WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED
SENATE BILL NO. 145
(By Mr. Hatfield)

PASSED __April 13___ 1973
In Effect 90 days from Passage

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 5/3/73
ENROLLED

Senate Bill No. 145
(By Mr. Hatfield)

[Passed April 12, 1973; in effect ninety days from passage.]

AN ACT to amend and reenact section eleven, article four, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section fifteen, article five of said chapter, relating to natural resources; relating to the cleanliness and improvement of highways, roads, streets, alleys and other public areas and ways; making it unlawful to place, deposit, dump or throw, or cause to be placed, deposited, dumped or thrown, any litter, garbage, refuse, trash, can, bottle, paper, ashes, cigarette or cigar butt, carcass of any dead animal or any part thereof, offal or any other offensive or unsightly matter in or upon any public or private highway, road, street or alley, or upon certain land, private property or any public park or property; specifying that certain activities shall be prima facie evidence that the owner and driver of a motor vehicle intended to violate the prohibitions set forth in said section eleven; relating to the duties of commissioner of motor vehicles; requiring the posting of appropriate signs concerning the maximum penalty for littering; making it unlawful to place, deposit, dump or throw, or cause to be placed, deposited, dumped or thrown, any litter, garbage, refuse, trash, can, bottle, paper, ashes, carcass of any dead animal or any part thereof, offal or any other offensive or unsightly matter into any river, stream, creek, branch, brook, lake or pond, or upon the surface of certain land; providing certain exceptions to the prohibitions contained in said sections eleven and fifteen; specifying that certain activities shall be prima facie evidence of intent to violate the prohibitions set forth in said section fifteen; relating to enforcement authority; providing criminal offenses and penalties; and authorizing the suspen-
Enr. S. B. No. 145]

2

sion of the execution of any sentence imposed for violating any of the above-stated prohibitions, such suspension to be conditioned upon the performance of certain work.

Be it enacted by the Legislature of West Virginia:

That section eleven, article four, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section fifteen, article five of said chapter be amended and reenacted, all to read as follows:

ARTICLE 4. PARKS AND RECREATION.

§20-4-11. Highway beautification; unlawful disposal of litter, etc.; notice of section violations; evidence; enforcement; penalties; removal of litter.

1 The director of the department of natural resources in cooperation with the commissioner of highways, the department of public safety, the United States forestry service, and other local, state and federal law-enforcement agencies, shall be responsible for the administration and enforcement of all laws and regulations relating to the maintenance of cleanliness and improvement of appearances on and along highways, roads, streets, alleys and other public areas and ways of the state and shall make recommendations to the director from time to time concerning means and methods of accomplishing state highway beautification consistent with the provisions of this chapter.

2 It shall be unlawful to place, deposit, dump or throw, or cause to be placed, deposited, dumped or thrown, any litter, garbage, refuse, trash, can, bottle, paper, ashes, cigarette or cigar butt, carcass of any dead animal or any part thereof, offal or any other offensive or unsightly matter in or upon any public or private highway, road, street or alley, or upon the surface of any land within one hundred yards thereof without the consent of the owner, or in or upon any private property into or upon which the public is admitted by easement or license, or upon any private property without the consent of the owner, or in or upon any public park or other public property other than in such place as may be set aside for such purpose by the governing body having charge thereof.

3 If any such materials be thrown, cast, dumped or dis-
charged from a motor vehicle in violation of the provisions hereof, such action shall be deemed prima facie evidence that the owner and driver of such motor vehicle intended to violate the provisions of this section.

The commissioner of motor vehicles, upon registering a motor vehicle or issuing an operator's or chauffeur's license, shall issue to the owner or licensee, as the case may be a copy of this section.

The commissioner of highways shall cause appropriate signs to be placed at the state boundary on each primary and secondary road, informing those entering the state of the maximum penalty herein provided for disposing of litter in, upon and near highways and roads in violation of this section.

No portion of this section shall be construed to restrict a private owner in the use of his own private property or to prohibit the disposal of materials designated in this section in any manner authorized by law.

Any person violating any provision of 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 or imprisoned in the county jail not more than six months, or both fined and imprisoned: Provided, That, in the discretion of the court, execution of any such sentence may be suspended upon the condition that such person pick up and remove from any area of any public or private highway, road, street or alley, private land or property with prior permission of the owner, or public park or other public property, the area to be specified by the court, any and all litter, garbage, refuse, trash, cans, bottles, papers, ashes, cigarette or cigar butts, carcass of any dead animal or any part thereof, offal or any other offensive or unsightly matter placed, deposited, dumped or thrown thereon contrary to the provisions of this section by anyone prior to the date of such conviction. If execution of any such sentence is so suspended and the person convicted satisfies the condition upon which execution was suspended, he shall be discharged with like effect as if the sentence had been fully executed, and if he does not satisfy such condition, then such sentence shall be executed.
ARTICLE 5. WATER RESOURCES.

§20-5-15. Litter along streams, etc.

1 It shall be unlawful to place, deposit, dump or throw, or cause to be placed, deposited, dumped or thrown, any litter, garbage, refuse, trash, can, bottle, paper, ashes, carcass of any dead animal or any part thereof, offal or any other offensive or unsightly matter into any river, stream, creek, branch, brook, 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 any such materials or substances to be washed into any river, stream, creek, branch, brook, lake or pond.

2 No portion of this section shall be construed to restrict an owner, renter or lessee in the use of his own private property or rented or leased property or to prohibit the disposal of any industrial and other wastes into waters of this state in a manner consistent with the provisions of article five-a of this chapter. But if any owner, renter or lessee, private or otherwise, knowingly permits any such materials or substances to be placed, deposited, dumped or thrown in such location that high water or normal drainage conditions will cause any such materials or substances to wash into any river, stream, creek, branch, brook, lake or pond, it shall be deemed prima facie evidence that such owner, renter or lessee intended to violate the provisions of this section.

3 In addition to enforcement by the director, the chief of the division of water resources, and the department's chief law-enforcement officer, the provisions of this section may be enforced by all other proper law-enforcement agencies.

4 Any person violating any provision of 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 or imprisoned in the county jail not more than six months, or both fined and imprisoned: Provided, That, in the discretion of the court, execution of any such sentence may be suspended upon the condition that such person pick up and remove from any area of a bank of any river, stream, creek, branch, brook, lake or pond, or other property with prior permission of the owner,
the area to be specified by the court, any and all litter, garbage, refuse, trash, cans, bottles, papers, ashes, carcass of any dead animal or any part thereof, offal or any other offensive or unsightly matter placed, deposited, dumped or thrown contrary to the provisions of this section by anyone prior to the date of such conviction. If execution of any such sentence is so suspended and the person convicted satisfies the condition upon which execution was suspended, he shall be discharged with like effect as if the sentence had been fully executed, and if he does not satisfy such condition, then such sentence shall be executed.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

H. Daniel Daly
Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Howard Halfacre
Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ....................... approved this the 24th
day of ...................... April, 1973.

Governor