

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959

ENROLLED

SENATE BILL NO. 255

(By Mr. BEAN, MR. PRESIDENT, 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; Notice Thereof; Penalty.*—It shall be unlawful to place,

3 deposit, dump or throw, or cause to be placed, deposited,
4 dumped or thrown, any litter, garbage, refuse, trash, cans,
5 bottles, papers, ashes, carcass of any dead animal, offal or
6 any other offensive or unsightly matter into any river,
7 stream, creek, lake or pond, or upon the surface of any
8 land within one hundred yards thereof or in such location
9 that high water or normal drainage conditions will cause
10 material designated in this section to be washed into any
11 river, stream, creek, lake or pond.


12 No portion of this section shall be construed to restrict
13 a private owner or lessee in the use of his own private
14 property or leased property or to prohibit the disposal of
15 materials designated in this section in any manner author-
16 ized by law: *Provided, however,* That if any owner, renter
17 or lessee, private or otherwise, knowingly permits such
18 material, heretofore designated in this section, to be de-
19 posited, dumped or thrown in such location that high
20 water or normal drainage conditions will cause such ma-
21 terial to wash into any river, stream, creek, lake or pond,
22 it shall be deemed prima facie evidence that such owner,
23 renter, or lessee intended to violate this section: *Provided*

24 *further*, That this section shall not apply to persons, firms
25 or corporations subject to the jurisdiction of the state
26 water commission under article eleven, chapter sixteen of
27 this code.

28 In addition to enforcement by the state director of con-
29 servation, this section shall also be enforced by the United
30 States Forestry Service and all other proper law enforce-
31 ment agencies.

32 Any person violating this section shall be guilty of a
33 misdemeanor and, upon conviction thereof, shall be fined
34 not less than twenty nor more than five hundred dollars.

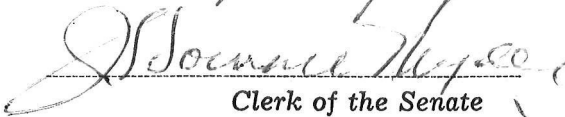
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee

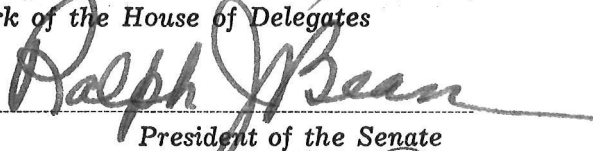

Chairman House Committee


Originated in the Senate.

Takes effect 90 days from passage.

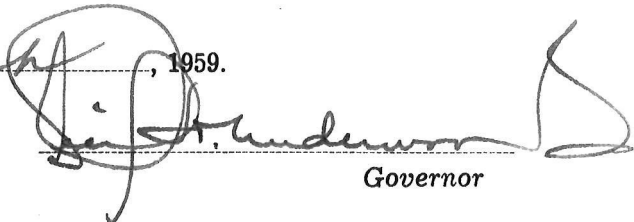

Clerk of the Senate


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

