

VIRGINIA ACTS OF ASSEMBLY -- 2021 SPECIAL SESSION I

CHAPTER 175

An Act to amend and reenact § 33.2-802 of the Code of Virginia, relating to disposing of litter; penalty.

[H 1801]

Approved March 18, 2021

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-802 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-802. Dumping trash; penalty.

A. It ~~shall be~~ *is* unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter, a companion animal as defined in § 3.2-6500 for the purpose of disposal, or other unsightly matter on (i) public property, including a public highway, right-of-way, or property adjacent to such highway or right-of-way, or ~~on~~ (ii) private property without the written consent of the owner or his agent.

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

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

C. Any person convicted of a violation of this section is guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than ~~\$250~~ \$500 or more than \$2,500, either or both. In lieu of the imposition of confinement in jail, the court may order the defendant to perform a mandatory minimum of 10 hours of community service in litter abatement activities.

D. The governing ~~bodies~~ *body* of ~~localities~~ *any locality* may adopt ordinances not in conflict with the provisions of this section and may repeal or amend such ordinances.

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