

CODE OF ORDINANCES**Chapter 1 - GENERAL PROVISIONS****Sec. 1-1. - Designation and citation of Code.**

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the "Code of the County of Henrico, Virginia, of 2010," and may be so cited.

(Code 1980, § 1-1; Code 1995, § 1-1)

State law reference— Authority to codify ordinances, admissibility of Code as evidence in courts, Code of Virginia, § 15.2-1433.

Sec. 1-2. - Definitions and rules of construction.

In the construction of this Code and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the board of supervisors or the context clearly requires otherwise:

Board of supervisors. The term "board of supervisors" means the board of supervisors of the County of Henrico, Virginia.

State law reference— Definition of board of supervisors, Code of Virginia, § 15.2-102; general powers of board of supervisors under county manager form of government, Code of Virginia, § 15.2-604.

Code. The term "Code" means and refers to the Code of the County of Henrico, Virginia, of 2010, as designated in section 1-1.

Code of Virginia. The term "Code of Virginia" means the Code of Virginia, 1950, as amended, including the latest edition or supplement, unless otherwise indicated, and may be so cited.

Commonwealth. The term "commonwealth" means the Commonwealth of Virginia.

Computation of time. When a notice is required to be given, the day of such notice shall not be counted against the time allowed, but the day on which such act is performed may be counted as part of the time. When it is required that an act be performed within a prescribed amount of time after any event, the day on which the event occurred shall not be counted against the time allowed. When the last day for any act to be done falls on a Saturday, Sunday or legal holiday, or any day on which county offices are closed, the act may be done on the next day that is not a Saturday, Sunday or legal holiday, or day on which county offices are closed.

State law reference— "Computation of time" defined, Code of Virginia, § 1-210.

County. The term "county" means Henrico County, Virginia.

Designees. Whenever a county officer or county employee is authorized to act, his duly appointed designee shall have the same authority to act.

Gender. A word importing the masculine gender only may extend and be applied to females and to firms, partnerships and corporations as well as to males.

State law reference— "Gender" defined, Code of Virginia, § 1-216.

Highway; street. The terms "highway" and "street" include highways, streets, avenues, boulevards, roads, alleys, walkways, lanes, viaducts, bridges and approaches thereto and all other public ways in the county and shall mean the entire width thereof between the abutting property lines.

May. The term "may" is permissive.

Number. A word used in the singular includes the plural and a word used in the plural includes the singular.

State law reference — "Number" defined, Code of Virginia, § 1-227.

Oath. The term "oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath.

State law reference — "Oath" defined, Code of Virginia, § 1-228.

Officers; employees; departments; boards; commissions; agencies. Any reference to an officer, employee, department, board, commission or agency is a reference to a county officer, county employee, county department, county board, county commission or county agency.

Person. The term "person" includes any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision, or any other legal or commercial entity and any successor, representative, agent, agency, or instrumentality thereof.

State law reference — "Person" defined, Code of Virginia, § 1-230.

Preceding; following. The terms "preceding" and "following" mean next before and next after, respectively.

Shall. The term "shall" is mandatory.

State. The term "state" means the Commonwealth of Virginia.

Swear; sworn. The terms "swear" and "sworn" are equivalent to the terms "affirm" and "affirmed" in all cases in which by law an affirmation may be substituted for an oath.

State law reference — "Swear, sworn" defined, Code of Virginia, § 1-250.

Year. The term "year" means a calendar year.

State law reference — "Year" defined, Code of Virginia, § 1-223.

(Code 1980, § 1-2; Code 1995, § 1-2; Ord. No. 1098, § 1, 3-27-2007)

Sec. 1-3. - Catchlines of sections.

The catchlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, or any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(Code 1980, § 1-3; Code 1995, § 1-3)

State law reference — Headlines of sections of statutes, Code of Virginia, § 1-217.

Sec. 1-4. - References to chapters, articles, divisions or sections.

All references in this Code to chapters, articles, divisions or sections shall be to those chapters, articles, divisions or sections of the Code of the County of Henrico, Virginia, of 2010, unless otherwise specified.

(Code 1995, § 1-4)

Sec. 1-5. - History notes.

The history notes appearing in parentheses after sections in this Code are not intended to have any legal effect, but are merely intended to indicate the source of matter contained in the sections.

(Code 1995, § 1-5)

Sec. 1-6. - Editor's notes and reference notes.

The editor's notes and state law references in this Code are not intended to have any legal effect, but are merely intended to assist the user of this Code.

(Code 1995, § 1-6)

Sec. 1-7. - Code not to affect prior offenses or rights.

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.

(Code 1995, § 1-7)

Sec. 1-8. - Provisions considered as continuation of existing Code and ordinances.

The provisions appearing in this and the following chapters and sections, so far as they are the same as those of ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.

(Code 1980, § 1-4; Code 1995, § 1-8)

Sec. 1-9. - Repeal of ordinance not to revive former ordinances.

When an ordinance that has repealed another ordinance shall itself be repealed, the previous ordinance shall not be revived without express words to that effect.

(Code 1995, § 1-9)

State law reference – Repeal not to affect liabilities, etc., Code of Virginia, § 1-239.

Sec. 1-10. - Ordinances not affected by Code.

(a) Nothing in this Code or the ordinance adopting this Code shall affect the following when not in conflict with the Code:

- (1)** Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.
- (2)** Any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this Code.

- (3) Any ordinance or resolution promising or guaranteeing the payment of money or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness or any contract or obligation assumed by the county.
 - (4) Any annual tax levy.
 - (5) Any right or franchise conferred by ordinance or resolution on any person.
 - (6) Any ordinance adopted for purposes which have been consummated.
 - (7) Any ordinance which is temporary, although general in effect, or special, although permanent in effect.
 - (8) Any ordinance relating to the compensation of the county's officers or employees.
 - (9) Any ordinance naming, renaming, opening, accepting or vacating streets, alleys, easements or rights-of-way in the county.
 - (10) Any ordinance relating to rezoning or the zoning map.
 - (11) Any ordinance not in conflict with this Code which:
 - a. Establishes a vehicular speed limit;
 - b. Establishes a one-way street or alley;
 - c. Designates a through street;
 - d. Designates a truck route to be followed by trucks passing through the county;
 - e. Designates intersections at which "stop" or "yield" signs are to be maintained;
 - f. Prohibits, limits or restricts the parking of vehicles in any respect;
 - g. Establishes any taxicab stand, bus stop, school zone or other zone relating to vehicular traffic or the stopping, standing or parking of vehicles;
 - h. Directs that any traffic control sign, signal or marking or other traffic control device be installed or maintained; or
 - (12) Any ordinance establishing fees or charges which are not set out in this Code.
- (b) All such ordinances shall be on file in the county offices.
(Code 1995, § 1-10)

Sec. 1-11. - Amendments to Code; effect of new ordinances; amendatory language.

- (a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in the Code. In the case of repeal of chapters, sections and subsections, or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby. Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the board of supervisors to make the addition or amendment a part of this Code, shall be deemed to be incorporated in the Code, so that a reference to the Code shall be understood and intended to include such additions and amendments.
- (b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: "That section _____ of the Code of the County of Henrico, Virginia, of 2010, is hereby amended to read as follows:...." The new provisions shall then be set out in full as enacted.
- (c) If a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of the County of Henrico, Virginia, of 2010, is hereby amended by adding a section, to be numbered _____, which section reads as follows:...." The new section shall then be set out in full as enacted.
- (d) All sections, articles, chapters or provisions desired to be repealed shall be specifically repealed by section, article or chapter number, as the case may be.

(Code 1995, § 1-11)

Sec. 1-12. - Severability of parts of Code.

It is hereby declared to be the intention of the board of supervisors that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and, if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

(Code 1980, § 1-5; Code 1995, § 1-12)

State law reference—Severability of provisions of statutes, Code of Virginia, § 1-243.

Sec. 1-13. - General penalty; continuing violations; injunctive relief.

(a) In this section, the term "violation of this Code" means:

- (1) Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule, regulation or order authorized by ordinance;
- (2) Failure to perform an act that is required to be performed by ordinance or by rule, regulation or order authorized by ordinance; or
- (3) Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule, regulation or order authorized by ordinance.

(b) In this section, the term "violation of this Code" does not include the failure of a county officer or county employee to perform an official duty, unless it is provided that failure to perform the duty is to be punished as provided in this section or it is clear from the context that it is the intent to impose the penalty provided for in this section upon the officer or employee.

(c) Except as otherwise provided:

- (1) A person convicted of a violation of this Code shall be punished by a fine or imprisonment not exceeding the penalty provided in general law of the Code of Virginia for the violation of a class 1 misdemeanor.
- (2) Any violation of this Code that is declared to be a class 2 misdemeanor shall be subject to the penalty provided by general law for a class 2 misdemeanor.
- (3) Any violation of this Code that is declared to be a class 3 misdemeanor shall be subject to the penalty provided by general law for a class 3 misdemeanor.
- (4) Any violation of this Code that is declared to be a class 4 misdemeanor shall be subject to the penalty provided by general law for a class 4 misdemeanor.
- (5) No fine or term of confinement for the violation of a violation of this Code shall exceed the penalty provided by general law of the Code of Virginia for like offenses.

(d) Each day a violation of this Code or any such ordinance, rule, regulation or order continues shall constitute, except where otherwise provided, a separate offense.

(e) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise or other administrative sanctions.

(f) The imposition of any penalty does not prohibit the county, in any proper case, from seeking equitable relief in any court of competent jurisdiction to enjoin the violation of any provision of this Code or other county ordinance.

(Code 1980, § 1-6; Code 1995, § 1-13)

State law reference—Penalties for violation of county ordinances, Code of Virginia, § 15.2-1429; penalties for misdemeanors, Code of Virginia, § 18.2-11.

Sec. 1-14. - Disposition of fines and costs.

(a) All fines and costs collected under the terms of this Code or other county ordinances shall be paid over to the director of finance of the county and credited by him to the county general revenue fund.

(b) Costs shall be taxed in prosecution under this Code or other county ordinances in the same amounts and in the same manner as prescribed by law in misdemeanor cases under the Code of Virginia, as amended.

(Code 1980, § 1-7; Code 1995, § 1-14)

State law reference—Fines paid to county, Code of Virginia, § 16.1-69.48; fines in traffic cases, Code of Virginia, § 46.2-1308.