

ORDINANCE NO. 2012-01

ORDINANCE PROHIBITING DISTRIBUTING HANDBILLS, SOLICITING CONTRIBUTIONS OR SELLING MERCHANDISE IN HIGHWAY

A public hearing was held on March 27, 2012 at 9:05 a.m. in the Board Room of the Wythe County Office Building, 340 South Sixth Street, Wytheville, Virginia to consider enacting Ordinance Number 2012-01, entitled, "Ordinance Prohibiting Distributing Handbills, Soliciting Contributions or Selling Merchandise in Highway."

Section 1: Authority.

Pursuant to the provisions of Section 46.2-931 Code of Virginia (1950) as amended, a locality may by ordinance prohibit or regulate distribution of handbills, solicitation of contributions, and sale of merchandise or services on highways within its boundaries or on public roadways and medians.

Section 2: Prohibited conduct.

(A) It shall be unlawful for any person while standing in the highway to:

- (1) Distribute handbills, leaflets, bulletins, literature, advertisements or similar material to the drivers of motor vehicles or passengers therein on highways located within the county.
- (2) Solicit contributions of any nature from the drivers of motor vehicles or passengers therein on highways located within the county.
- (3) Sell or attempt to sell merchandise to the drivers of motor vehicles or passengers therein on highways located within the county.

(B) It shall be unlawful for any person while traveling on a highway to:

- (1) Distribute handbills, leaflets, bulletins, literature, advertisements or similar material along the highway by leaving these things on the highways or on the edge of the highways located within the county. This does not apply to subscription newspaper delivery in Wythe County.

(C) For purposes of this section, the term "highway" means the entire width of a road or street that is improved, designed, or ordinarily used for vehicular travel and the shoulder, the median, and the right of way area of the road or street.

Section 3: Penalty.

Unless another penalty is provided by law, violations of this Ordinance shall constitute a traffic infraction punishable as provided in Code of Virginia, § 46.2-113, as amended.

Section 4: Effective Date.

This ordinance was duly considered following the required public hearing held on Tuesday, March 27, 2012; Supervisor Hall made a motion to approve this ordinance; the motion was seconded by Supervisor Hale, and this ordinance was adopted by the Board of Supervisors of Wythe County, Virginia. This ordinance shall become effective on 12:01 a.m. on March 28, 2012. The Board of Supervisors voted in the following manner:

<u>Name</u>	<u>For</u>	<u>Against</u>	<u>Absent</u>
Joe E. Hale	X		
Arthur "Artie" E. Hall	X		
B.G. Horney, Jr.	X		
Gary M. Houseman	X		
Danny C. McDaniel	X		
Coy L. McRoberts	X		
Tim A. Reeves	X		

I certify that this is a true and correct copy taken from the March 27, 2012 minutes of the Wythe County Board of Supervisors meeting.



R. Cellel Dalton, Clerk