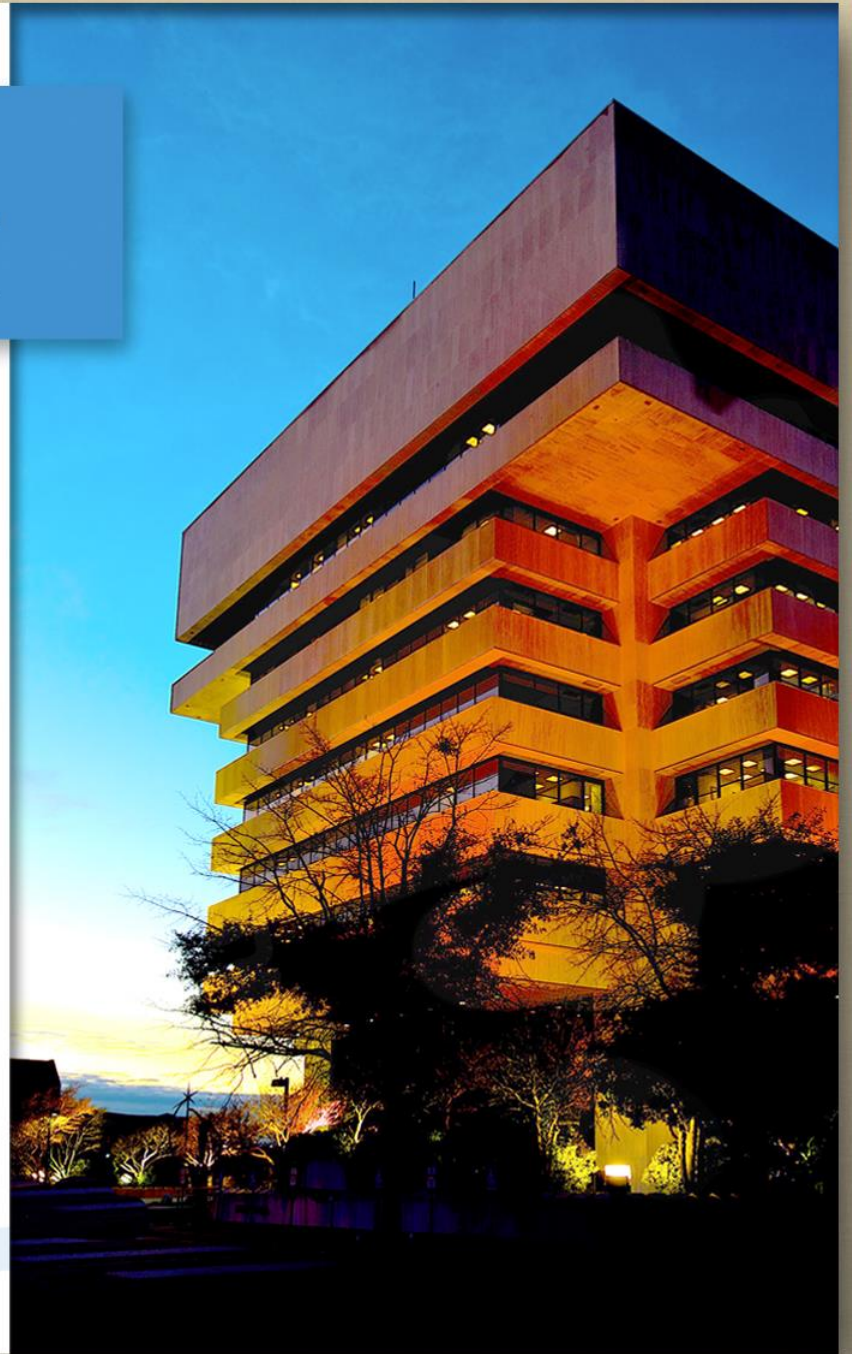


HAMPTON VA

ATV and Off-Road Motorcycle Ordinance

**City Council
Work Session**

October 9, 2024



All-Terrain Vehicles

All-Terrain Vehicles (“ATVs”) are defined by Virginia Code as a motor vehicle having three or more wheels that is powered by a motor and is manufactured for off-highway use.

Does not include “go-carts” that have low centers of gravity and are typically used in racing on relatively level surfaces.

Does not include riding lawn mowers.



Off-Road Motorcycles

Off-Road Motorcycles, also commonly known as dirt bikes, are defined by Virginia Code as every motorcycle designed exclusively for off-road use by an individual rider with not more than two wheels in contact with the ground.



Unlawful Operation

ATVs cannot be operated:

- On any public highway or other public property, except when necessary to cross a public highway.
- On another person's property without the written consent of the property owner.
- By any person under the age of 16 (depending on size of engine).
- Without wearing a protective helmet approved for use by motorcycle operators.

Unlawful Operation

Off-Road Motorcycles cannot be operated on public highways or on private property without the consent of the owner without complying with all of the laws required of motorcycles such as:

- Proper titling, registration, and insurance.
- Headlights, taillights, and turn signals.
- Horns, mufflers, and rearview mirrors.
- Tire tread depth requirements and braking systems.

Public Safety Concerns

- Between 2022 and 2023, HPD saw a 140 percent increase in calls for service relating to ATVs and Off-Road Motorcycles operating in a reckless manner in public spaces, often involving groups of riders.
- Although somewhat down in 2024, these types of offenses continue to be elevated, with 60 calls for service for speeding or reckless driving by these vehicles so far.
- Riders often recklessly speed, perform wheelies or other unsafe acrobatics, block roadways, and trespass on private property (parking lots).
- This behavior creates a dangerous environment for citizens, public safety personnel, and the riders themselves.

Public Safety Challenges

- Unregistered ATVs and Off-Road Motorcycles prevent investigative efforts for law enforcement in tracking ownership and potential violators.
- Pursuits of vehicles that are clearly more agile increases risk of property damage and personal injury.
- Traffic tickets alone have not been a successful deterrent.

2024 General Assembly Action

At Hampton's request, the 2024 General Assembly enacted legislation which gives the governing body of any city the ability to, by ordinance, provide for the lawful seizure, impounding, and disposition of an ATV or Off-Road Motorcycle unlawfully operated within the boundaries of such city.

Other States

Although new to Virginia, other states have had success with similar laws including:

- Pennsylvania
- New York
- Maryland
- Connecticut
- Massachusetts
- Washington D.C.

Proposed Ordinance

Proposed Ordinance Provides for:

- Seizure and impoundment of an unlawfully operated ATV or Off-Road Motorcycle by any law-enforcement officer charging someone with such unlawful operation.
- Forfeiture proceedings to be initiated in Hampton Circuit Court by the City Attorney's Office in accordance with Virginia forfeiture law.
- Forfeited property to be sold at public auction or retained for use by HPD.

Forfeiture Process

- City Attorney must file a petition in Circuit Court and serve it on the property owner.
- The property owner has 30 days to respond.
- Action is stayed until traffic or criminal violation is fully prosecuted.
- If no conviction, property must be released.
- If there is a conviction and owner has responded, the Court holds a hearing.
- City's burden to prove by clear and convincing evidence that the property was used in violation of law.

Conclusion / Questions

