

**ORDINANCE NO. 2001-2
RIGHT-OF-WAY DEBRIS REMOVAL ORDINANCE
OF
WYTHE COUNTY, VIRGINIA**

A public hearing was held on January 23, 2001, at 9:15 a.m. in the Board Room of the Wythe County Office Building, 275 South Fourth Street, Wytheville, Virginia to consider enacting Ordinance No. 2001-2, entitled, "Right-of-Way Debris Removal Ordinance of Wythe County, Virginia", as follows:

ARTICLE I - Title, Authority and Jurisdiction

- 1.1 Title. This ordinance shall be known as the "Right-of-Way Debris Removal Ordinance of Wythe County, Virginia", Ordinance No. 2001-2.
- 1.2 Authority. This ordinance is adopted pursuant to the provisions of Section 33.1-336.C, Code of Virginia, 1950, as amended.
- 1.3 Jurisdiction. The provisions of this ordinance shall apply to all land within Wythe County, Virginia, except where a town has enacted a similar ordinance.

ARTICLE II - Purpose

- 2.1 This ordinance is enacted to require the owners of property adjoining public highways and rights-of-way to remove all trash, garbage, litter, refuse and other unsightly matter from the public right-of-ways and to impose a penalty for failure to do so.

ARTICLE III - Rules

- 3.1 In the construction of this ordinance, the rules contained in this section shall apply, except where the context clearly indicates otherwise.
- 3.2 Words in the present tense shall include the future, and words in the singular shall also include the plural.
- 3.3 The word "shall" is mandatory and not permissive.
- 3.4 The word "may" is permissive.
- 3.5 The word "approve" shall be considered to be followed by the words "or disapprove".
- 3.6 The masculine gender includes both the feminine and neuter.

3.7 Any reference to this ordinance includes all ordinances amending and supplementing the same.

ARTICLE IV - Cleanup Required

4.1 It shall be unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter, or other unsightly matter, on public property, including a public highway, public right-of-way, property adjacent to such highway or right-of-way, or on private property without the written consent of the owner thereof or his agent.

4.2 When a violation of this ordinance has been observed by any person, and the matter illegally dumped or disposed of has been ejected or removed from a motor vehicle, it shall be presumed that the owner or operator was the person ejecting or removing such material. This presumption shall be rebuttable by competent evidence.

ARTICLE V - Penalty

5.1 A violation of Article IV shall constitute a misdemeanor punishable by confinement in jail for not more than twelve months and a fine of not less than \$250 or more than \$2,500, either or both.

Supervisor Crockett-Stark made a motion to approve this ordinance. The motion was seconded by Supervisor Crigger and the roll call vote is as follows:

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>
Charles S. Dix	X		
Danny C. McDaniel	X		
Wythe B. Sharitz	X		
Howard W. Manley	X		
R. Daniel Porter	X		
Anne B. Crockett-Stark	X		
Susan R. Crigger	X		

This ordinance shall be effective on and after 12:01 a.m. on the 24th day of January, 2001.

I certify that this is a true and correct copy taken from the January 23, 2001 minutes of the Wythe County Board of Supervisors meeting.

R. Cellell Dalton, Clerk