

1 **Ordinance to Amend and Reenact Chapter 32.1 of the City Code of the City of Hampton,**  
2 **Virginia Entitled “Solid Waste” by Amending § 32.1-5, Littering, to Align With Virginia**  
3 **Code § 33.2-802**

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5 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia, that Chapter 32.1 of the  
6 Code of the City of Hampton, Virginia entitled “Solid Waste” be amended and re-enacted as  
7 follows:

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9 **Chapter 32.1 – SOLID WASTE**

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11 **ARTICLE I. – IN GENERAL**

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14 **Sec. 32.1-5. - Littering.**

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16 (a) It shall be unlawful for any person to dump or otherwise dispose of refuse, litter,  
17 or other unsightly matter on a public highway, right-of-way, property adjacent to such  
18 highway or right-of-way, or any other public property, or on private property without the  
19 written consent of the owner thereof or his agent.

20  
21 (b) *When any person is arrested for a violation of this section, and the matter alleged*  
22 *to have been illegally dumped or disposed of has been ejected from a motor vehicle or*  
23 *transported to the disposal site in a motor vehicle, the arresting officer may comply with*  
24 *the provisions of Code of Virginia § 46.2-936 in making an arrest.*

25  
26 When a violation of the provisions of this section has been observed by any person, and  
27 the matter dumped or disposed of has been ejected from a motor vehicle, the owner or  
28 operator of such motor vehicle shall be presumed to be the person ejecting such matter;  
29 provided, however, that such presumption shall be rebuttable by competent evidence.

30  
31 (c) *Any person convicted of a violation of this section is guilty of a misdemeanor*  
32 *punishable by confinement in jail for not more than 12 months and a fine of not less*  
33 *than \$250.00 or more than \$2,500.00, either or both. In lieu of the imposition of*  
34 *confinement in jail, the court may order the defendant to perform a mandatory minimum*  
35 *of 10 hours of community service in litter abatement activities.*

36 **Cross reference – Littering, § 7-50.**

37 **State law references – Improper disposal of solid waste; civil penalties, Code of**  
38 **Virginia § 10.1-1418.1; locality may provide for removal or disposal of trash, cutting of**  
39 **grass and weeds; penalty in certain counties; penalty, Code of Virginia § 15.2-901;**  
40 **dumping trash, penalty, Code of Virginia § 33.2-802; arrest for misdemeanor; release on**  
41 **summons and promise to appear; right to demand hearing immediately or within twenty-**  
42 **four hours; issuance of warrant on request of officer for violations of §§ 46.2-301 and**  
43 **46.2-302; refusal to promise to appear; violations, Code of Virginia § 46.2-936.**