



# City of Hampton

22 Lincoln Street  
Hampton, VA 23669  
www.hampton.gov

## Official Record

Ordinance-Coded: 17-0003

File Number: 17-0098

Enactment Number: 17-0003

### **Ordinance to Amend and Re-enact § 32.1-5 of the Solid Waste Ordinance to Align with Virginia Code § 33.2-802**

**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**

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##### **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.

approved by the Hampton City Council on 3/22/2017.

**Aye:** 7 Vice Mayor Curtis, Councilmember Gray, Councilmember Hobbs,  
Councilmember Snead, Councilmember Moffett, Councilmember Schmidt  
and Mayor Tuck

**Signed by:** \_\_\_\_\_



**Date** MAR 22 2017

**Attested by:** \_\_\_\_\_



Katherine K. Glass

**Date** MAR 22 2017