

H.356

An act relating to prohibiting littering in or on the waters of the State

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 24 V.S.A. § 2201 is amended to read:

§ 2201. THROWING, DEPOSITING, BURNING, AND DUMPING  
REFUSE; PENALTY; SUMMONS AND COMPLAINT

(a)(1) Prohibition. Every person shall be responsible for proper disposal of his or her own solid waste. A person shall not throw, dump, deposit, cause, or permit to be thrown, dumped, or deposited any solid waste as defined in 10 V.S.A. § 6602, refuse of whatever nature, or any noxious thing:

(A) in or on the waters of the State, including frozen waters, or on the shores or banks of waters of the State in a manner as to be subject to being washed in the main stream or body of water under normal high water conditions, unless the person has a permit under 10 V.S.A. chapter 47 to discharge waste; or

(B) outside a solid waste management facility certified by the Agency of Natural Resources.

(2) It shall be prima facie evidence that a person who is identifiable from an examination of illegally disposed solid waste is the person who violated a provision of this section.

~~(2)~~(3) No person shall burn or cause to be burned in the open or incinerate in any container, furnace, or other device any solid waste without:

(A) first having obtained all necessary permits from the Agency of Natural Resources, the district environmental commission, and the municipality where the burning is to take place; and

(B) complying with all relevant State and local regulations and ordinances.

(b) Prosecution of violations. A person who violates a provision of this section commits a civil violation and shall be subject to a civil penalty of not more than \$500.00. This violation shall be enforceable in the Judicial Bureau pursuant to the provisions of 4 V.S.A. chapter 29 in an action that may be brought by a municipal attorney, solid waste management district attorney, environmental enforcement officer employed by the Agency of Natural Resources, grand juror, or designee of the legislative body of the municipality, or by any duly authorized law enforcement officer. If the throwing, placing, or depositing was done from a snowmobile or a motor vehicle, except a motor bus, it shall be prima facie evidence that the throwing, placing, or depositing was done by the driver of ~~such~~ the snowmobile or motor vehicle. If the throwing, placing, or depositing was done from a vessel, it shall be prima facie evidence that the throwing, placing, or depositing was done by the operator of the vessel. Nothing in this section shall be construed as affecting the operation

of an automobile graveyard or salvage yard as defined in section 2241 of this title, nor shall anything in this section be construed as prohibiting the installation and use of appropriate receptacles for solid waste provided by the State or towns.

(c) Roadside cleanup; shoreland or river cleanup. A person found in violation of this section may be assigned to spend up to 80 hours collecting trash or litter from a specified segment of roadside or from a specified area of public property or from shorelands or river corridors, as those terms are defined in 10 V.S.A. § 1422.

(d) Revocation of motor vehicle operator's license. The Commissioner of Motor Vehicles shall suspend the motor vehicle operator's license or operating privilege of a person found in violation of this section for a period of ten days if the person fails to pay the penalty set forth in subsection (b) of this section. If the person that fails to pay the penalty set forth in subsection (b) violated this section while operating a vessel, the Commissioner of Motor Vehicles shall suspend that person's certificate of boating education that is required by 23 V.S.A. § 3305b for a period of ten days. This provision shall not apply if the only evidence of violation is the presumption set forth in subsection (b) of this section. The Bureau shall immediately notify the Commissioner of Motor Vehicles of the entry of judgment.

(e) Revocation of hunting or fishing license. The Commissioner of Fish and Wildlife shall revoke the privilege of a person found in violation of this section from holding a hunting or fishing license, or both, for a period of one year from the date of the conviction, if the person fails to pay the penalty set forth in subsection (b) of this section. The Bureau shall immediately notify the Commissioner of Fish and Wildlife of the entry of judgment.

(f) ~~{Deleted.}~~ [Repealed.]

(g) Amendment of complaint. A person authorized to enforce this section may amend or dismiss a complaint issued by that person by marking the complaint and returning it to the Judicial Bureau. At the hearing, a person authorized to enforce this section may amend or dismiss a complaint issued by that person, subject to the approval of the hearing judge.

(h) ~~{Deleted.}~~ [Repealed.]

(i) Applicability. Enforcement actions taken under this section shall in no way preclude the Agency of Natural Resources, the Attorney General, or an appropriate State prosecutor from initiating other or further enforcement actions under the civil, administrative, or criminal enforcement provisions of 10 V.S.A. chapter 23, 47, 159, 201, or 211. To the extent that enforcement under this section is by an environmental enforcement officer employed by the Agency of Natural Resources, enforcement under this section shall preclude other enforcement by the ~~agency~~ Agency for the same offence.

(j) Definitions. As used in this section:

(1) "Motor vehicle" shall have the same meaning as in 23 V.S.A.

§ 4(21).

(2) "Snowmobile" shall have the same meaning as in 23 V.S.A. § 3801.

(3) "Vessel" means motor boats, boats, kayaks, canoes, sailboats, and all other types of watercraft.

(4) "Waters" shall have the same meaning as in 10 V.S.A. § 1251(13).

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2014.