

Chapter 112 Littering

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Chapter 112 Littering

[HISTORY: Adopted by the Board of Supervisors of Clarke County 1-19-1988 as Ch. 10, Art. II, of the 1987 Code. Amendments noted where applicable.]

General References

Chapter 57 Special Events, § 57.7. Special Event requirements.

Chapter 71 Building Construction

Chapter 124 Nuisances

Chapter 137 Property Maintenance

Code of Virginia References

§ 10.1-1408.1. - Permit required; open dumps prohibited

§ 10.1-1414 Definitions

§ 10.1-1415 et seq. - Litter Control Program.

§ 10.1-1424. - Allowing escape of load material; penalty.

§ 33.1-346. - Dumping trash, penalty

§ 15.2-901. Locality may provide for removal or disposal of trash, cutting of grass and weeds; penalty in certain counties.

§ 19.2-76.2. - Mailing of summons in certain cases.

Article 1 General Provisions

§ 112-1. *Definitions.*

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

INSTITUTION	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.
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LITTER	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, disposal packages or containers thrown or deposited as prohibited herein, but not including the properly disposed waste of the primary processes of mining, logging, sawmilling, farming or manufacturing.
LITTER RECEPTACLE	A container with a capacity of not less than 10 gallons, constructed and placed for use as a depository for litter.
PERSON	Any natural person, corporation, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary or representative or group of individuals or entities of any kind.
PRIVATE PROPERTY	Property owned by any person, including but not limited to yards, grounds, driveways, entrances or passageways, parking areas, storage areas, any body of water, vacant land and recreation facilities.
PUBLIC PROPERTY	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, parking lots, medians, lakes, rivers, streams, ponds or other bodies of water.
VEHICLE	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 are 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.

§ 112-2. Enforcement; prosecution; presumption.

- A. Sworn deputies of the county Sheriff's Department are hereby empowered to issue citations to or arrest persons violating any provision of this chapter and may serve and execute all warrants and other process issued by the court in enforcing the provisions of this chapter. 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 purposes of this chapter.
- B. Prosecution for a violation of any provision of this chapter 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, on any public highway 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.

§ 112-3. Litter receptacles required at institutions. ²¹

It shall be the duty of any person owning or operating any institution to provide litter receptacles adequate to contain the litter generated at said institution.

§ 112-4. Use of receptacles. ²²

It shall be unlawful to deposit any item or items except litter in any receptacle placed for public use as a depository for litter.

§ 112-5. Cleanup of premises by county.

- A. Ten days after due notice is given to any owner, agent, occupant or lessee of any private property to remove litter from the premises, the county is authorized to clean up said private property and bill the owner or his agent for the costs thereof.

- B. If the bill has not been paid within 30 days, execution may be issued by the county against the property for the amount expended in the cleaning work, and such execution shall constitute a lien on the property until the claim has been satisfied. Execution of the notice to remove litter shall be in writing.

§ 112-6. Violations and penalties. ²³

Penalties for violation of the provisions of this chapter shall be as provided in Chapter 1, General Provisions, Article I.

Article II Moving Violations

§ 112-7. Littering prohibited. ²⁴

- 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 the county, including but not restricted to any street, sidewalk, park, body of water or 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 Waste Management as a permitted disposal site.
- B. 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.

§ 112-8. Allowing escape of load material.

- A. No vehicle shall be driven or moved on any highway unless such vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom; provided, however, that sand or any substance for increasing traction during times of snow and ice may be dropped for the purpose of securing traction or water or other substance may be sprinkled on a roadway in the cleaning or maintaining of such roadway by the state or local government agency having that responsibility.
- B. Subsection A shall not apply to:
 - 1. Any motor vehicle which is used exclusively for agricultural purposes and which is not operated on or over any public highway for any other purpose other than for the purpose of operating it across a highway or along a highway from one point of the owner's land to another part thereof, irrespective of whether or not the tracts adjoin.

2. Any agricultural vehicle, tractor or other vehicle exempted from registration and licensing requirements pursuant to the Code of Virginia, § 46.2-303. Licenses not required for operating road roller or farm tractor. et seq.²⁵
 3. Any motor vehicle transporting poultry or livestock.
- C. No vehicle used to transport litter or other items likely to fall or be blown from such vehicle shall be driven or moved, stopped or parked on any highway unless such vehicle is covered to prevent its contents from blowing, dropping or falling from such vehicle.
 - D. Any person operating a vehicle from which any glass or objects have fallen or escaped which could constitute an obstruction or damage a vehicle or otherwise endanger travel upon such public highway shall immediately cause the highway to be cleaned of all glass or objects and shall pay any costs therefore.

Article III Stationary Violations

§ 112-9. 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.

§ 112-10. Keeping residential property clean.²⁶

It shall be the duty of each residential property owner and tenant to keep all exterior private property free of litter. These areas shall include, but not be restricted to, sidewalks, alleys and driveways; yards and grounds, fences, walls and property lines; drainages; and vacant lots in residential areas.

§ 112-11. Sweeping litter into streets.

It shall be unlawful to sweep or push litter into streets. Such litter shall be deposited in a proper receptacle, which shall be covered to prevent scattering by wind and animals.

§ 112-12. Construction and demolition sites.

- A. It shall be unlawful for any owner, agent or contractor to permit the accumulation of litter before, during or after completion of any construction or demolition project.
- B. It shall be the duty of the owner, agent or contractor in charge of a construction or development site to furnish litter receptacles and to collect and contain same to prevent scattering other bulk litter on a daily basis. All litter shall be removed from such site not less than once a week.

§ 112-13. 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.

§ 112-14. Indiscriminate dumping or discarding of litter and solid waste.

- A. It shall be unlawful for any person to discard or dump along any street or road, on or off the right-of-way, any household or commercial solid waste, rubbish, refuse, junk, vehicle or vehicle parts, rubber tires, appliances, furniture and any other material or equipment on public or private property, except by written consent of the owner of said private property or except in receptacles provided for public use for the deposit of said material or except in an area designated by the State Department of Waste Management as a permitted disposal site.
- B. Any article of litter bearing a person's name or address found on the private property of another or on any public property 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; however, such presumption shall be rebuttable by competent evidence.

References

²¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

²² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

²³ Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

²⁴ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

²⁵ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

²⁶ Editor's Note: See Ch. 137, Property Maintenance.