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HOUSE BILL NO. 1334

Offered January 22, 2010

A *BILL to amend and reenact § 33.1-346 of the Code of Virginia, relating to dumping trash, etc., on highway; penalty.*

Patron—Morgan

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 33.1-346 of the Code of Virginia is amended and reenacted as follows:**

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

A. It shall be unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter, a companion animal for the purpose of disposal, or other unsightly matter, on public property, including a public highway, right-of-way, property adjacent to such highway or right-of-way, or on private property without the written consent of the owner thereof or his agent.

A1. It shall be unlawful for any person to dump or otherwise dispose of cigarette butts on public property, including a public highway, right-of-way, or property adjacent to such highway or right-of-way. Any violation of this subsection shall be considered a minor littering offense.

B. When any 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 such arrest.

When 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 such motor vehicle shall be presumed to be the person ejecting or disposing of such matter. However, such presumption shall be rebuttable by competent evidence.

C. Any person convicted of a violation of ~~this section~~ *subsection A* shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$250 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 community service in litter abatement activities.

D. Any person convicted of a violation of subsection A1 shall be guilty of a misdemeanor punishable by a fine of up to \$250. However, in lieu of appearing in court for the minor littering offense, the violator may pay a fine of \$75 by mail if it is received by the clerk of the court at least three business days before the scheduled court appearance, or, if less than three business days, delivered personally to the clerk of the court.

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

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

INTRODUCED

HB1334