

1 **Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by**  
2 **Amending Chapter 21, Motor Vehicles and Traffic, to Create Article XI, Entitled, “All-**  
3 **Terrain Vehicles and Off-Road Motorcycles,” to Provide for the Lawful Seizure,**  
4 **Impounding, and Disposition of Unlawfully Operated All-Terrain Vehicles or Off-**  
5 **Road Motorcycles.**

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7 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Sections 21-  
8 236, 21-237, and 21-238 of Article XI, Chapter 21 of the City Code of the City of Hampton,  
9 Virginia be adopted to read as follows:

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11 **Chapter 21 – MOTOR VEHICLES AND TRAFFIC**

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13 . . .

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15 **ARTICLE XI. – ALL-TERRAIN VEHICLES AND OFF-ROAD MOTORCYCLES**

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17 **Sec. 21-236. – Impoundment.**

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19 *Any law-enforcement officer who charges any person with operating an all-terrain*  
20 *vehicle or off-road motorcycle in an unlawful manner on a street, highway, sidewalk, or*  
21 *other public way within the city, may seize and impound the unlawfully operated all-*  
22 *terrain vehicle or off-road motorcycle pending disposition of the case or a final court*  
23 *order regarding forfeiture.*

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25 **State Law reference** - *Similar provisions, Code of Virginia, § 46.2-915.1; definitions of*  
26 *all-terrain vehicle and off-road motorcycle, Code of Virginia § 46.2-100.*

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28 **Sec. 21-237. – Forfeiture.**

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30 (a) *Any all-terrain vehicle or off-road motorcycle operated in an unlawful manner*  
31 *on a street, highway, sidewalk, or other public way within the city that is lawfully*  
32 *seized and impounded pursuant to Sec. 21-236 or that lawfully comes into such*  
33 *officer’s custody shall be subject to forfeiture to the city.*

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35 (b) *The city attorney or their designee may institute forfeiture proceedings in the*  
36 *name of the city using the procedures prescribed for forfeiture proceedings by*  
37 *the Commonwealth contained in Virginia Code § 19.2-386.1 et seq.*

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39 **Cross reference** - *Charter Sec. 2.01(c).*

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41 **State Law reference** - *Similar provisions, Code of Virginia, § 46.2-915.1; definitions of*  
42 *all-terrain vehicle and off-road motorcycle, Code of Virginia § 46.2-100; commencing an*  
43 *action of forfeiture, Code of Virginia § 19.2-386.1.*

44 **Sec. 21-238. – Disposition of Forfeited Property.**  
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46 (a) *All property forfeited pursuant to Sec.21-237 may be sold at public auction or*  
47 *retained for use by the police division at the discretion of the chief of police or*  
48 *their designee.*  
49

50 (b) *The city attorney or their designee shall pay from the proceeds of any public*  
51 *auction pursuant to this section, the cost of advertisement, storage, and any*  
52 *other costs incurred during forfeiture proceedings or said auction. The balance*  
53 *of the funds shall be deposited into the city's general fund.*  
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55 **State Law reference - Similar provisions, Code of Virginia, § 46.2-915.1.**