

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 33.1-346 of the Code of Virginia, relating to dumping of trash on*  
3 *highways or private property; penalty*

4  
5 Approved

[S 317]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 33.1-346 of the Code of Virginia is amended and reenacted as follows:**

8 § 33.1-346. Dumping trash, etc., on highway, right-of-way or private property; penalty.

9 *A. It shall be unlawful for any person shall be guilty of a Class 1 misdemeanor who dumps to dump*  
10 *or otherwise disposes dispose of trash, garbage, refuse, litter, or other unsightly matter, on public*  
11 *property, including a public highway, right-of-way, property adjacent to such highway or right-of-way,*  
12 *or on private property without the written consent of the owner thereof or his agent. Any violation of*  
13 *this subsection shall constitute a misdemeanor punishable by confinement in jail for not more than*  
14 *twelve months and a fine of not less than \$250 or more than \$2,500, either or both.*

15 *B. When any person is arrested for a violation of this section, and the matter alleged to have been*  
16 *illegally dumped or disposed of has been ejected from a motor vehicle or transported to the disposal site*  
17 *in a motor vehicle, the arresting officer may comply with the provisions of § 46.2-936 in making such*  
18 *arrest.*

19 *When a violation of the provisions of this section has been observed by any person, and the matter*  
20 *illegally dumped or disposed of has been ejected or removed from a motor vehicle, the owner or*  
21 *operator of such motor vehicle shall be presumed to be the person ejecting or disposing of such matter.*  
22 *However, such presumption shall be rebuttable by competent evidence.*

23 *Any person convicted of such a violation of this subsection shall be guilty of a Class 1 misdemeanor*  
24 *punishable by confinement in jail for not more than twelve months and a fine of not less than \$250 or*  
25 *more than \$2,500, either or both.*

26 *C. The governing bodies of counties, cities and towns are hereby authorized to adopt ordinances not*  
27 *in conflict with the provisions of this section, and may repeal, amend or modify such ordinances.*

28 *D. The provisions of this section shall not apply to the lawful disposal of such matter in landfills.*

ENROLLED

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