



September 8th, 2026
Town Council
Regular Meeting
Ordinance 2026-13

ORDINANCE 2026-13
AN ORDINANCE TO AMEND THE CODE OF WARRENTON, VIRGINIA, BY ADDING A NEW SECTION
PROHIBITING DISTRIBUTING HANDBILLS, SOLICITING CONTRIBUTIONS, OR SELLING
MERCHANDISE OR SERVICES IN HIGHWAYS
EFFECTIVE SEPTEMBER 8TH, 2026

BE IT ORDAINED by the Town Council of the Town of Warrenton, Virginia, that the Town Code is hereby amended by adding a new section, to be numbered as determined by the Town Attorney and Town Clerk, to read as follows:

Recitals and Findings

WHEREAS, the Town Council finds that the Town has a substantial and important governmental interest in protecting the safety of pedestrians, motorists, passengers, emergency responders, and the general public on public streets and highways within the Town; and

WHEREAS, the Town Council finds that persons who stand, sit, remain, walk, or otherwise occupy highways for purposes of distributing handbills, leaflets, bulletins, literature, advertisements, or similar material to motor-vehicle occupants; soliciting contributions of any nature from motor-vehicle occupants; selling or attempting to sell merchandise or services to motor-vehicle occupants; or engaging in hand-to-hand exchanges with motor-vehicle occupants may create hazards including driver distraction, sudden stopping, lane obstruction, impaired sight lines, and increased risk of pedestrian injury; and

WHEREAS, the Town Council finds that highways, including travel lanes, shoulders, medians, and the area between the travel lane and the back of the curb, are designed primarily for vehicular travel, traffic control, and separation of traffic movements, and are not designed or maintained as safe locations for persons to remain for extended periods or to conduct exchanges with moving or stopped vehicles; and

WHEREAS, the Town Council intends this ordinance to apply uniformly to highways within the Town of Warrenton, regardless of the message conveyed, the identity of the speaker, the purpose of any contribution, or whether the activity is charitable, commercial, political, religious, personal, or otherwise; and

WHEREAS, the Town Council does not intend to prohibit constitutionally protected speech on sidewalks, parks, plazas, or other lawful public areas where pedestrian presence is permitted, and intends to leave open ample alternative channels of communication; and

WHEREAS, the Town Council intends this ordinance to be enforced through warnings, citations, and other lawful enforcement measures in a content neutral and viewpoint neutral manner.

Section 1. Title

This ordinance shall be known and may be cited as the Pedestrian Safety in Highways Ordinance.

Section 2. Authority

This ordinance is adopted pursuant to the Town's general police powers, traffic-safety authority, and authority to protect the health, safety, and welfare of persons within the Town, including the authority granted to Virginia municipalities under applicable provisions of Title 15.2 and Title 46.2 of the Code of Virginia, as amended, and any other applicable law including Virginia Code § 46.2-931.

Section 3. Definitions

For purposes of this ordinance, the following terms shall have the meanings stated below:

- a. Citation means a written notice of violation issued by a law-enforcement officer, in the manner authorized by law.
- b. Contribution means money, goods, documents, literature, merchandise, food, services, or any other item or thing of value.
- c. Distribute means to give, hand, pass, deliver, offer, or attempt to give, hand, pass, deliver, or offer any handbill, leaflet, bulletin, literature, advertisement, or similar material.
- d. Handbill means any handbill, leaflet, bulletin, literature, advertisement, or similar material, whether printed, written, or otherwise tangible.
- e. Highway means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel, including streets and roads, and includes travel lanes, turn lanes, bicycle lanes located in the roadway, shoulders, medians, traffic islands, channelizing islands, ramps, and the area between the travel lane and the back of the curb, but does not include a sidewalk that is physically separated from the vehicular travel way by a curb, buffer, grass strip, utility strip, or other separation.
- f. Median means the area, whether paved, unpaved, landscaped, raised, painted, curbed, or otherwise marked, that separates lanes of traffic traveling in the same or opposite directions. The term includes any traffic island, channelizing island, refuge island, or similar area located within the right-of-way and between or adjacent to lanes of vehicular travel.
- g. Person means any natural person, firm, partnership, association, corporation, organization, or other legal entity.
- h. Sell means to sell, offer for sale, advertise for immediate sale, barter, exchange, or attempt to sell, offer for sale, barter, or exchange merchandise or service.
- i. Solicit contributions means to request, ask for, seek, or attempt to obtain contributions of any nature from the driver of a motor vehicle or any passenger therein while the person making the request is in a highway. The term shall be construed without regard to the content, viewpoint, purpose, or subject matter of the request.
- j. Transfer means to give, pass, exchange, distribute, sell, or attempt to give, pass, exchange, distribute, or sell any money, goods, documents, literature, merchandise, food, or any other item or thing of value between a person in a highway and an occupant of a motor vehicle.
- k. Vehicle occupant means a driver or passenger of a motor vehicle, whether the vehicle is moving, stopped, standing, parked, or temporarily halted in traffic.
- l. Warning means an oral or written advisory by a law enforcement officer that a person's conduct appears to violate this ordinance, and that continued or repeated conduct may result in citation, fine, or other lawful enforcement action.

Section 4. Distributing Handbills, Soliciting Contributions, or Selling Merchandise or Services in the Highway

1. It shall be unlawful for any person while standing, sitting, walking, remaining, or otherwise being present in the highway to:
 - a. Distribute handbills, leaflets, bulletins, literature, advertisements, or similar material to the drivers of motor vehicles or passengers therein on highways located within the Town;
 - b. Solicit contributions of any nature from the drivers of motor vehicles or passengers therein on highways located within the Town;
 - c. Sell or attempt to sell merchandise or services to the drivers of motor vehicles or passengers therein on highways located within the Town; or
 - d. Engage in a transfer with the driver of a motor vehicle or a passenger therein when the transfer is in furtherance of conduct prohibited by subdivisions (a) through (c) of this subsection.
2. It shall be unlawful for any vehicle occupant, while the vehicle is located on a highway within the Town, knowingly and intentionally to give, pass, hand, throw, place, or transfer any contribution, merchandise, service, document, literature, advertisement, or other item or thing of value to a person who is standing, sitting, walking, remaining, or otherwise present in the highway when the transfer is made in furtherance of conduct prohibited by this subsection 1(a), (b), or (c), except as expressly permitted in Section 5.
3. The prohibitions in this section apply to highways within the Town of Warrenton, including streets maintained by the Town, the Commonwealth, or any other public authority, to the fullest extent permitted by law. Nothing in this ordinance authorizes the Town to permit activity within a highway under the maintenance and operational jurisdiction of the Virginia Department of Transportation. Any such activity requires any separate authorization required from the Virginia Department of Transportation or other governmental entity having jurisdiction.

Section 5. Exceptions

1. This ordinance shall not apply to the following conduct:
 - a. Conduct by a law-enforcement officer, firefighter, emergency medical services provider, public works employee, transportation employee, utility worker, or other governmental employee or authorized contractor acting within the scope of official duties;
 - b. Conduct by a person rendering emergency aid or assistance to a person, animal, or vehicle;
 - c. Conduct authorized by a valid permit, traffic-control plan, special-event approval, work-zone authorization, or other written authorization issued by the Town, the Virginia Department of Transportation, or another governmental entity with jurisdiction;
 - d. Conduct occurring on a sidewalk, plaza, park, parking lot, private property, or other area outside the highway where the person is lawfully present, provided that the conduct does not require or attempt to cause a transfer or exchange with a vehicle occupant in a highway;
 - e. Crossing a highway in a lawful manner at a crosswalk, intersection, or other location where crossing is permitted;
 - f. Communication with vehicle occupants that does not involve distributing handbills, soliciting contributions, selling or attempting to sell merchandise or services, or attempting a hand-to-hand exchange in a highway; and
 - g. Any conduct that federal or state law requires the Town to permit.
2. Nothing in this ordinance shall be construed to prohibit a person from holding a sign, speaking, advocating, protesting, campaigning, requesting assistance, or otherwise communicating from a lawful location outside a highway, so long as the person does not violate Section 4.

Section 6. Enforcement and Penalties

1. The Town may enforce this ordinance through warnings, citations, traffic infraction proceedings, civil fines, and any other remedy authorized by law. Enforcement shall be carried out in a content-neutral and viewpoint-neutral manner.
2. **Warnings.** For a first observed violation, a law enforcement officer should, when practicable and consistent with public safety, issue a warning and direct the person to leave the highway or to cease the prohibited distribution, solicitation, sale, transfer, or exchange. A warning is not required when immediate enforcement is reasonably necessary to protect public safety, when the violation continues after an officer's direction, or when the person has previously received a warning or citation for the same or substantially similar conduct.
3. **Citations.** A law enforcement officer may issue a citation to any person who violates this ordinance. The citation shall identify the alleged violation, the date, time, and location of the violation, the applicable fine or required appearance procedure, and the method for contesting the citation. A violation of this ordinance is a traffic infraction pursuant to Virginia Code § 46.2-931(B).
4. **Escalating fines.** A violation of this ordinance shall be punishable as a civil violation as follows, unless a court of competent jurisdiction determines that a different disposition is required or authorized by law:

<u>Violation within a 12-month period</u>	<u>Civil fine</u>
First cited violation after any warning	\$100
Second cited violation	\$200
Third and subsequent cited violation	\$250

5. **Vehicle occupants.** A vehicle occupant who violates the Ordinance shall be subject to the same enforcement and penalty provisions as a person in the highway.
6. **Continuing conduct.** Each separate incident may constitute a separate violation. For purposes of this ordinance, conduct that continues after a warning or lawful direction to stop may constitute a separate violation, subject to applicable law.
7. **Nonexclusive remedies.** Enforcement under this ordinance does not preclude enforcement of any other applicable federal, state, or local law, including laws governing obstruction of traffic, pedestrian control signals, trespass, disorderly conduct, littering, or roadway safety.

Section 7. Administration and Implementation

1. The Town Manager, Chief of Police, or their designees may develop written enforcement guidance, training materials, public notices, and signage to implement this ordinance in a uniform, content-neutral, and viewpoint-neutral manner. The guidance shall direct officers to enforce this ordinance based on observable conduct and location, without regard to the content, viewpoint, speaker, cause, charitable status, or commercial character of any message, request, or material.
2. The Town may post signs at appropriate locations advising the public that distributing handbills, soliciting contributions, selling or attempting to sell merchandise or services, or engaging in related transfers in highways is prohibited. The absence of a sign shall not be a defense to a violation of this ordinance.

3. The Town should maintain records of warnings and citations issued under this ordinance sufficient to monitor enforcement consistency, determine whether a person has received a prior warning, and evaluate whether additional safety measures are needed.

Section 8. Constitutional Construction

1. This ordinance shall be construed and applied as a content-neutral and viewpoint-neutral regulation of conduct and location for the purpose of protecting pedestrian and traffic safety.
2. No officer or official shall enforce this ordinance based on agreement or disagreement with any person's message, viewpoint, identity, cause, charitable status, economic status, religion, political affiliation, or reason for requesting or giving assistance.
3. If a court of competent jurisdiction determines that any application of this ordinance would violate the United States Constitution, the Constitution of Virginia, or other controlling law, the ordinance shall be construed to avoid that application while preserving all lawful applications.

Section 9. Severability

If any section, subsection, sentence, clause, phrase, definition, penalty, or application of this ordinance is held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, the remaining portions and applications shall remain in full force and effect. The Town Council declares that it would have adopted this ordinance and each portion of it irrespective of the fact that any one or more portions or applications may be declared invalid.

Section 10. Repealer

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 11. Effective Date

This ordinance shall take effect upon adoption.

ATTACHMENT:

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

For Information:

ATTEST: _____
Town Recorder