

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978



ENROLLED

SENATE BILL NO. 325

(By Mr. Davis)



PASSED March 4, 1978

In Effect July 1, 1978 ~~Passage~~



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Senate Bill No. 325
(By MR. DAVIS)

[Passed March 4, 1978; in effect July 1, 1978.]

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, relating to providing a person convicted of littering with the choice of picking up litter for a total of sixteen hours in an area to be determined by the judge as an alternate penalty to fine or imprisonment; increasing the minimum fine for littering from twenty dollars to one hundred dollars, and decreasing the maximum jail sentence from six months to thirty days.

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 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
2 in cooperation with the commissioner of highways, the
3 department of public safety, the United States forestry
4 service, and other local, state and federal law-enforcement
5 agencies, shall be responsible for the administration and
6 enforcement of all laws and regulations relating to the
7 maintenance of cleanliness and improvement of appear-
8 ances on and along highways, roads, streets, alleys and
9 other public areas and ways of the state and shall make
10 recommendations to the director from time to time con-
11 cerning means and methods of accomplishing state high-

12 way beautification consistent with the provisions of this
13 chapter.

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

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

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

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

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

47 Any person violating any provision of this section
48 shall be guilty of a misdemeanor, and, upon conviction
49 thereof, shall be fined not less than one hundred nor
50 more than five hundred dollars or imprisoned in the
51 county jail not more than thirty days, or both fined and
52 imprisoned: *Provided*, That at the election of the person

53 charged with violating any provision of this section,
54 execution of any such sentence shall be suspended upon
55 the condition that such person for a total of sixteen hours
56 pick up and remove from any area of any public highway,
57 road, street or alley, land or property, or public park
58 or other public property, the area to be specified by the
59 court, any and all litter, garbage, refuse, trash, cans, bot-
60 tles, papers, ashes, cigarette or cigar butts, carcass of
61 any dead animal or any part thereof, offal or any other
62 offensive or unsightly matter placed, deposited, dumped
63 or thrown thereon contrary to the provisions of this sec-
64 tion by anyone prior to the date of such conviction. If
65 execution of any such sentence is so suspended and the
66 person convicted satisfies the conditions upon which
67 execution was suspended, he shall be discharged with
68 like effect as if the fine had been fully paid and the
69 sentence had been fully executed, and if he does not
70 satisfy such condition, then such sentence shall be
71 executed.

72 Any law-enforcement officer who shall observe a per-
73 son violating the provisions of this section shall have a
74 mandatory duty to make an arrest or otherwise prosecute
75 the violator to the limits provided herein.

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

James L. Davis
Chairman Senate Committee

Barney L. Thurston
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1978.

J. D. Hellen
Clerk of the Senate

W. A. Blankenship
Clerk of the House of Delegates

W. F. Burkhalter
President of the Senate

Donald L. Lopp
Speaker House of Delegates

The within is approved this the 13
day of March, 1978.

John J. R. R. R.
Governor



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OFFICE OF THE GOVERNOR

APPROVED AND SIGNED BY THE GOVERNOR

Date March 13, 1978

Time 9:30 p.m.

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OFFICE
ECY. OF STATE