

**C. ORDINANCE AMENDING SEC. 13-6 OF THE
SOUTHAMPTON COUNTY CODE AS IT RELATES
TO ILLEGAL DUMPING**

OPENING STATEMENT

This public hearing is held pursuant to § 15.2-1427, Code of Virginia, 1950, as amended to receive public comment on an ordinance to amend Section 13-6 of the Southampton County Code as it relates to the illegal dumping of trash on a highway, right-of-way, or private property. Among other things, the ordinance provides that violation and conviction shall be 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.

The notice of this public hearing was published in the Tidewater News on March 13 and March 20, 2011 as required by law.

After conclusion of this public hearing, the Board of Supervisors will consider the comments offered this morning and may act upon the matter or defer action until such time as it deems appropriate.

MOTION REQUIRED:

If the Board is so inclined, a motion is required to adopt the attached ordinance.

AN ORDINANCE TO AMEND CHAPTER 13 OF THE SOUTHAMPTON COUNTY CODE
BY REVISING SECTION 13-6 AS IT RELATES TO THE ILLEGAL DUMPING OF TRASH

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is, amended by revising Section 13-6 as follows:

1 **Sec. 13-6. Dumping trash, etc., on highway, right-of-way, or private property.**
2

3 (a) ~~No person shall~~ *It shall be unlawful for any person to dump or otherwise dispose of trash,*
4 *garbage, refuse, litter, a companion animal for the purpose of disposal, or other unsightly matter on*
5 *public property, including a public highway, right-of-way, property adjacent to such highway or right-of-*
6 *way, or on private property without the written consent of the owner thereof or his agent.*
7

8 (b) When any person is arrested for violation of this section, and the matter alleged to have been
9 illegally dumped or disposed of has been ejected from a motor vehicle *or transported to the disposal site*
10 *in a motor vehicle*, the arresting officer may comply with the provisions of Code of Virginia, § 46.2-936
11 in making such arrest.
12

13 (c) When a violation of the provisions of this section has been observed by any person, and the
14 matter illegally dumped or disposed of has been ejected from a motor vehicle, the owner or operator of
15 such motor vehicle shall be presumed to be the person ejecting such matter. However, such presumption
16 shall be rebuttable by competent evidence.
17

18 (d) ~~Upon conviction of any person for a violation of this section, the court may suspend the~~
19 ~~imposition of any sentence on condition that the defendant volunteer his services for such a period of~~
20 ~~time as the court may designate to remove litter from the highway. Any such sums collected shall be paid~~
21 ~~into the court and forwarded to the state treasurer for the construction and maintenance of state~~
22 ~~highways. Any person convicted of a violation of this section shall be guilty of a misdemeanor~~
23 ~~punishable by confinement in jail for not more than 12 months and a fine of not less than \$250 or more~~
24 ~~than \$2,500, either or both. In lieu of the imposition of confinement in jail, the court may order the~~
25 ~~defendant to perform community service in litter abatement activities.~~
26

27 (e) The provisions of this section shall not apply to the lawful disposal of such matter in landfills.
28

29 (f) ~~Upon conviction of any person for a violation of this section, the court may suspend the~~
30 ~~imposition of any sentence on condition that the defendant volunteer his services for such a period of~~
31 ~~time as the court may designate to remove litter from the highway. Any such sums collected shall be paid~~
32 ~~into the court and forwarded to the state treasurer for the construction and maintenance of state~~
33 ~~highways.~~
34

35 State law references: Similar provisions, Code of Virginia, §§ 33.1-346, 33.1-346.1.

A copy teste: _____, Clerk
Southampton County Board of Supervisors
Adopted : March 28, 2011