

1 Ordinance To Amend Chapter 21 Of The Code Of The City Of Hampton, Virginia By  
2 Repealing Section 21-188, Entitled "Distribution Of Handbills, Solicitation Of  
3 Contributions And Sales Of Goods Or Services On Public Roads And Designated  
4 Highways Prohibited".

5  
6 **Sec. 21-188. - Distribution of handbills, solicitation of contributions and sales of**  
7 **goods or services on public roads and designated highways prohibited *Reserved.***  
8

9 ~~\_\_\_\_\_ The purpose of this section being to prevent dangers to persons and property, to~~  
10 ~~promote safety in vehicular traffic and to avoid interference with such traffic flow, the~~  
11 ~~council makes the following findings based on the staff report heard on this issue at the~~  
12 ~~July 11, 2010 council meeting and the September 8, 2010 council meeting:~~  
13

14 ~~\_\_\_\_\_ The solicitation of contributions by pedestrians in the highways, distribution of~~  
15 ~~handbills and other materials by pedestrians in the highways, or the sale or attempted~~  
16 ~~sale of merchandise or services by pedestrians in the highways to occupants of motor~~  
17 ~~vehicles on the highways distracts drivers from their primary duties to observe traffic~~  
18 ~~and to be alert for potential hazards in the highways, to observe all traffic signs and~~  
19 ~~signals and to move on the highways safely.~~  
20

21 ~~\_\_\_\_\_ The prohibited activities subject the solicitor, distributor, seller and occupants of~~  
22 ~~motor vehicles on the highway to danger by injecting pedestrians into the travel portion~~  
23 ~~of the highways and causing drivers to take action to avoid the obstruction created by~~  
24 ~~pedestrians in the travel portion of the highway.~~  
25

26 ~~\_\_\_\_\_ (a) \_\_\_\_\_ For purposes of this section, "highway" shall mean the entire width \_\_\_\_\_~~  
27 ~~\_\_\_\_\_ between the boundary lines of every way or place open to the use of the \_\_\_\_\_~~  
28 ~~\_\_\_\_\_ public for purposes of vehicular travel in the city, including streets, alleys \_\_\_\_\_~~  
29 ~~\_\_\_\_\_ and medians.~~  
30

31 ~~\_\_\_\_\_ (b) \_\_\_\_\_ It shall be unlawful for any person standing, sitting, walking or otherwise \_\_\_\_\_~~  
32 ~~\_\_\_\_\_ located on a highway within the city to:~~  
33

34 ~~\_\_\_\_\_ (1) \_\_\_\_\_ Distribute handbills, leaflets, bulletins, literature, advertisements or \_\_\_\_\_~~  
35 ~~\_\_\_\_\_ similar material to the occupants of motor vehicles.~~  
36

37 ~~\_\_\_\_\_ (2) \_\_\_\_\_ Solicit contributions of any nature from the occupants of motor \_\_\_\_\_~~  
38 ~~\_\_\_\_\_ vehicles.~~  
39

40 ~~\_\_\_\_\_ (3) \_\_\_\_\_ Sell or attempt to sell merchandise or services to the occupants of \_\_\_\_\_~~  
41 ~~\_\_\_\_\_ motor vehicles.~~  
42

43 ~~\_\_\_\_\_ (c) \_\_\_\_\_ Any person violating the provisions of this section shall, upon conviction, b~~  
44 ~~\_\_\_\_\_ be guilty of a traffic infraction, punishable by a fine of one hundred dollars \_\_\_\_\_~~  
45 ~~\_\_\_\_\_ (\$100.00) for the first offense and two hundred fifty dollars (\$250.00) for \_\_\_\_\_~~

46 ~~any subsequent offense. Each separate violation shall be~~  
47 ~~considered a new offense.~~