

The following ordinance proposed at a regular meeting of the Board of Supervisors held at the Courthouse thereof, on Monday, December, 1984, having been duly advertised for adoption as provided by law, after a hearing held on Monday, January 14, 1985, on motion by Roscoe F. Epperson, seconded by Lowell A. Layman and carried, is hereby adopted:

LITTER CONTROL ORDINANCE

Article I. Title and Definitions

Section 1. Title

This ordinance shall be known and may be cited as the Patrick County Litter Control Ordinance.

Section 2. Definitions

- a. "Litter" means all waste materials, including but not limited to bottles, glass, crockery, cans, scrap metal, paper, plastic, rubber, garbage, offal, waste building material at construction sites, disposable packages or containers thrown or deposited as prohibited herein, but not including the properly disposed waste of the primary processes of mining, logging, saw-milling, farming, or manufacturing.
- b. "Person" means any natural person, corporation, partnership, association, firm, receiver, guardian, trustees, executor, administrator, fiduciary, or representative or group of individuals or entities of any kind.
- c. "Private Property" means property owned by any person as defined herein, including but not limited to yards, grounds, driveways, entrance or passageways, parking areas, storage areas, any body of water, vacant land, and recreation facilities.
- d. "Public Property" means any area that is used or held out for use by the public, whether owned or operated by public or private interests, including but not limited to highways, streets, alleys, parks, recreation areas, sidewalks, medians, lakes, rivers, streams, ponds or other bodies of water.
- e. "Vehicle" means every device capable of being moved upon a public highway or public waterway and in, upon or by which any person or property may be transported or drawn upon a public highway or public waterway, and shall also include any watercraft, boat, ship, vessel, barge or other floating craft, except devices moved by human power, or used exclusively upon stationary rails or tracks, or used exclusively for agricultural purposes and not licensed pursuant to State law, which is not operated on any public highway for purposes other than crossing such public highway, or along such highway between two tracts of the owner's land.
- f. "Litter Receptacle" means a container with a capacity of not less than 10 gallons, constructed and placed for use as a depository for

litter.

- g. "Institution" means any public or private establishment which educates, instructs, treats for health purposes, or otherwise performs a service or need for the community, region, State, or Nation.

Article II. Moving Violations

Section 1. Littering Prohibited: Penalties

- a. It shall be unlawful for any person to drop, deposit, discard or otherwise dispose of litter in or upon any public or private property within Patrick County including but not restricted to any street, sidewalk, park, body of water, vacant or occupied lot, except in public receptacles or in authorized private receptacles provided for public use, or in an area designated by the State Department of Health as permitted by disposal site.
- b. Any person convicted of violating this section shall be punished by a fine of not less than \$25.00 nor more than \$500.00 and by imprisonment for not more than 30 days in jail, either or both; provided, however, that the Court may in its discretion suspend the fine or jail sentence on condition that the accused perform community service consisting of litter pickup, under such terms and conditions as the Court may order.
- c. When a violation of the provisions of this Section has been observed by any person, and the matter dumped or disposed of in the highway, right-of-way, property adjacent to such highway or right-of-way or private property has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such trash, garbage, refuse or other unsightly matter; provided, however, that such presumption shall be rebuttable by competent evidence.

Article III. Stationary Violations

Section 1. Areas Surrounding Commercial Establishments and Institutions

It shall be the duty of each proprietor and each operator of any business, industry, or institution to keep the adjacent and surrounding area clear and free of litter. These areas include, but are not restricted to, public and private sidewalks, roads, and alleys; grounds; parking lots; loading and unloading areas; and all vacant lots which are owned or leased by said establishment or institution.

Section 2. Handbills and Advertising Material

It shall be unlawful for any person distributing commercial handbills, leaflets, flyers, or any other advertising and information material to distribute material in such a manner that it litters either public or private property.

Section 3. Penalties for Violation of Sections of Article III

Any person convicted of violating any section of Article III shall be punished by a fine of \$25.00.

Article IV. Enforcement of Litter Laws; Prosecution; Presumption

- a. Enforcement officers of the Virginia State Police, Patrick County Sheriff's Department and the Patrick County Animal Warden are hereby empowered

to issue citations to persons violating any provisions of this ordinance, and may serve and execute all warrants, and other process issued by the court in enforcing the provisions of this ordinance. In addition, mailing by registered mail of such process to his last known place of residence shall be deemed as personal service upon the person charged, for the purpose of this ordinance.

- b. Prosecution for violation of any provision of this act may be initiated by any law enforcement officer who witnesses such offense or who discovers an article of litter bearing a person's name or address on the property of another, or any public highway, street or road, upon a public park or recreation area, or upon any other public property except property that is designated for solid waste disposal. Such prosecution may be initiated by any private citizen who witnesses an offense or discovers evidence.
- c. Any article of litter bearing a person's name or address, found on the private property of another, or on any public property as designated herein, shall be presumed to be the property of such person whose name or address appears thereon, and that such person placed or caused to be placed such article of litter; provided, however, that such presumption shall be rebuttable by competent evidence.

Article V. Cleanup - Government Authorization

Section 1. Cleanup of Premises by Government Authorized

- a. Ten days due notice is given to any owner, agent, occupant, or lessee of any private property to remove litter from the premises, the County of Patrick, Virginia, is authorized to clean-up said private property and bill the owner, or his agent, for the costs thereof. If the bill has not been paid within thirty (30) days, execution may be issued by the County of Patrick, Virginia against the property for the amount expended in the cleaning work, and such execution shall constitute a lien on property until the claim has been satisfied.
- b. Execution of the notice to remove litter shall be in writing, and shall be mailed to the owner, agent, occupant, or lessee, by certified mail.

This Ordinance shall become effective in the County of Patrick on February 11, 1985.

Voting Aye: Layman, Epperson, Cassell, Hylton, and Stovall

Voting Nay: None