WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED

SENATE BILL NO. 255

(By Mr. BEAN, Mr. PENDLETON, and Mr. CARRIGAN)

PASSED Feb 24, 1959

In Effect 90 Days from Passage

Filed in Office of the Secretary of State of West Virginia MAR 5, 1959
JOE F. BURDETT
SECRETARY OF STATE
ENROLLED

Senate Bill No. 255

(By Mr. Bean, Mr. President, and Mr. Carrigan)

[Passed February 24, 1959; in effect ninety days from passage.]

AN ACT to amend article ten, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section designated section four-a, relating to the disposal of litter and certain other material in and near certain bodies of water and providing penalties.

Be it enacted by the Legislature of West Virginia:

That article ten, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section designated section four-a, to read as follows:

Section 4-a. Unlawful Disposal of Litter, etc. in Waters;

2. Notice Thereof; Penalty.—It shall be unlawful to place,
deposit, dump or throw, or cause to be placed, deposited, dumped or thrown, any litter, garbage, refuse, trash, cans, bottles, papers, ashes, carcass of any dead animal, offal or any other offensive or unsightly matter into any river, stream, creek, lake or pond, or upon the surface of any land within one hundred yards thereof or in such location that high water or normal drainage conditions will cause material designated in this section to be washed into any river, stream, creek, lake or pond.

No portion of this section shall be construed to restrict a private owner or lessee in the use of his own private property or leased property or to prohibit the disposal of materials designated in this section in any manner authorized by law: Provided, however, That if any owner, renter or lessee, private or otherwise, knowingly permits such material, heretofore designated in this section, to be deposited, dumped or thrown in such location that high water or normal drainage conditions will cause such material to wash into any river, stream, creek, lake or pond, it shall be deemed prima facie evidence that such owner, renter, or lessee intended to violate this section: Provided
further, That this section shall not apply to persons, firms or corporations subject to the jurisdiction of the state water commission under article eleven, chapter sixteen of this code.

In addition to enforcement by the state director of conservation, this section shall also be enforced by the United States Forestry Service and all other proper law enforcement agencies.

Any person violating this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than twenty nor more than five hundred dollars.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 5th day of March, 1959.

Governor