

2007 SESSION

INTRODUCED

078288372

HOUSE BILL NO. 1758

Offered January 10, 2007

Prefiled December 27, 2006

A *BILL to amend and reenact § 62.1-194.1 of the Code of Virginia, relating to obstructing or contaminating state waters; penalty.*

Patron—Kilgore

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-194.1 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-194.1. Obstructing or contaminating state waters.

A. Except as otherwise permitted by law, it shall be unlawful for any person to dump, place or put, or cause to be dumped, placed or put into, upon the banks of or into the channels of any state waters any object or substance, noxious or otherwise, which may reasonably be expected to endanger, obstruct, impede, contaminate or substantially impair the lawful use or enjoyment of such waters and their environs by others. Any person who violates any provision of this law shall be guilty of a *Class 1* misdemeanor and upon conviction be punished by a fine of not less than \$100 nor more than \$500 or by confinement in jail not more than twelve months or both such fine and imprisonment. Each day that any of said materials or substances so dumped, placed or put, or caused to be dumped, placed or put into, upon the banks of or into the channels of, said streams shall constitute a separate offense and be punished as such.

B. In addition to the foregoing penalties for violation of this law, the judge of the circuit court of the county or corporation court of the city of the locality wherein any such violation occurs, whether there be a criminal conviction therefor or not shall, upon a bill in equity complaint, filed by the attorney for the Commonwealth of such county locality or by any person whose property is damaged or whose property is threatened with damage from any such violation, award an injunction enjoining any violation of this law by any person found by the court in such suit to have violated this law or causing the same to be violated, when made a party defendant to such suit.

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