

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

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

Chapter 32.1 – SOLID WASTE

ARTICLE I. – IN GENERAL

Sec. 32.1-5. - Littering.

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

(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 Code of Virginia § 46.2-936 in making an arrest.

When a violation of the provisions of this section has been observed by any person, and the matter dumped or disposed of has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such matter; provided, however, that such presumption may 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 \$250.00 or more than \$2,500.00, 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.

Cross reference – Littering, § 7-50.

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