

Section 18.2-92: Breaking and entering dwelling house with intent to commit other misdemeanors.

If any person break and enter a dwelling house while said dwelling is occupied, either in the day or nighttime, with the intent to commit any misdemeanor except assault and battery or trespass, he shall be guilty of a Class 6 felony. However, if the person was armed with a deadly weapon at the time of such entry, he shall be guilty of a Class 2 felony.

Section 18.2-93: Entering bank, armed, with intent to commit larceny.

If any person, armed with a deadly weapon, shall enter any banking house, in the daytime or in the nighttime, with intent to commit larceny of money, bonds, notes, or other evidence of debt therein, he shall be guilty of a Class 2 felony.

Section 18.2-94: Possession of burglarious tools, etc.

If any person have in his possession any tools, implements or outfit, with intent to commit burglary, robbery or larceny, upon conviction thereof he shall be guilty of a Class 5 felony. The possession of such burglarious tools, implements or outfit by any person other than a licensed dealer, shall be prima facie evidence of an intent to commit burglary, robbery or larceny.

The acts of breaking and/or entering are associated with the charge of burglary. The level of severity of the charge depends on what other acts accompanied the breaking and/or entering, and whether the offender was armed with a deadly weapon.

BE SUSPICIOUS IF:

1. You see individuals in a parked car at a residence for a long while who are not associated with that residence.
2. You see indications of unlawful entry, such as a broken or open window or door at a residence where you know the occupants are away.
3. You see persons not associated with the neighborhood who are repeatedly "patrolling" the neighborhood in vehicles or on foot.

SOLUTION #1: Call the police at 911 if you believe that an act of breaking and/or entering IS occurring, IS ABOUT TO occur or HAS JUST occurred.

SOLUTION #2: Call the police at 501-5000 if an act of breaking and/or entering has occurred and there is no immediate danger to persons and/or property.

VANDALISM:

Vandalism



Last Update:
October 16, 2014

RELEVANT LAW: Virginia State Code

Section 18.2-137: Injuring, etc., any property, monument, etc.

- A. If any person unlawfully destroys, defaces, damages or removes without the intent to steal any property, real or personal, not his own, or breaks down, destroys, defaces, damages or removes without the intent to steal, any monument or memorial for war veterans described in § 15.2-1812, any monument erected for the purpose of marking the site of any engagement fought during the War between the States, or for the purpose of designating the boundaries of any city, town, tract of land, or any tree marked for that purpose, he shall be guilty of a Class 3 misdemeanor; provided that the court may, in its discretion, dismiss the charge if the locality or organization responsible for maintaining the injured property, monument, or memorial files a written affidavit with the court stating it has received full payment for the injury.
- B. If any person intentionally causes such injury, he shall be guilty of (i) a Class 1 misdemeanor if the value of or damage to the property, memorial or monument is less than \$1,000 or (ii) a Class 6 felony if the value of or damage to the property, memorial or monument is \$1,000 or more. The amount of loss caused by the destruction, defacing, damage or removal of such property, memorial or monument may be established by proof of the fair market cost of repair or fair market replacement value. Upon conviction, the court may order that the defendant pay restitution.

SOLUTION #1: Call the police at 911 if the vandalism IS occurring, IS ABOUT to occur or HAS JUST occurred and there might be a chance of apprehending the offenders at that time.

SOLUTION #2: Call the police at 501-5000 to report the vandalism.



TRAFFIC SAFETY:

Traffic Safety Complaints



Last Update:
November 4, 2014

RELEVANT LAW: Virginia State Code

Section 46.2-821: Vehicles before entering certain highways shall stop or yield right-of-way.

The driver of a vehicle approaching an intersection on a highway controlled by a stop sign shall, immediately before entering such intersection, stop at a clearly marked stop line, or, in the absence of a stop line, stop before entering the crosswalk on the near side of the intersection, or, in the absence of a marked crosswalk, stop at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. Before proceeding, he shall yield the right-of-way to the driver of any vehicle approaching on such other highway from either direction.

(Partial- see code for full explanation)

Section 46.2-833: Traffic lights; penalty

Signals by traffic lights shall be as follows:

Steady red indicates that moving traffic shall stop and remain stopped as long as the red signal is shown, except in the direction indicated by a steady green arrow.

Green indicates the traffic shall move in the direction of the signal and remain in motion as long as the green signal is given, except that such traffic shall yield to other vehicles and pedestrians lawfully within the intersection.

Steady amber indicates that a change is about to be made in the direction of the moving of traffic. When the amber signal is shown, traffic which has not already entered the intersection, including the crosswalks, shall stop if it is not reasonably safe to continue, but traffic which has already entered the intersection shall continue to move until the intersection has been cleared.

Flashing circular red indicates that traffic shall stop before entering an intersection. Such traffic shall yield the right-of-way to pedestrian and vehicular traffic lawfully within the intersection.

Flashing red arrow indicates that traffic shall stop before entering an intersection. After stopping, traffic may cautiously enter the intersection to turn in the direction of the signal. Such traffic shall yield the right-of-way to pedestrian and vehicular traffic lawfully within the intersection.

Flashing circular amber indicates that traffic may proceed through the intersection or past such signal with reasonable care under the circumstances. Such traffic shall yield the right-of-way to pedestrian and vehicular traffic lawfully within the intersection.

Flashing amber arrow indicates that traffic may turn in the direction of such signal with reasonable care under the circumstances. Such traffic shall yield the right-of-way to pedestrian and vehicular traffic lawfully within the intersection.

(Partial- see code for full explanation)

[MORE>](#)

TRAFFIC SAFETY:

Traffic Safety Complaints (continued)



Last Update:
November 4, 2014

Section 46.2-852: Reckless driving; general rule

Irrespective of the maximum speeds permitted by law, any person who drives a vehicle on any highway recklessly or at a speed or in a manner so as to endanger the life, limb, or property of any person shall be guilty of reckless driving.

Section 46.2-853: Driving vehicle which is not under control; faulty brakes.

A person shall be guilty of reckless driving who drives a vehicle which is not under proper control or which has inadequate or improperly adjusted brakes on any highway in the Commonwealth.

Section 46.2-855: Driving with driver's view obstructed or control impaired.

A person shall be guilty of reckless driving who drives a vehicle when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of the vehicle.

Section 46.2-856: Passing two vehicles abreast.

A person shall be guilty of reckless driving who passes or attempts to pass two other vehicles abreast, moving in the same direction, except on highways having separate roadways of three or more lanes for each direction of travel, or on designated one-way streets or highways. (Partial- see the code for full explanation)

Section 46.2-859: Passing a stopped school bus; prima facie evidence

A person driving a motor vehicle shall stop such vehicle when approaching, from any direction, any school bus which is stopped on any highway, private road or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, and shall remain stopped until all the persons are clear of the highway, private road or school driveway and the bus is put in motion; any person violating the foregoing is guilty of reckless driving. The driver of a vehicle, however, need not stop when approaching a school bus if the school bus is stopped on the other roadway of a divided highway, on an access road, or on a driveway when the other roadway, access road, or driveway is separated from the roadway on which he is driving by a physical barrier or an unpaved area. The driver of a vehicle also need not stop when approaching a school bus which is loading or discharging passengers from or onto property immediately adjacent to a school if the driver is directed by a law-enforcement officer or other duly authorized uniformed school crossing guard to pass the school bus.

(Partial- see code for full explanation)

Section 46.2-861: Driving too fast for highway and traffic conditions.

A person shall be guilty of reckless driving who exceeds a reasonable speed under the circumstances and traffic conditions existing at the time, regardless of any posted speed limit.

MORE>

TRAFFIC SAFETY:

Traffic Safety Complaints (continued)



Last Update:
November 4, 2014

Section 46.2-862: Exceeding speed limit.

A person shall be guilty of reckless driving who drives a motor vehicle on the highways in the Commonwealth (i) at a speed of twenty miles per hour or more in excess of the applicable maximum speed limit or (ii) in excess of eighty miles per hour regardless of the applicable maximum speed limit .

(Also see Sections 46.2-854, 46.2-857, 46.2-858, 46.2-860, for more reckless driving codes)

Section 46.2-870 through 46.2-878: Maximum and minimum speed limits for different situations.

To complain about any traffic safety problem, use one of the solutions below. Solutions #1 and #2 are used when a particular incident at a particular time needs to be addressed immediately. Solutions #3 and #4 are used to try to solve recurring traffic problems that occur over periods of time.

Because the phrase "traffic calming" may be unusual to many people, a section on traffic calming follows the solutions. The article concludes with a short question and answer section and a set of examples to help you decide which solution is appropriate for your needs.

SOLUTION #1: If there is a LIFE THREATENING incident requiring immediate attention, call 911 and STAY ON THE LINE with the communications officer.

SOLUTION #2: If there is an incident requiring immediate attention that is NOT life threatening, call 501-5000 and STAY ON THE LINE with the communications officer.

SOLUTION #3: Call the Special Enforcement Unit at 328-2573 to report ongoing traffic problems such as SPEEDING, RECKLESS DRIVING, TRAFFIC LIGHT VIOLATIONS, PARKING VIOLATIONS, and OTHER MOVING VIOLATIONS.

1. Be prepared to give the following information:
2. Your name.
3. Your phone number and/or e-mail address.
4. WHERE and WHEN the repeated violations occur - BE AS SPECIFIC AS POSSIBLE.

For example:

- A. "We have a problem in the afternoon." (This statement is very vague.)
- B. "People are running the red light in the afternoon." (This statement is better, but it is still vague.)
- C. "People are running the red light between 4:00 PM and 5:00 PM at the corner of Broad Street and Parham Road." (This statement is specific)

MORE>

TRAFFIC SAFETY:

Traffic Safety Complaints (continued)



Last Update:
November 4, 2014

SOLUTION #4: Contact the Henrico County Department of Public Works to request TRAFFIC CALMING solutions.

Public Works Phone (General Info): 804-501-4393

Public Works Fax (Traffic): 804-727-8343

Public Works Email: trafficalming@henrico.va

Public Works address: Henrico County Department of Public Works Traffic Engineering Division
P.O. Box 90775, Henrico, VA 23273-0775

Web address: <http://henrico.us/works/traffic/traffic-calming-program/>

TRAFFIC CALMING

Henrico County's Neighborhood Traffic Calming Program is administered by the Henrico County Department of Public Works for the purpose of addressing traffic concerns on neighborhood streets. There are two phases to the program.

The first phase includes community education, traffic signs, police enforcement, and increased fines for speeding. If the first phase is ineffective, then a second phase review is done in which physical devices are considered. During the second phase, traffic engineers work with police, fire and rescue services to determine the best plan for the neighborhood.

The Traffic Calming Program is designed for residential streets. To be eligible, the street must have a speed limit of 35 mph or less, and must have traffic volumes of less than 4,000 vehicles per day.

First Phase Process

Step 1: Submit a Citizen Request form detailing your traffic concerns. Download the brochure and form at: www.henrico.us/pdfs/works/TRAFFICALMINGBROCHUREOctober2010.pdf

(A sample form is shown right.)

Step 2: Traffic Engineering collects data and conducts a field review of the site.

Step 3: Traffic Engineering sends you information about their findings and recommendations.

Step 4: Traffic Engineering works with the neighborhood to follow through with the recommendations.

Step 5: Over the next 6 to 8 months, the measures are evaluated.

Step 6: If first-phase measures are unsuccessful, the request moves to the second phase of the program in which physical devices are considered.

TRAFFIC CALMING REQUEST FORM (SAMPLE)	
Contact Name	_____
Address	_____ _____
City and Zip	_____
Email Address	_____
Location of Concern	_____
What problems have you identified with the above location?	
_____ _____ _____	

MORE>

TRAFFIC SAFETY:

Traffic Safety Complaints (continued)



Last Update:
November 4, 2014

First Phase Solutions

Traffic Safety Newsletter

Work with homeowners associations or neighborhood groups in publishing a newsletter describing traffic concerns within the neighborhood as well as traffic safety tips.

Signage

The posting of appropriate traffic control signs within the neighborhood. These include speed limit, dead end, no outlet, school signs, etc.

Radar Trailer

Continued use of the portable radar trailer deployed by the Henrico County Police Division. The trailer shows drivers their actual speed versus the posted speed limit and encourages their compliance.

Police Enforcement

Continuing enforcement by the Henrico County Police Division.

Brush Trim

The trimming and removal of brush by homeowners or the County to allow for better sight distance.

Increased Speeding Fines

Increased fines up to an additional \$200 on selected streets within neighborhoods. This will require 75% of the households affected to agree to the increased fines.

Second Phase Process

If the First Phase is unsuccessful, the neighborhood can request physical treatments. As with increased fines, 75% of the residents on the proposed street, as well as streets that have major access to the proposed street, must sign a petition agreeing to the traffic calming devices.

Second Phase Solutions

Speed Humps

Rounded raised areas of pavement typically 12 to 14 feet in length with a height of 3 inches.

Speed Cushions

Rounded raised areas of asphalt or rubber typically 6 to 7 feet in length with a height of 3 inches.

Speed Tables

Rounded raised areas of pavement typically 22 feet in length with a height of 3 inches.

Neighborhood Traffic Circle

Raised islands, placed at intersections, around which traffic circulates.

Center Island Narrowing

Raised islands located along the centerline of a street that narrow the travel lanes at that location.

Other physical devices such as chokers, partial street closures, and as a last resort, complete closures may also be considered.

[MORE>](#)

TRAFFIC SAFETY:

Traffic Safety Complaints (continued)



Last Update:
November 4, 2014

SOME QUESTIONS AND ANSWERS (FAQ's)

Question: How do I know if there is a speeding problem on my street?

Answer: If 85% or more of the vehicles traveling on your street exceed the speed limit by 7 mph or more, then you have a speeding problem on your street.

Question: How do I know if my street is eligible for TRAFFIC CALMING solutions?

Answer: If you can answer YES to ALL of the following questions, then your street may be eligible for TRAFFIC CALMING solutions.

1. Is your street a residential street?
2. Is the speed limit on your street 35 mph or less?
3. Do less than 4,000 vehicles travel on your street each day?
4. Is your street a two-lane roadway?

Question: What can I do if my street has a "cut-thru" problem?

Answer: Public roadways are open for all vehicular traffic and, other than speed or weight limits, no restrictions can be placed on the roadways.

Question: Will officers of the Special Enforcement Unit advise citizens when to call for traffic calming solutions, or do the citizens need to determine that for themselves?

Answer: Police officers are not required to advise citizens about traffic calming solutions; therefore, citizens must be aware of the traffic engineering guidelines to determine whether a review is needed by the Traffic Engineering Department.

EXAMPLES TO HELP YOU SELECT THE BEST SOLUTION

Situation: Two vehicles have collided, and there may be injuries.

Best Solution: Solution #1

Why: There is clearly a life threatening incident that needs immediate attention.

Situation: Two vehicles have collided, and there are NO injuries.

Best Solution: Solution #2

Why: There is an incident requiring immediate attention, but it is NOT a life threatening situation.

Situation: There is someone who is always speeding on our street.

Best Solution: Solution #3

Why: This is an ongoing traffic problem.

MORE>

TRAFFIC SAFETY:

Traffic Safety Complaints (continued)



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November 4, 2014

EXAMPLES TO HELP YOU SELECT THE BEST SOLUTION, continued

Situation: It is night, and there is someone driving up and down the street with no headlights.

Best Solution: Solution #2

Why: There is an incident requiring immediate attention, but it is NOT a life threatening situation.

Situation: People use our street as a short-cut around a nearby busy intersection. It seems like almost everyone is speeding.

Best Solution: Solution #3

Why: This is an ongoing traffic problem involving many different drivers at many different times.

Situation: Many people fail to stop at the stop sign at the end of our street.

Best Solution: Solution #3

Why: This is an ongoing traffic problem involving many different drivers at many different times.

Situation: A driver on Broad Street at rush hour is in a big hurry and is trying to get ahead of everyone. He keeps changing lanes by pushing his way in between cars that are already close together.

Best Solution: Solution #2

Why: There is an incident requiring immediate attention, but it is NOT a life threatening situation.

Situation: There are young drivers using our street as a drag strip.

Best Solution: Solution #3

Why: This is an ongoing traffic problem.

Situation: There's a motorist whose car has broken down, and he may need help.

Best Solution: Solution #1

Why: This is a situation requiring immediate attention that may become life threatening.

Situation: I am driving behind someone who is weaving in and out of his lane. He may be drunk.

Best Solution: Solution #1

Why: This is a situation requiring immediate attention that may become life threatening.

MORE>

X- 7



UNDERAGE DRINKING:

Unlawful Purchasing or Possession, etc.



Last Update:
August 10, 2015

RELEVANT LAW: Virginia State Code

- 4.1-305. Purchasing or possessing alcoholic beverages unlawful in certain cases; venue; exceptions; penalty; forfeiture; deferred proceedings; treatment and education programs and services.
- A. No person to whom an alcoholic beverage may not lawfully be sold under § 4.1-304 shall consume, purchase or possess, or attempt to consume, purchase or possess, any alcoholic beverage, except (i) pursuant to subdivisions 1 through 7 of § 4.1-200; (ii) where possession of the alcoholic beverages by a person less than 21 years of age is due to such person's making a delivery of alcoholic beverages in pursuance of his employment or an order of his parent; or (iii) by any state, federal, or local law-enforcement officer or his agent when possession of an alcoholic beverage is necessary in the performance of his duties. Such person may be prosecuted either in the county or city in which the alcohol was possessed or consumed, or in the county or city in which the person exhibits evidence of physical indicia of consumption of alcohol. It shall be an affirmative defense to a charge of a violation of this subsection if the defendant shows that such consumption or possession was pursuant to subdivision 7 of § 4.1-200.
- B. No person under the age of 21 years shall use or attempt to use any (i) altered, fictitious, facsimile or simulated license to operate a motor vehicle, (ii) altered, fictitious, facsimile or simulated document, including, but not limited to a birth certificate or student identification card, or (iii) motor vehicle operator's license, birth certificate or student identification card of another person in order to establish a false identification or false age for himself to consume, purchase or attempt to consume or purchase an alcoholic beverage.
- C. Any person found guilty of a violation of this section shall be guilty of a Class 1 misdemeanor; and upon conviction, (i) such person shall be ordered to pay a mandatory minimum fine of \$500 or ordered to perform a mandatory minimum of 50 hours of community service as a condition of probation supervision and (ii) the license to operate a motor vehicle in the Commonwealth of any such person age 18 or older shall be suspended for a period of not less than six months and not more than one year; the license to operate a motor vehicle in the Commonwealth of any juvenile shall be handled in accordance with the provisions of § 16.1-278.9. The court, in its discretion and upon a demonstration of hardship, may authorize an adult convicted of a violation of this section the use of a restricted permit to operate a motor vehicle in accordance with the provisions of subsection E of § 18.2-271.1 or when referred to a local community-based probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1. During the period of license suspension, the court may require an adult who is issued a restricted permit under the provisions of this subsection to be (a) monitored by an alcohol safety action program, or (b) supervised by a local community-based probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1, if one has been established for the locality. The alcohol safety action program or local community-based probation services agency shall report to the court any violation of the terms of the restricted permit, the required alcohol safety action program monitoring or local community-based probation services and any condition related thereto or any failure to remain alcohol-free during the suspension period.

[MORE >](#)

UNDERAGE DRINKING:

Unlawful Purchasing or Possession, etc. (continued)



Last Update:
August 10, 2015

RELEVANT LAW: Virginia State Code 4.1-305. (continued)

- D. Any alcoholic beverage purchased or possessed in violation of this section shall be deemed contraband and forfeited to the Commonwealth in accordance with § 4.1-338.
- E. Any retail licensee who in good faith promptly notifies the Board or any state or local law-enforcement agency of a violation or suspected violation of this section shall be accorded immunity from an administrative penalty for a violation of § 4.1-304.
- F. When any adult who has not previously been convicted of underaged consumption, purchase or possession of alcoholic beverages in Virginia or any other state or the United States is before the court, the court may, upon entry of a plea of guilty or not guilty, if the facts found by the court would justify a finding of guilt of a violation of subsection A, without entering a judgment of guilt and with the consent of the accused, defer further proceedings and place him on probation subject to appropriate conditions. Such conditions may include the imposition of the license suspension and restricted license provisions in subsection C. However, in all such deferred proceedings, the court shall require the accused to enter a treatment or education program or both, if available, that in the opinion of the court best suits the needs of the accused. If the accused is placed on local community-based probation, the program or services shall be located in any of the judicial districts served by the local community-based probation services agency or in any judicial district ordered by the court when the placement is with an alcohol safety action program. The services shall be provided by (i) a program licensed by the Department of Behavioral Health and Developmental Services, (ii) certified by the Commission on VASAP, or (iii) by a program or services made available through a community-based probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1, if one has been established for the locality. When an offender is ordered to a local community-based probation services rather than the alcohol safety action program, the local community-based probation services agency shall be responsible for providing for services or referring the offender to education or treatment services as a condition of probation.

Upon violation of a condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the conditions, the court shall discharge the person and dismiss the proceedings against him without an adjudication of guilt. A discharge and dismissal hereunder shall be treated as a conviction for the purpose of applying this section in any subsequent proceedings.

When any juvenile is found to have committed a violation of subsection A, the disposition of the case shall be handled according to the provisions of Article 9 (§ 16.1-278 et seq.) of Chapter 11 of Title 16.1.

(Code 1950, § 4-62; 1970, c. 686; 1974, c. 460; 1979, c. 537; 1981, c. 24; 1982, c. 66; 1983, c. 608; 1985, c. 559; 1990, c. 771; 1993, c. 866; 1995, c. 374; 1996, cc. 626, 730; 2000, c. 325; 2002, c. 338; 2003, cc. 845, 849; 2004, cc. 322, 461; 2005, c. 895; 2006, c. 207; 2007, c. 133; 2009, cc. 248, 726, 813, 840; 2012, cc. 250, 260.)

[MORE >](#)

UNDERAGE DRINKING:

Maintaining common nuisances; Penalties, and Exemptions from licensure.



Last Update:
August 10, 2015

RELEVANT LAW: Virginia State Code

Title 4.1. Alcoholic Beverage Control Act

Chapter 3. Prohibited practices; Penalties; Procedural Matters

Section 4.1-317: Maintaining common nuisances; penalties.

- A. All houses, boathouses, buildings, club or fraternity or lodge rooms, boats, cars and places of every description where alcoholic beverages are manufactured, stored, sold, dispensed, given away or used contrary to law, by any scheme or device whatever, shall be deemed common nuisances. No person shall maintain, aid, abet or knowingly associate with others in maintaining a common nuisance. Any person convicted of a violation of this subsection shall be guilty of a Class 1 misdemeanor.
- B. In addition, after due notice and opportunity to be heard on the part of any owner or lessor not involved in the original offense, by a proceeding analogous to that provided in §§ 4.1-339 through 4.1-348 and upon proof of guilty knowledge, judgment may be given that such house, building, boathouse, car or other place, or any room or part thereof, be closed. The court may, upon the owner or lessor giving bond in the penalty of not less than \$500 and with security to be approved by the court, conditioned that the premises shall not be used for unlawful purposes, or in violation of the provisions of this chapter for a period of five years, turn the same over to its owner or lessor; or proceeding may be had in equity as provided in § 4.1-335.
- C. In a proceeding under this section, judgment shall not be entered against the owner, lessor, or lien holder of the property unless it is proved he (i) knew of the unlawful use of the property and (ii) had the right, because of such unlawful use, to enter and repossess the property. (Code 1950, p. 877, § 4-81; 1954, c. 484; 1993, c. 866.)

RELEVANT LAW: Virginia State Code

Title 4.1. Alcoholic Beverage Control Act

Chapter 2. Administration of Licenses

4.1200. Exemptions from licensure.

The licensure requirements of this chapter shall not apply to:

1. A person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, who administers or causes to be administered alcoholic beverages to any bona fide patient or inmate of the institution who is in need of the same, either by way of external application or otherwise for emergency medicinal purposes. Such person may charge for the alcoholic beverages so administered, and carry such stock as may be necessary for this purpose. No charge shall be made of any patient for the alcoholic beverages so administered to him where the same have been supplied to the institution by the Board free of charge.

MORE >

UNDERAGE DRINKING:

Exemptions from licensure (continued)



Last Update:
August 10, 2015

4.1200. Exemptions from licensure. (Continued)

2. The manufacture, sale and delivery or shipment by persons authorized under existing laws to engage in such business of any medicine containing sufficient medication to prevent it from being used as a beverage.
3. The manufacture, sale and delivery or shipment by persons authorized under existing laws to engage in such business of any medicinal preparations manufactured in accordance with formulas prescribed by the United States pharmacopoeia; national formulary, patent and proprietary preparations; and other bona fide medicinal and technical preparations; which contain no more alcohol than is necessary to extract the medicinal properties of the drugs contained in such preparations, and no more alcohol than is necessary to hold the medicinal agents in solution and to preserve the same, and which are manufactured and sold to be used exclusively as medicine and not as beverages.
4. The manufacture, sale and delivery or shipment of toilet, medicinal and antiseptic preparations and solutions not intended for internal human use nor to be sold as beverages.
5. The manufacture and sale of food products known as flavoring extracts which are manufactured and sold for cooking and culinary purposes only and not sold as beverages.
6. Any person who manufactures at his residence or at a gourmet brewing shop for domestic consumption at his residence, but not to be sold, dispensed or given away, except as hereinafter provided, wine or beer or both, in an amount not to exceed the limits permitted by federal law.

Any person who manufactures wine or beer in accordance with this subdivision may remove from his residence an amount not to exceed fifty liters of such wine or fifteen gallons of such beer on any one occasion for (i) personal or family use, provided such use does not violate the provisions of this title or Board regulations; (ii) giving to any person to whom wine or beer may be lawfully sold an amount not to exceed (a) one liter of wine per person per year or (b) seventy-two ounces of beer per person per year, provided such gift is for noncommercial purposes; or (iii) giving to any person to whom beer may lawfully be sold a sample of such wine or beer, not to exceed (a) one ounce of wine by volume or (b) two ounces of beer by volume for on premises consumption at events organized for judging or exhibiting such wine or beer, including events held on the premises of a retail licensee. Nothing in this paragraph shall be construed to authorize the sale of such wine or beer. The provision of this subdivision shall not apply to any person who resides on property on which a winery, farm winery, or brewery is located.

UNDERAGE DRINKING:

Exemptions from licensure (continued), and Solutions - Prevention



Last Update:
August 10, 2015

4.1200. Exemptions from licensure. (Continued)

7. Any person who keeps and possesses lawfully acquired alcoholic beverages in his residence for his personal use or that of his family. However, such alcoholic beverages may be served or given to guests in such residence by such person, his family or servants when (i) such guests are 21 years of age or older or are accompanied by a parent, guardian, or spouse who is 21 years of age or older, (ii) the consumption or possession of such alcoholic beverages by family members or such guests occurs only in such residence where the alcoholic beverages are allowed to be served or given pursuant to this subdivision, and (iii) such service or gift is in no way a shift or device to evade the provisions of this title.

8. Any person who manufactures and sells cider to distillery licensees, or any person who manufactures wine from grapes grown by such person and sells it to winery licensees.

9. The sale of wine and beer in or through canteens or post exchanges on United States reservations when permitted by the proper authority of the United States.

10. The keeping and consumption of any lawfully acquired alcoholic beverages at a private meeting or private party limited in attendance to members and guests of a particular group, association or organization at a banquet or similar affair, or at a special event, if a banquet license has been granted. However, no banquet license shall be required for private meetings or private parties limited in attendance to the members of a common interest community as defined in § 54.12345 and their guests, provided (i) the alcoholic beverages shall not be sold or charged for in any way, (ii) the premises where the alcoholic beverages are consumed is limited to the common area regularly occupied and utilized for such private meetings or private parties, and (iii) such meetings or parties are not open to the public.

Code 1950, §§ 450,489,490;1954, c. 147; 1970, cc. 113, 541; 1972, cc. 75, 76, 741; 1973, c. 413; 1975, c.408; 1976, c. 37; 1981, c. 410; 1984, c. 200; 1992, c. 349; 1993, c. 866; 1995, cc. 497, 518; 2001, c. 117;2006, cc. 274, 740; 2010, c. 294; 2011, c. 8.

SOLUTION #1: PREVENTION

Too Smart 2 Start Coalition
Henrico County Mental Health and Developmental Services (MHDS)
Henrico County Police Prevention Services

Nicole Gore, Prevention Coordinator
Henrico MHDS - Prevention
4825 S. Laburnum Avenue
Henrico, VA 23231 - **Phone:** 804-222-8194 x3006 **or FAX:** 804-236-9118

UNDERAGE DRINKING:

Underage Drinking - Solutions - Prevention (continued)



Last Update:
August 10, 2015

SOLUTION #1: PREVENTION (CONTINUED)

www.toosmart2start.com

<http://www.facebook.com/HenricoTooSmart2StartCoalition>

<http://www.facebook.com/pages/Youth-Ambassadors-Henrico-Too-Smart-2-Start/162494583852130>

The Henrico Too Smart 2 Start Coalition is a 501(c)(3) non-profit organization that promotes health and wellness in Henrico County, with a primary focus on reducing youth substance abuse. The coalition partners with the community to reduce substance abuse and other risky behaviors.

Visit www.toosmart2start.com for more information.

Henrico County Mental Health & Developmental Services Prevention Services (www.henrico.us/mhds/prevention/) provides free programmatic consultation and training services for the following programs:

CONNECT is a comprehensive, community based prevention program that serves youths, ages 6-16, living in Henrico County. The program addresses the following risk factors: school failure, favorable attitude toward substance use, susceptibility to negative peer pressure, inadequate life skills, social isolation, lack of school bonding, and poor child supervision and discipline.

CONNECT Business Program is an interactive curriculum that focuses on career exploration, job search, personal resources, human relations on the job, and supportive instructional training activities. Activities include business field trips and guest speakers from the business community and *Girl Power!*, a strength based program. *Girl Power!* reinforces girls' self confidence by providing "no use" messages about alcohol, tobacco, and other drugs, with an emphasis on providing opportunities for girls to build skills, enhance self-esteem, and contribute to their communities. *Wise Guyz* is a male mentoring program implemented in partnership with Concerned Black Men of Richmond, Virginia Inc. *Wise Guyz* focuses on three core areas: life skills education, community ownership/service, and field trips/alternative activities. Safe Dates is a dating abuse prevention program. The curriculum deals with attitudes and behaviors associated with dating abuse and violence.

Families and Schools Together is a national, model program with a science based curriculum designed to enhance the parent and child bond and to reduce parental stress through the creation of opportunities for family support, youth support, and parental support. The program is currently implemented at Laburnum Elementary School. Contact: Dr. Patricia Hill - 222-8194 (3023)



MORE >

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UNDERAGE DRINKING:

Underage Drinking - Solutions (continued), Enforcement and Organize



Last Update:
August 10, 2015

SOLUTION #2: ENFORCEMENT

The Division regularly develops and implements strategies to enforce DUI laws and to promote awareness of consequences due to underage alcohol use.

Henrico County Police Division
PO Box 90775
7721 E. Parham Road
Richmond, VA 23273

SOLUTION #3: ORGANIZE a workgroup to combat underage alcohol use.

On the following pages is a sample process that was developed and used by the Henrico Police Division.

Process:

Step 1: Organize a (community/neighborhood) workgroup.

For example, the Henrico Police workgroup was comprised of but not limited to: Virginia ABC, County Attorney's office, 14th Court Services Unit, VJCCA, Henrico Police Division Sections and Units: Uniform, Special Enforcement, Traffic Safety, School Resource Officers, Crime Prevention, Community Policing.

If you are organizing a community workgroup in your neighborhood to combat underage alcohol use, you probably don't need representatives in your workgroup from all government agencies that collaborated with police. Perhaps a Henrico Police Community Officer assigned to your area would suffice. However, you also could tap into government agencies' available free resources and/or request guest speakers from various agencies to present at your meetings.

Step 2: Use and share information from helpful Internet websites.

Internet links and/or websites:

www.nhtsa.gov www.abc.state.va.us
www.niaaa.nih.gov
www.responsibility.org
www.smartsafeandsobber.org
www.dmvnow.com

www.beerresponsible.com
www.nhtsa.gov (Type in the site's search bar:
Community How to Guide On Prevention & Education)

Community How To Guides-

Underage Drinking Prevention Strategies to Reduce Underage Alcohol Use
www.udetc.org/documents/strategies.pdf

Guide to Preventing and Dispersing Underage Drinking Parties:
www.udetc.org/documents/UnderageDrinking.pdf

UNDERAGE DRINKING:

Solutions (continued), Enforcement Initiatives, and Conviction/Consequences



Last Update:
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Step 2: Use and share information from helpful Internet websites. (Continued)

Resources, Internet links and/or websites:

Under Age Drinking Enforcement Training Center: www.udetc.org/

Resources, Internet links and/or websites: (continued)

MADD homepage (great source of information): www.madd.org/

Also, see their **local page**: www.madd.org/local-offices/va/

and their **Flickr site**: www.flickr.com/photos/107366798@N06/

Step 3: Enforcement Initiatives

Underage Alcohol Use Reporting - (804) 501-5000

This is the police non-emergency number available twenty-four hours a day. You do not need to leave your name when you report underage alcohol use. This line may also be used to report other situations that are considered non-emergency. Always use 911 in emergency situations.

Throughout the year, the Henrico County Police Division addresses Underage Drinking. Through educational programs, enforcement initiatives, and officer training, the Division is dedicated to "Zero Tolerance." The Division participates in many national, state, and local DUI awareness and enforcement programs such as Drive Sober or Get Pulled Over, National Drunk & Drugged Driving Prevention Month, Alcohol Awareness Month, Tie One On for Safety (to fight holiday DUI), etc.

ALTERNATIVE SOLUTION #4: CONVICTION/CONSEQUENCES

ALL CASES go to court, there will be NO diversion.

Conviction may result in the payment of fines, restitution, 30-50 hours of community service, participation in alcohol/drug education programs and/or treatment, and the loss of operator's license for six months. If charged with possession of alcohol, it may impact future diversions for ANY future offense (i.e. disorderly conduct at school, etc.)

Parents will be required to attend all court proceedings, participate in court ordered rehabilitative programs with their child, and pay costs associated with the prosecution of the case. Failure to do so may result in a show cause being filed and the case returned to court.

Any further information may be obtained by calling Juvenile Court 501-4688.

JUVENILE LAWS AND CODES:

Curfews for Juveniles - Juvenile Laws and Codes



Last Update:
November 4, 2014

RELEVANT LAW: State law reference - Authority to adopt, Code of Virginia, § 15.2-926.

Henrico County Municipal Code

Chapter 13 - Offenses

Article V. - Curfew

Division 2. - Minors

Section 13-147. - Duty of parent or guardian.

A. Purpose. The purpose of this division is to:

1. Promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the county;
2. Promote the safety and well-being of the county's youngest citizens, persons 16 years of age and under, whose inexperience renders them particularly vulnerable to becoming participants in unlawful drug activities, and to being victimized by older perpetrators of crime; and
3. Foster and strengthen parental responsibility for children.

B. *Definitions.* The following words and phrases as used in this chapter shall have the meanings ascribed to them in this section:

Curfew or curfew hours refers to the hours of 11:00 p.m. through 6:00 a.m.

Emergency refers to unforeseen circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb or property. The term includes, but is not limited to, fires, natural disasters, automobile accidents or other similar circumstances.

Minor refers to any person 16 years of age and under who has not been emancipated by court order entered pursuant to Code of Virginia, § 16.1-333.

Officer means any police or other law enforcement officer charged with the duty of enforcing the laws of the Commonwealth of Virginia and the Code.

Parent refers to:

1. A person who is a minor's biological or adoptive parent and who has legal custody of a minor (including either parent, if custody is shared under a court order or agreement);
2. A person who is the biological or adoptive parent with whom a minor regularly resides;

JUVENILE LAWS AND CODES:

Juvenile Laws and Codes (continued)



Last Update:
November 4, 2014

3. A person judicially appointed as a legal guardian of the minor; and/or
4. A person 18 years of age or older standing in loco parentis (as indicated by a written authorization in the possession of a minor from an individual listed in subsection 1, 2, or 3 of this definition), for the person to assume the care or physical custody of the child.

Person refers to an individual, not to any association, corporation, or any other legal entity.

Public place refers to any place to which the public or a substantial group of the public has access, including, but not limited to: streets, highways, roads, parking lots, sidewalks, alleys, avenues, parks, and/or the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities, shopping centers and stores.

Remain refers to the following actions:

1. To linger or stay at or upon a place; or
2. To fail to leave a place when requested to do so by an officer or by the owner, operator, or other person in control of that place.

C. Exceptions to curfew. It shall be unlawful for a parent of any minor to permit, allow or encourage such minor to remain in any public place in the county during curfew, unless accompanied by the parent of such minor. This section shall not apply to minors who are engaged in the following activities:

1. Attending, or going to or returning from without detour or stop, an activity supervised by adults and sponsored by a school, civic, religious or other public organization or agency, or by another similar organization or entity;
2. Going to or returning from an employment activity without detour or stop;
3. Moving about in the event of an emergency; or
4. Exercising First Amendment or other rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly.

JUVENILE LAWS AND CODES:

Juvenile Laws and Codes (continued)



Last Update:
November 4, 2014

Section 13-148. - Duty of managers of public places.

It shall be unlawful for the proprietor, manager or other person having charge or control of any public place, except a theater, opera house or motion picture show, provided there is conspicuously posted at all times at the box office or place for the purchase of tickets of admission and at the place of entrance thereto a notice containing substantially the provisions of section 13-149, to permit, allow or encourage any minor to remain in or around such place during curfew unless accompanied by a parent.

Section 13-149. - Duty of minors.

It shall be unlawful for any minor to remain in any public place in the county during curfew hours, except as provided in section 13-147, unless accompanied by a parent.

SOLUTION #1: Call the Police at 501-5000.

A police officer may warn the violator or issue a summons to the violator. If the officer issues a summons, he/she will issue one to the juvenile and one to the juvenile's parent/guardian, which will serve as a summons to court. The parent/guardian and juvenile will have to appear in court.

Resources:

For more information on Virginia's Juvenile Laws and Codes visit:

www.dcjs.virginia.gov/juvenile/

www.dcjs.virginia.gov/vcss/documents/juvenileLawHandbook.pdf

For lists of other resources in Virginia visit:

www.211virginia.org

Or call:

Dial 2-1-1 toll free for services in Virginia

(Hearing impaired dial 7-1-1 for Virginia Relay, then dial 2-1-1)





Henrico County Police Division Prevention Services



CALEA[®]
THE GOLD STANDARD IN PUBLIC SAFETY

The Police Division is
Internationally Accredited.

Henrico County Police Division
P. O. Box 90775
Henrico, VA 23273-0775

Emergency: 911
Non-emergency: (804) 501-5000
www.henricopolice.org

Douglas A. Middleton
Chief of Police



Proud of our progress;
Excited about our future.

The County of Henrico does not discriminate on the basis of race,
color, religion, sex, national origin, age, or disability.