



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



Welcome to the Neighborhood Watch Program. Neighborhood Watch is a free service sponsored by the Fairfax County Police Department and operated by members of our community.

WHO CAN JOIN NEIGHBORHOOD WATCH?

EVERYONE!

Get as many neighbors involved in the program as possible!

Not everyone will want to participate, that's ok. Make sure everyone knows about the program and that they are always welcome to attend the meetings or events. Hold neighborhood watch meetings / get-togethers in convenient locations (ex: home, clubhouse, local fire station, outside, etc.). These informal meetings / events help maintain the neighborhood watch and help everyone in the neighborhood become acquainted.

COMMUNITY AWARENESS

We will be watchful for any unusual or suspicious persons, activities, or vehicles in our neighborhood.

CRIME REPORTING

If we suspect or observe a crime in progress or see evidence of a crime having been committed, we will contact the police immediately at 703-691-2131 or 9-1-1.

WATCH PATROL

We will take every opportunity during the course of our daily activities to go out of our way to be observant. When called upon, we will participate in scheduled Neighborhood Watch patrols and will abide by the patrol instructions issued by the Prince William County Police Department.

EDUCATION AND RECRUITING

We will explain to our children, new neighbors, friends and others the purpose of the Neighborhood Watch Program and its benefits. We will solicit their support and encourage them to contribute to the program within their capabilities as responsible citizens.

SAFETY

We recognize the goals of Neighborhood Watch to be personal safety, protection of property and an enhanced quality of life for our neighborhood. We will not endanger ourselves or others to achieve these goals. We understand that our mission is to *deter, observe and report*.

NEIGHBORHOOD

We acknowledge that this program cannot be successful without a commitment to one another as neighbors. We agree to be open minded when a neighbor comes to us with a problem and pledge to do our best to resolve neighborhood problems as a team.

In many cases neighborhood watches are created due to problems or potential problems in the neighborhood. The interest level in neighborhood watch and crime prevention is high when residents feel their neighborhood is in jeopardy. People will do almost anything to



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



maintain the safety and security of their neighborhood. When crime decreases or the problem is solved, people lose interest and become complacent again. This complacency can affect the safety of the neighborhood and eventually the neighborhood watch program.

The roles of the neighborhood watch coordinator and/or block captains are important in the success of the program! Your involvement and enthusiasm of the program will encourage participation from the neighborhood.

AS A WATCH MEMBER YOU WILL:

1. Look out for your neighbors.
The Neighborhood Watch program is all about getting to know one another and watching out for each other. During the course of your daily routine remain alert of any activity occurring in your neighborhood.
2. Report any unusual or suspicious persons, vehicles or activities.
You will never be asked to involve yourself by investigating suspicious activity but you will be expected to phone the police when something doesn't look right to you.
3. Make your home as burglar resistant as possible.
We do not want the homes in our neighborhood to be easy targets. Good locks, closed windows and lights on at night are your best defense. Additional home security information is available from a Fairfax County Crime Prevention officer at each district station.
4. Explain to your children, new neighbor, friends and others the purpose of the Neighborhood Watch Program and its benefits.
Solicit their support and encourage them to contribute to the program.

COORDINATOR DUTIES:

- Act as an administrative liaison between the Police Department and the community.
- Disseminate Crime Prevention information, Crime Alerts and newsletters that are sent to you by your Crime Prevention Officer.
- Attend Crime Prevention Council Meetings, quarterly Coordinator Meetings and share any noteworthy information.
- Encourage your Watch members to attend Crime Prevention Council Meetings and Coordinator Meetings.
- Recruit new members and encourage the reporting of suspicious activity and crime.
- Maintain a roster of members involved in Neighborhood Watch.



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



- Hold meetings and prepare schedules / newsletter, if needed.

GUIDELINES FOR COMMUNITY VEHICLE OR WALKING PATROL

A community patrol program requires careful planning if it is to operate safely and effectively. Active patrols are an integral part of the Neighborhood Watch success story. Communities establishing citizen patrols should keep in mind the following guidelines:

PURPOSE OF A CITIZEN PATROL

The purpose of a community patrol is to use highly visible citizen observers to deter crime. Patrol members report crimes and suspicious situations to the police. They participate in educating their community in public safety practices, as well as getting to know their neighbors and neighborhood better. The better you know your neighborhood the more likely you will know when something or someone should be looked into.

PATROL PROCEDURES

1. The purpose of community patrol is to observe and report. Patrol members *shall not* become involved with a suspect.
2. The patrol area should be well defined.
3. Only residents of the defined community should participate in the patrol.
4. Patrol members must have participated in a training session.
5. Patrol teams should consist of, whenever possible, at least two members.
6. Patrol members do not possess police powers. Each member is liable as an individual for civil and criminal charges should he or she exceeds their authority.
7. Patrol members do not challenge anyone. The patrol's visible presence should be a deterrent to most criminal activity. If a suspicious situation is found, the patrol should call the police using the methods set forth in the training for their community.
8. Patrol members shall not pursue vehicles or suspects nor attempt to enforce traffic laws.
9. Patrol teams should attempt to patrol in a random fashion rather than in a repetitive pattern.
10. Patrol members shall not carry firearms, night-sticks, mace, or any type of weapon.



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



11. Patrol members shall not report for duty under the influence of intoxicants.
12. Members violating patrol procedures may be banned from participation in the community patrol and could jeopardize the Watch program.
13. Patrol members should take notes on suspicious situations. The notes may become evidence if the situation becomes a criminal matter. The notes should be neat and legible. A copy should be given to the Watch Coordinator and the original saved for one year. The notes might be subpoenaed by the court or used by the patrol member for recall during court testimony.

There is a specific code section that pertains to Neighborhood Watch and its participants under the Virginia Freedom of Information Act.

§ 2.2-3706. Disclosure of criminal records; limitations.

A. All public bodies engaged in criminal law-enforcement activities shall provide requested records in accordance with this chapter as follows:

1. Records required to be released:
 - a. Criminal incident information relating to felony offenses, which shall include:
 - (1) A general description of the criminal activity reported;
 - (2) The date the alleged crime was committed;
 - (3) The general location where the alleged crime was committed;
 - (4) The identity of the investigating officer or other point of contact; and
 - (5) A general description of any injuries suffered or property damaged or stolen.

A verbal response as agreed to by the requester and the public body is sufficient to satisfy the requirements of subdivision a.

Where the release of criminal incident information, however, is likely to jeopardize an ongoing investigation or prosecution or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until the above-referenced damage is no longer likely to occur from release of the information. Nothing in subdivision a shall be construed to authorize the withholding of those portions of such



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



information that are not likely to cause the above-referenced damage;

2. Discretionary releases. The following records are excluded from the provisions of this chapter, but may be disclosed by the custodian, in his discretion, except where such disclosure is prohibited by law:

c. Records of local law-enforcement agencies relating to neighborhood watch programs that include the names, addresses, and operating schedules of individual participants in the program that are provided to such agencies under a promise of anonymity;



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



THE WHO, WHAT, WHEN, WHY, AND HOW OF CALLING THE POLICE

WHO SHOULD CALL THE POLICE

You as a patroller or watcher are the perfect person to call the police to report anything you find suspicious or believe to be a crime in progress. Don't assume someone else is observing the same event or behavior and is calling the police.

WHY SHOULD YOU CALL THE POLICE

You risk nothing if you call the police and you are wrong. Consider what you risk if you fail to call the police and you were right. We would rather have you call and it be nothing, than not call and it turns out to be something serious.

Successful efforts to combat crime require the cooperative partnership between the police department and the citizens they serve. The police cannot be everywhere. For this reason, success against crime is dependent on citizen cooperation and involvement. Many crimes might be deterred if more citizens were alert to suspicious activity and notified the police. This would create an area not tolerant of crime and suspicious behavior. The criminal or reprobate that may visit your neighborhood looking to do harm, will realize that whenever they appear, so do the men or women in blue, and find another place to ply their trade.

WHEN YOU SHOULD CALL THE POLICE

Whenever you observe suspicious events, persons, or vehicles, even though you may not be the only person observing them, call the police. Never think the next person will do what you should. The police would rather get numerous calls on the same event than none at all.

Often citizens fail to call because they are not sure if what they see is suspicious. If you are in doubt, call the police immediately. Don't wait to talk it over with friends or neighbors. Valuable police response time is lost this way. If something makes the hair on the back of your neck stand on end, gives you a strange feeling that you just can't put your finger on, or just makes you nervous or apprehensive, call the non-emergency number and let us check it out.

Don't be concerned about bothering us because you won't. Don't dwell on feelings of possible embarrassment if your call should prove to be unfounded. Think instead of what could have happened had you not called. You, your loved ones, or neighbor might become the victims of a criminal if you don't act.

WHAT IS SUSPICIOUS?



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



- A stranger enters your neighbor's home while your neighbor is away or someone is on your neighbor's property with no apparent lawful purpose; anyone trying to open a neighbor's door; a moving truck or van pulled up to a neighbor's home while they are gone. Remember burglaries often occur at times when they should be most obvious – in broad daylight, in full view of observers with no effort at subterfuge.
- Someone carrying property such as television sets, radios, stereos, etc., at an unusually late hour or in an unusual place, especially if it does not appear that the property is newly purchased.
- The sound of shattering glass could signal a possible burglary, vandalism or larceny in progress.
- Anyone peering into vehicles while walking down a street or someone removing tags, gasoline or parts from a car; someone attempting to enter a car using a coat hanger or other device. Never assume that it is the owner who has locked the keys in the car. Be suspicious of anyone tampering with the hood or trunk of a car.
- An improperly parked car or an abandoned vehicle, or someone leaving one car and driving away in another – these may be signs of a stolen vehicle.
- Anyone being forced into a vehicle could be the victim of a possible abduction.
- Persons loitering around schools, parks and isolated areas, or in the neighborhood. Loiterers could be possible sex offenders or burglars.
- Anyone on school, church, or cemetery property after dark and not taking part in an approved activity.
- Business transactions conducted from a vehicle and often involving juveniles, a steady flow of strangers to and from a particular house on a regular basis at unusual times or late hours. This could indicate drug sales or a fencing operation.
- Offers of goods or repair work at unusually low prices could indicate stolen property or some kind of fraud.
- All fights, screams and loud noises (such as explosions) should be reported as possible crimes or life-threatening events could be taking place.
- Door-to-door solicitors without properly issued licenses. They could be vending illegally or they could be casing houses in your neighborhood.
- A van full of people being dropped off at a corner in your community, who then fan out



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



and go in different directions.

- A stranger approaches as you work in your yard and starts a seemingly innocuous conversation with you. This could be a distracter for their partner who is entering your home. (Common ruse used by transient groups)

HOW DO YOU CALL THE POLICE

Use the police, fire and rescue emergency number, **9-1-1**, for crimes in progress and events which are life-threatening or immediately damaging to property. Call the non-emergency number **703-691-2131** to report crimes which already occurred and when the suspect is no longer in the area or to advise police of suspicious activity.

WHAT INFORMATION THE POLICE NEED

To report any suspicious event, use the police non-emergency number, **703-691-2131**. For events that are life threatening or immediately damaging to property, call **9-1-1**.

You will be asked for your name, address and phone number. This information is requested in case additional contact with you is necessary, but you do not have to provide this information. If you wish, you may provide us with just a call back number we can use if our initial information was wrong or the situation has changed before an officer arrives. Any information provided to the police department is kept in confidence. If you want to have personal contact with the responding officer, please advise the call taker. If you don't wish to be seen, please make that clear as well. As responders we would always like to have a way to contact you after arriving in case we need clarification or further assistance, but you are under no obligation to provide contact information.

By acting quickly and calmly, your request for police service could foil a crime, help identify suspects involved in other crimes or deter a criminal act by letting potential suspects know that you and your neighbors are alert to suspicious activity, suspicious vehicles and suspicious persons.



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



Fairfax County Police Department Non-Emergency Phone Number 703-691-2131

IF YOU ARE REPORTING:

- Or requesting general police/fire or ambulance information.
- ***Non-life-threatening*** events, in progress or that just occurred.
- Any incident which occurred 30 minutes or more prior to your call.

EXAMPLES:

- Suspicious persons, vehicles or events (some situations may warrant **9-1-1**)
- Larceny (see definition/description section below)
- Destruction of property
- Noise ordinance violations
- Non-injury accidents
- Animal complaints

9-1-1

DIAL 9-1-1 IF YOU HAVE A LIFE THREATENING EMERGENCY!

It is important the 9-1-1 lines are available for ***life-threatening emergencies, in progress.***

You should call 9-1-1 when:

- Immediate ambulance/paramedic response is needed.
- Fire or smoke is seen coming from a structure, vehicle or in the woods.
- You hear suspicious noises inside or directly outside of your home.
- Heated or violent family disputes are occurring.
- You observe a fight or assault in progress or one that just occurred.
- A sexual assault in progress or just occurred.
- You are in immediate fear for your personal safety or the safety of another.
- Reporting serious accidents involving injury.
- You observe an armed subject(s).
- Robbery in progress.
- Burglary in progress.
- Carjacking in progress.



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



PLEASE – remain on the phone until the call taker indicates that you may hang up!

ACCIDENTALLY DIALED 9-1-1

Don't worry, stay on the line and inform the call taker or police officer that it was an accident and no response is necessary.

WHAT YOU WILL HEAR WHEN YOU DIAL 9-1-1

"Fairfax County 9-1-1, what is your emergency?"

WHAT WE MUST KNOW AND WHY

When you call 9-1-1, there is important information that the call taker needs to get and seconds count. Most critical are the **location** and a **description** of the emergency. This basic information will allow the call taker to enter an event into the Altaris system, which will start the police/fire response. The Altaris system enables us to insure emergency situations are dispatched quickly, even while the call taker is still gathering information from you.

Consider this, just because the call taker is still getting your information and description does not mean the call is being delayed. The dispatching of police/fire units happened after the location and nature of problem was given. All further information gathered by the call taker is sent out to responding units by the dispatcher, so officers/medic can tailor their approach or treatment of the problem.

WHAT INFORMATION THE CALL TAKER MAY REQUEST:

- ✓ Location clarification – The exact street address is needed if possible. Intersecting roads, landmarks, names of shopping centers or schools is also helpful.
- ✓ When did the event occur? (Still occurring, just ended, five minutes ago)
- ✓ Medical calls – Patient age, sex, any known medical or prescription history, current condition.
- ✓ Police calls – suspect/vehicle description, direction of travel, if weapons were used/displayed, locations of the weapons. (see end of this section for Suspect/Vehicle description page)
- ✓ Fire Calls – can you identify what is burning?
- ✓ Please stay on the line in case further information is needed. Call takers will provide instructions and let you know when help is arriving.
- ✓ Your name, phone number and current location.
- ✓ May the officers contact you?

*Note – If you wish to be seen by responding officers, please make that clear to the call taker.

YOU NEED ANIMAL CONTROL IF



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



- Someone has been bitten by an animal.
- There is an aggressive animal loose in your immediate area.
- There is a dog running loose in the neighborhood.
- You discover an injured animal.
- You discover wildlife inside the occupied portion of your home or business.
- You observe or discover cruel or inhumane treatment of an animal.

You can use the Citizen Reporting System (CRS) to make a report that does not need police response. Not every crime is reportable with a CRS report.

Types of reports you can file with the CRS and have an officer reply within 72 hours:

- Bicycle Theft
- Civil Dispute
- Destruction of Private Property/Vandalism
- Larceny/Theft from Motor Vehicle or Parts
- Larceny/Theft Under \$5,000
- Lost Property
- Suspicious Person/Vehicle/Vehicle
- Solicitor Violations
- Telephone Harassment/Threats
- Trespassing
- Unoccupied Hit and Run Accidents

This system can be accessed on the Fairfax County Police Webpage
www.fairfaxcounty.gov/police

You can also make most financial crime reports online from the Fairfax County Police webpage
www.fairfaxcounty.gov/police/financialcrimes

This site provides information about how to prevent yourself from becoming a victim and what to do if you have become a victim, including making a police report. Topics that are located on the webpage for financial crimes are:

- Check Fraud
- Credit Card Theft and Fraud
- Embezzlement
- False Pretense
- Construction Fraud
- Identity Theft
- Fraud Prevention
- Common Scams
- Consumer Education



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



The criminal code of the Commonwealth of Virginia is what governs police action. Here are some code sections and terminology that might help you relay important information to dispatch and police officers that may respond to a call for service from a Neighborhood Watch volunteer.

DEFINITIONS/DECRPTIONS/CODE SECTIONS

§ 18.2-58. How punished. (Common Law Robbery)

If any person commits robbery by partial strangulation, or suffocation, or by striking or beating, or by other violence to the person, or by assault or otherwise putting a person in fear of serious bodily harm, or by the threat or presenting of firearms, or other deadly weapon or instrumentality whatsoever, he shall be guilty of a felony and shall be punished by confinement in a state correctional facility for life or any term not less than five years.

Since robbery is considered "Common Law" only the penalty is described in the Virginia Code. Reading of the case law is necessary to find a description (not definition) of what robbery is according to the State of Virginia.*

* - Robbery is described as; the taking, with the intent to deprive the owner permanently, of personal property, from his person or in his presence, against his will, by violence or intimidation (force, threats or intimidation).*

*Robbery is commonly confused with burglary, as the two terms are used synonymously on television cop shows and the news. Burglary does not deal with force threats or intimidation. Burglary at its barest is the breaking and entering with the **intent** to commit larceny, or other predicate offense. As you can see there are a few different types of burglary, however they do not deal with actual contact between suspect and victim. Once there is contact between suspect and victim, a second crime has then occurred in addition to the burglary.*

§ 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.

§ 18.2-90. Entering dwelling house, etc., with intent to commit murder, rape, robbery or arson.

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



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



nighttime enters without breaking or at any time breaks and enters or enters and conceals himself in any office, shop, manufactured home, storehouse, warehouse, banking house, church as defined in § 18.2-127, or other house, 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.

§ 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.

§ 18.2-92. Breaking and entering dwelling house with intent to commit other misdemeanor.

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.

As you can see, there are several different code sections for the offense of burglary. Each specifies the elements needed to commit the offense and how it will be punished on conviction.

§ 18.2-121. Entering property of another for purpose of damaging it, etc.

(Unlawful Entry)

It shall be unlawful for any person to enter the land, dwelling, outhouse or any other building of another for the purpose of damaging such property or any of the contents thereof or in any manner to interfere with the rights of the owner, user or the occupant thereof to use such property free from interference.

Any person violating the provisions of this section shall be guilty of a Class 1 Misdemeanor. However, if a person intentionally selects the property entered because of the race, religious conviction, color or national origin of the owner, user or occupant of the property, the person shall be guilty of a Class 6 Felony, and the penalty upon conviction shall include a mandatory, minimum term of confinement of at least six months, thirty days of which shall not be suspended, in whole or in part.

This section sets itself apart from the burglary sections in that it requires no breaking or forced



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



entry into a dwelling. It also covers property and out buildings and uninhabited structures.

§ 18.2-95. Grand larceny defined; how punished.

Any person who (i) commits larceny from the person of another of money or other thing of value of \$5 or more, (ii) commits simple larceny not from the person of another of goods and chattels of the value of \$200 or more, or (iii) 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.

§ 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 (iii) of § 18.2-95, shall be deemed guilty of petit larceny, which shall be punishable as a Class 1 Misdemeanor.

Larceny is what people refer to as stealing. The taking of property, which is not yours, with the intent to permanently deprive the owner the use of that property. The dollar amount of the property stolen determines if the offense is a felony or misdemeanor, and the penalty after conviction.

§ 18.2-108. Receiving, etc., stolen goods.

If any person buy or receive from another person, or aid in concealing, any stolen goods or other thing, **knowing** the same to have been stolen, he shall be deemed guilty of larceny thereof, and may be proceeded against, although the principal offender be not convicted.

The hardest part of using, and obtaining a conviction with this code section is proving that the person knew that the property he/she received was stolen property.

§ 18.2-57. Assault and battery.

A. Any person who commits a simple assault or assault and battery shall be guilty of a Class 1 Misdemeanor, and if the person intentionally selects the person against whom a simple assault is committed because of his race, religious conviction, color or national origin, the penalty upon conviction shall include a mandatory, minimum term of confinement of at least six months, thirty days of which shall not be suspended, in whole or in part.

B. However, if a person intentionally selects the person against whom an assault and battery resulting in bodily injury is committed because of his race, religious conviction, color or national origin, the person shall be guilty of a Class 6 Felony, and the penalty upon conviction shall include a mandatory, minimum term of confinement of at least six months, thirty days of which shall not be suspended, in whole or in part.



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



C. In addition, if any person commits an assault or an assault and battery against another knowing or having reason to know that such other person is a law-enforcement officer as defined hereinafter, a correctional officer as defined in § 53.1-1, a person employed by the Department of Corrections directly involved in the care, treatment or supervision of inmates in the custody of the Department or a firefighter as defined in § 65.2-102, engaged in the performance of his public duties as such, such person shall be guilty of a Class 6 Felony, and, upon conviction, the sentence of such person shall include a mandatory, minimum term of confinement for six months which mandatory, minimum term shall not be suspended, in whole or in part. Nothing in this subsection shall be construed to affect the right of any person charged with a violation of this section from asserting and presenting evidence in support of any defenses to the charge that may be available under common law.

D. In addition, if any person commits a battery against another knowing or having reason to know that such other person is a full-time or part-time teacher, principal, assistant principal, or guidance counselor of any public or private elementary or secondary school and is engaged in the performance of his duties as such, he shall be guilty of a Class 1 Misdemeanor and the sentence of such person upon conviction shall include a mandatory, minimum sentence of fifteen days in jail, two days of which shall not be suspended in whole or in part. However, if the offense is committed by use of a firearm or other weapon prohibited on school property pursuant to § 18.2-308.1, the person shall serve a mandatory, minimum sentence of confinement of six months which shall not be suspended in whole or in part.

E. As used in this section:

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is part of or administered by the Commonwealth or any political subdivision thereof, who is responsible for the prevention or detection of crime and the enforcement of the penal, traffic or highway laws of this Commonwealth, and any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, and game wardens appointed pursuant to § 29.1-200, and such officer also includes jail officers in local and regional correctional facilities, all deputy sheriffs, whether assigned to law-enforcement duties, court services or local jail responsibilities, auxiliary police officers appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733 and auxiliary deputy sheriffs appointed pursuant to § 15.2-1603.

"School security officer" means an individual who is employed by the local school board for the purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies and detaining persons violating the law or school board policies on school property, a school bus or at a school-sponsored activity and who is responsible solely for ensuring the safety, security and welfare of all students, faculty and staff in the assigned school.

F. "Simple assault" or "assault and battery" shall not be construed to include the use of, by any teacher, principal, assistant principal, guidance counselor, or school security officer, in the course and scope of his acting official capacity, any of the following: (i) incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) reasonable and necessary force to quell a disturbance or remove a student from the scene of a



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



disturbance that threatens physical injury to persons or damage to property; (iii) reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) reasonable and necessary force for self-defense or the defense of others; or (v) reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or associated paraphernalia that are upon the person of the student or within his control.

In determining whether a person was acting within the exceptions provided in this subsection, due deference shall be given to reasonable judgments that were made by a teacher, principal, assistant principal, guidance counselor, or school security officer at the time of the event.

Assault - An unlawful threat or attempt to do bodily injury to another. The act or an instance of unlawfully threatening or attempting to injure another.

Battery - The unlawful and unwanted touching or striking of one person by another, with the intention of bringing about a harmful or offensive contact.

Note – Assault does not involve or require physical contact between offender and victim.

§ 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 other person lawfully in charge thereof, or after having been forbidden to do so by a sign or signs posted by such persons 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.

§ 18.2-120. Instigating, etc., such trespass by others; preventing service to persons not forbidden to trespass.

If any person shall solicit, urge, encourage, exhort, instigate or procure another or others to go upon or remain upon the lands, buildings, or premises of another, or any part, portion or area thereof, knowing such other person or persons to have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or knowing such other person or persons to have been forbidden to do so by a sign or signs posted on such lands, buildings, premises or part, portion or area thereof at a place or places where it or they may reasonably be seen; or if any person shall, on such lands, buildings, premises or part, portion or area thereof prevent or seek to prevent the owner, lessee, custodian, person in charge or any of



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



his employees from rendering service to any person or persons not so forbidden, he shall be guilty of a Class 1 Misdemeanor.

§ 18.2-128. Trespass upon church or school property.

A. Any person who, without the consent of some person authorized to give such consent, goes or enters upon, in the nighttime, the premises or property of any church or upon any school property for any purpose other than to attend a meeting or service held or conducted in such church or school property, shall be guilty of a Class 3 Misdemeanor.

B. It shall be unlawful for any person, whether or not a church member or student, to enter upon or remain upon any church or school property in violation of (i) any direction to vacate the property by a person authorized to give such direction or (ii) any posted notice which contains such information, posted at a place where it reasonably may be seen. Each time such person enters upon or remains on the posted premises or after such direction that person refuses to vacate such property, it shall constitute a separate offense.

A violation of this subsection shall be punishable as a Class 1 Misdemeanor, except that any person, other than a parent, who violates this subsection on school property with the intent to abduct a student, shall be guilty of a Class 6 Felony.

C. For purposes of this section: (i) "school property" includes a school bus as defined in § 46.2-100 and (ii) "church" means any place of worship and includes any educational building or community center owned or leased by a church.

§ 18.2-415. Disorderly conduct in public places.

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:

A. 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 person or persons at whom, individually, such conduct is directed; or

B. 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 meeting of the governing body of any political subdivision of this Commonwealth or a division or agency thereof, or of any school, literary society or place of religious worship, if the disruption (i) prevents or interferes with the orderly conduct of the meeting or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed; or

C. 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 (i) prevents or interferes with the orderly conduct of the operation or activity or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed.



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



However, the conduct prohibited under subdivision A, B or C of this section shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this title.

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.

The governing bodies of counties, cities and towns are authorized to adopt ordinances prohibiting and punishing the acts and conduct prohibited by this section, provided that the punishment fixed therefore shall not exceed that prescribed for a Class 1 Misdemeanor. A person violating any provision of this section shall be guilty of a Class 1 Misdemeanor.

§ 18.2-130. Peeping or spying into dwelling or enclosure.

A. It shall be unlawful for any person to enter upon the property of another and secretly or furtively peep, spy or attempt to peep or spy into or through a window, door or other aperture of any building, structure, or other enclosure of any nature occupied or intended for occupancy as a dwelling, whether or not such building, structure or enclosure is permanently situated or transportable and whether or not such occupancy is permanent or temporary, or to do the same, without just cause, upon property owned by him and leased or rented to another under circumstances that would violate the occupant's reasonable expectation of privacy.

B. It shall be unlawful for any person to use a peephole or other aperture to secretly or furtively peep, spy or attempt to peep or spy into a restroom, dressing room, locker room, hotel room, motel room, tanning bed, tanning booth, bedroom or other location or enclosure for the purpose of viewing any non-consenting person who is totally nude, clad in undergarments, or in a state of undress exposing the genitals, pubic area, buttocks or female breast and the circumstances are such that the person would otherwise have a reasonable expectation of privacy.

C. The provisions of this section shall not apply to a lawful criminal investigation or a correctional official or local or regional jail official conducting surveillance for security purposes or during an investigation of alleged misconduct involving a person committed to the Department of Corrections or to a local or regional jail.

D. As used in this section, "peephole" means any hole, crack or other similar opening through which a person can see.

E. A violation of this section is a Class 1 Misdemeanor.

§ 18.2-137. Injuring, etc., any property, monument, etc. (Destruction of Property)

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



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



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.

Fairfax County Code Sections

Section 5-1-1. Drunkenness¹ and profane swearing.²

(a) If any person profanely curse or swear or be drunk in public he shall be deemed guilty of a Class 4 misdemeanor.

In any area in which there is located a court-approved detoxification center, a law enforcement officer may authorize the transportation, by police or otherwise, of public inebriates to such detoxification center in lieu of arrest; however, no person shall be involuntarily detained in such center.

(b) If any person shall be convicted for being drunk in public three (3) times within one (1) year, such person shall be guilty of a Class 3 misdemeanor. (1961 Code, § 17-2; 35-86-5.)

Section 5-1-2. Loitering; definitions; peace and good order.³

(a) *Definitions.* For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(1) *Loiter* shall mean to stand around or remain, or to park or remain parked in a motor vehicle at a public place or place open to the public and to engage in any conduct prohibited under this law. Loiter also means to collect, gather, congregate, or be a member of a group or a crowd of people, who are gathered together in any public place or place open to the public and to engage in any conduct prohibited under this law.⁴ □

(2) *Public place* shall mean any public street, road, or highway, alley, land, sidewalk, crosswalk, or other public way, or any public resort, place of amusement, park, playground, public building or grounds appurtenant thereto, school buildings or school grounds, or public parking lot or any other publicly owned property.

(3) *Place open to the public* shall mean any place open to the public or any place to which the public is invited or may reasonably expect to be invited, and in, on, or around any privately owned place of business, private parking lot, or private institution, including places of worship, cemeteries, or any place of amusement and entertainment whether or not a charge of admission



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



or entry thereto is made. It includes the elevator, lobby, halls, corridors and areas open to the public of any store, office, or apartment building.

(b) *Prohibited conduct.* It shall be unlawful for any person to loiter at, on or in a public place or place open to the public in the following manner:

- (1) To interfere, impede or hinder the free passage of pedestrian or vehicular traffic; or
- (2) To threaten or do physical harm to another member or members of the public; or
- (3) To threaten or do physical harm to the property of another member or members of the public; or
- (4) That by words, acts or other conduct it is clear that there is a present danger of a breach of the peace or disorderly conduct.

Any person who is loitering as defined in this Section shall be guilty of a misdemeanor and shall upon conviction thereof be punished in accordance with Section 1-1-12.

(c) *Identification.* Repealed by 24-83-5.

(d) *Lawful assembly.* Nothing herein shall be construed to prohibit orderly picketing or other lawful assembly.

(e) *Penalties.* Any person violating any provision of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with Section 1-1-12

(5-4-60, §§ 1, 2; 11-27-68; 1961 Code, § 17-3; 36-76-5; 24-83-5.)

The Commonwealth's Attorney for Fairfax County will not prosecute for the crime of loitering. Based on decisions handed down by judges on the Fairfax bench it was determined that as written the law was unconstitutional.

Section 5-1-25. Possession of open alcoholic beverage containers prohibited.

It shall be unlawful for any person to possess an open alcoholic beverage container while in a public park, playground, or on a public street. Violations of this Section shall be punished as a Class 4 misdemeanor. (30-91-5.)

Section 5-1-26. Drinking or possession of alcoholic beverages in or on public school grounds.

If any person, in or upon the grounds of any free public elementary or secondary school, during school hours or school student activities, shall take a drink of any alcoholic beverage or have in his possession any alcoholic beverage, he shall be guilty of a misdemeanor punishable by confinement in jail for not more than six (6) months and a fine of not more than Five Hundred Dollars (\$500.00), either or both. (30-91-5.)

Section 5-1-27. Drinking alcoholic beverages or tendering to another in public place; penalty.



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



(a) If any person takes a drink of alcoholic beverages or tenders a drink thereof to another, whether accepted or not, at or in any public place (as defined in *Code of Virginia* Section 4-2), he shall be guilty of a Class 4 misdemeanor.

(b) This Section shall not prevent any person from drinking alcoholic beverages or offering a drink thereof to another in the dining room or other designated room as defined in *Code of Virginia* Section 4-25, of a hotel, restaurant, club or boat, or in a dining car, club car, or buffet car of any train, or wine, wine coolers, or similar products that qualify as beverages as defined in *Code of Virginia* Section 4-99, and beer only within all seating areas, concourses, walkways, concession areas, as well as other additional locations designated by the Board, in coliseums, stadia, or similar facilities, during the performance of a professional sporting exhibition or event, provided such alcoholic beverages and beverages are served in a paper, plastic, or similar disposable container, or in any other establishment, provided such hotel, restaurant, club, boat, dining car, club car, buffet car, coliseum, stadium or similar facility or other establishment, or the person who operates the same, including a concessionaire, is licensed to sell at retail for consumption in such dining room, room, car, seating areas, concourses, walkways, concession areas, as well as other additional locations designated by the Board, in such coliseum, stadium or similar facility or establishment, such alcoholic beverages, and the alcoholic beverages drunk or offered were purchased therein. (30-91-5.)

Section 31-1-2. Prohibited acts. (Solicitor Violations)

(a) It shall be unlawful for any canvasser, peddler, or solicitor to ring the bell, or knock on the door, or otherwise attempt to gain admittance for the purpose of canvassing, peddling or soliciting at any residence, dwelling or apartment at which a sign bearing the words "No Peddlers or Solicitors" or words of similar import indicating that such persons are not wanted on said premises, is painted, affixed or otherwise exposed to public view.

(b) It shall be unlawful for any canvasser, peddler, or solicitor, to canvass, peddle, or solicit except between the hours of 9:00 A.M. and 8:00 P.M.

(c) It shall be unlawful for any canvasser, peddler, or solicitor to fail to disclose to the prospective buyer, upon request, his name and the name of the company, product or organization he represents, and if requested so to do, to leave the premises immediately.

(d) It shall be unlawful for any canvasser, peddler, or solicitor to make any assertion, representation or statement of fact which misrepresents the purpose of his call, or use any plan, scheme, or ruse which misrepresents such purpose.

(e) It shall be unlawful for any peddler or solicitor to fail to provide, at the request of the purchaser, a written receipt, which receipt shall be signed by the person making the sale and shall set forth a brief description of the goods or services sold, the total purchase price thereof, amount of cash payment, if any, and the balance due and terms of payment.

(f) It shall be unlawful for any person licensed pursuant to this Chapter to use or exploit



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



the fact of being licensed so as to lead the public to believe that such registration in any manner constitutes an endorsement or approval by this County; provided, however, that the use of the following statement shall not be deemed a prohibited exploitation: "Licensed by the Director of the Fairfax County Department of Consumer Affairs as required by law. Licensing does not imply endorsement by Fairfax County.

(g) It shall be unlawful for any canvasser, peddler, or solicitor to give false or incorrect information to the Director in filing statements or reports required by this Chapter.

(h) It shall be unlawful for any person who is licensed as a promoter of an arts and crafts show pursuant to this Chapter to fail to submit a roster of all peddlers, itinerant merchants, or solicitors who are expected to participate in any arts and crafts show being sponsored by that person to the Director no less than three (3) days prior to conducting any such show. That roster also shall indicate the time and place of the expected show.

(i) It shall be unlawful for any person who is licensed as a promoter of an arts and crafts show pursuant to this Chapter to fail to keep at the site of an arts and crafts show a current roster of all peddlers, itinerant merchants, or solicitors participating in any ongoing arts and crafts show being sponsored by that person, and it shall be unlawful to fail to show such roster upon request to the Director or to any law enforcement official.

(j) It shall be unlawful for any such promoter to fail to file with the Director a complete roster of all such participants within seven (7) days after the completion of any arts and crafts show sponsored by the promoter within the County. All such rosters shall record the time and location of the event, and such rosters shall identify the full name, address, telephone number and nature of business for each participant. (16-76-31; 43-81-31; 22-84-31; 10-93-31, § 1.)

Section 5-6-1. Declaration of findings and policy. (Noise Violations)

The Board hereby finds and declares that certain audible and discernible sounds are a serious hazard to the public health, welfare, peace and safety and the quality of life of the citizens of Fairfax County; that the people have a right to and should be ensured an environment free from such sound that may jeopardize the public health, welfare, peace and safety or degrade the quality of life; and that it is the policy of the Board to prevent such sound to the extent such action is not inconsistent with a citizen's First Amendment rights. (70-13-5)

Section 5-6-2. 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:



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



Audible means the sound can be heard by the human ear with or without a medically approved hearing aid or device.

Discernible means that the sound is sufficiently distinct such that its source can be clearly identified.

Emergency means any occurrence or set of circumstances involving actual or imminent physical injury or illness or property damage that requires immediate action.

Emergency work means any work performed for the purpose of preventing or alleviating the physical injury or illness or property damage threatened or caused by an emergency, including work performed by public service companies when emergency inspection, repair of facilities, or restoration of services is required for the immediate health, safety, or welfare of the community.

Instrument, machine or device means and refers to any musical instrument, radio, phonograph, compact disc player, cassette tape player, amplifier or any other machine or device for producing, reproducing or the amplification of sound.

Residential area means the parcel on which a residential dwelling is located and any contiguous rights of way, roads, streets, lanes, sidewalks, or other such means of egress and ingress to any such parcel.

Residential dwelling means any building or other structure, including multifamily and mixed use structures, in which one or more persons lives on a permanent or temporary basis, including, but not limited to, houses, apartments, condominiums, hotels, and motels.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound generation or to generate sound means any conduct, activity or operation, whether human, mechanical, electronic or other, including but not limited to, any animal or bird, and any instrument, machine or device, whether continuous, intermittent or sporadic, and whether stationary or ambulatory in nature, which produces or results in a sound that is audible and discernible to the human ear. (70-13-5)

Section 5-6-3. Administration and enforcement.



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



- (a) The police department may issue a summons for enforcement of the noise control program established by this article and may be assisted by other County departments as required.
- (b) Nothing in this section shall preclude a private citizen from obtaining a magistrate's summons based upon a probable cause determination by the magistrate's office. (70-13-5)

Section 5-6-4. Violations.

- (a) Any person who violates any provision of this article shall be deemed to be guilty of a Class 3 misdemeanor for a first offense. Any person who violates a provision of this article within one year from the date of a prior conviction under this Article shall be guilty of a Class 2 misdemeanor.
- (b) The person operating or controlling the sound generation or source shall be guilty of any violation caused by that generation or source. If it cannot be determined which person is operating or controlling the sound generation or source, any owner, tenant, resident or manager physically present on the property where the violation is occurring is rebuttably presumed to be operating or controlling the sound generation or source.
- (c) In addition to and not in lieu of the penalties prescribed in this section, the Board may apply to the circuit court for an injunction against the continuing violation of any of the provisions of this Article and may seek any other remedy or relief authorized by law. (70-13-5)

Section 5-6-5. Exceptions.

No provisions of this Article shall apply to:

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency, provided that such alarm signals cease once any such threat is no longer imminent;
- (2) The emission of sound in the performance of emergency work;
- (3) Activities for which the regulation of noise has been preempted by federal or state law;
- (4) Motor vehicles travelling on a public right of way;
- (5) Back-up generators operating during power outages resulting from storms and other emergencies;
- (6) Heat pumps and/or air conditioners located on property containing single family detached or attached dwellings that are operating in accordance with the manufacturer's specifications;
- (7) Operation of public transportation facilities; or
- (8) Work authorized by a variance or partial variance pursuant to Article 6 of



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



Chapter 108 of the Code. (70-13-5)

Section 5-6-6. Sound generation and residential dwellings.

(a) No person in any residential dwelling or residential area, including the common areas of multifamily dwellings or mixed use structures, shall permit, operate, or cause any source of sound or sound generation to create a sound that is audible in any other person's residential dwelling with the doors and windows to the other person's residential dwelling closed. In addition, the source of sound or sound generation must be discernible regardless of whether such doors and windows are closed.

(b) Exemptions. The following activities or sources of sound shall be exempt during the hours of 7 a.m. to 9 p.m. from the prohibition set forth in section (a) of this section:

(1) Activities related to the construction, repair, maintenance, remodeling or demolition, grading or other improvement of real property, except no such activities shall commence before 9 a.m. on Saturdays, Sundays, and federal holidays.

(2) Gardening, lawn care, tree maintenance or removal, and other landscaping activities.

(3) Refuse collection and sanitation services, except that refuse collection and sanitation services may begin at 6:00 a.m.

(4) The testing of audible signal devices which are employed as warning or alarm signals in case of fire, emergency, theft, or burglary, or imminent danger.

(c) The following activities or sources of sound shall be exempt during the hours of 7 a.m. to 11 p.m. from the prohibition set forth in section (a) of this section:

(1) Band performances or practices, athletic contests or practices and other such activities on school or recreational grounds.

(2) Bells, carillons, and other calls to worship provided that any such sounds do not occur for a duration of longer than five minutes per hour.

(d) Prohibitions.

(1) Use of a loudspeaker or other sound amplification device that is mounted in a fixed or movable position on the exterior of any structure between the hours of 11 p.m. and 7 a.m.

(2) Repairing or modifying any motor vehicle or other mechanical device in the outdoors between 9 p.m. and 7 a.m.

(3) Operation of powered model vehicles in the outdoors between 9 p.m. and 7 a.m.

(4) Collection of trash in residential districts and/or within 100 yards of a residence between 9 p.m. and 6 a.m.

(5) Operation of power lawn equipment between 9 p.m. and 7 a.m.

(6) Loading or unloading trucks in the outdoors within 100 yards of a residence between 9 p.m. and 6 a.m.



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



(7)Sound generation in an area designated by the Board as a quiet zone.(70-13-5)

Section 5-6-7. Severability.

A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section or part of this article shall not affect the validity of the remaining parts thereto. (70-13-5)

Section 5-6-8. Effect on Chapter 108.

(a)Article 5 of Chapter 108 of the Fairfax County Code is hereby repealed in its entirety. But see Article 6 of Chapter 5 of this Code.

(b)To the extent that anything in this Article in regard to the regulation of certain sound generation in residential areas and dwellings, conflicts with any provision of Chapter 108 of this Code entitled "Noise," this article supersedes any such provision in Chapter 108. In addition, notwithstanding anything in this article, all development conditions and proffers of any nature that refer to the Noise Ordinance shall be deemed to apply to Chapter 108 and not this article, and all such development conditions and proffers are unaffected by this article and shall remain in full force and effect. Nor shall anything in this Article be construed to exempt any use from any future development conditions or proffers related to noise.

(70-13-5)

Section 108-4-1. Specific prohibitions. (Noise Ordinance)

The following acts are violations of this Chapter:

(a)Using or operating a loudspeaker or other sound amplification device in a fixed or movable position exterior to any building, or mounted upon any motor vehicle for the purpose of commercial advertising, giving instructions, information, directions, talks, addresses, lectures, or providing entertainment to any persons or assemblage of persons on any private or public property, between the hours of 11 p.m. and 7 a.m. the following day.

(b)Operating or causing to be operated any equipment used in construction, repair, alteration, or demolition work on buildings, structures, streets, alleys, or appurtenances thereto in the outdoors between the hours of 9 p.m. and 7 a.m. the following day, except that no such activity shall commence prior to 9 a.m. on Sundays and Federal holidays.

(c)Repairing, rebuilding, or modifying, any motor vehicle or other mechanical device in the outdoors between the hours of 9 p.m. and 7 a.m. the following day.

(d)Operating or permitting the operation of powered model vehicles in the outdoors between the hours of 9 p.m. and 7 a.m. the following day.



NEIGHBORHOOD WATCH VOLUNTEERS GUIDE

FAIRFAX COUNTY POLICE DEPARTMENT



(e)The collection of trash or refuse in residential use districts between the hours of 9 p.m. and 6 a.m. the following day.

(f)Loading or unloading trucks in the outdoors within one hundred (100) yards of a residence between the hours of 9 p.m. and 6 a.m. the following day. (7-17-68, § 17.9; 24-75-16A; 1961 Code, § 16A.4.1; 34-76-108; 24-98-108.)