

1 **Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending**  
2 **Chapter 24, Offenses - Miscellaneous, Article I, In General, Section 24-39 relating to storage of**  
3 **inoperable vehicles on residential property, in order to make that section consistent with**  
4 **applicable state code authority.**

5  
6 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Chapter 24 of the City Code  
7 of the City of Hampton, Virginia be amended to read as follows:

8  
9 **CHAPTER 24. OFFENSES – MISCELLANEOUS**

10  
11 **ARTICLE I. IN GENERAL**

12  
13 **Sec. 24-39. Open storage of inoperable vehicles on property zoned for residential purposes.**

14  
15 (a) For purposes of this section, the term "shielded or screened from view" means completely  
16 precluding visibility of the subject vehicle by someone standing at ground level from outside of the  
17 property on which the vehicle is located by placing the vehicle within an area completely enclosed by any  
18 combination of the following: (1) a solid, rigid, six-foot opaque fence composed of standard fencing  
19 materials; and/or (2) a landscape arrangement of non-deciduous trees or shrubs, sufficient in height,  
20 spacing, density and circumference; and/or (3) a permanent structure. The placing, draping or securing of  
21 a tarpaulin or other non-rigid cover over and around an inoperable vehicle shall not be sufficient to comply  
22 with the requirements of this section.

23  
24 ~~As used in this section, the term "person" shall be defined as any individual, firm, owner, sole~~  
25 ~~proprietorship, partnership, corporation, unincorporated association, governmental body, municipal~~  
26 ~~corporation, executor, administrator, trustee, guardian, agent, occupant or other legal entity.~~

27 (b) It shall be unlawful for any person *or entity* to keep, or allow to be kept, on any property in the city  
28 zoned for residential purposes, any *inoperable vehicle* ~~motor vehicle, trailer or semitrailer, as defined in §~~  
29 ~~46.2-100 of the Code of Virginia, as amended, which is inoperable, unless the same is kept within a fully~~  
30 ~~enclosed building or structure. or is otherwise shielded or screened from view. The placing, draping or~~  
31 ~~securing of a tarpaulin or other non-rigid cover over and around an inoperable vehicle shall not be~~  
32 ~~sufficient to comply with the requirements of this section. It shall be unlawful for any person to keep more~~  
33 ~~than (2) inoperable motor vehicles, which have been shielded or screened as described above, outside of~~  
34 ~~a fully enclosed building or structure. However, notwithstanding the other provisions of this section, if the~~  
35 ~~owner of an inoperable vehicle can demonstrate that he is actively restoring or repairing the vehicle, and if~~  
36 ~~it is shielded or screened from view, the vehicle and one additional inoperable vehicle that is shielded or~~  
37 ~~screened from view and being used for the restoration or repair may remain on the property. In no event~~  
38 ~~shall any person keep more than two inoperable vehicles, one of which is being actively worked on, which~~  
39 ~~are shielded or screened from view.~~

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41 *The provisions of this section shall not apply to a licensed business that is regularly engaged in*  
42 *business as an automobile dealer, salvage dealer or scrap processor.*

43  
44 (c) For the purposes of this section, an "inoperable vehicle" shall mean *any motor vehicle, trailer or*  
45 *semitrailer, as those terms are defined in Code of Virginia § 46.2-100 which is:*

- 46  
47 (1) ~~Any motor vehicle which is n~~ *Not in operating condition; or*  
48  
49 (2) *Does not display valid license plates; or*  
50  
51 (3) *Does not display an inspection decal that is valid or does display an inspection decal that*  
52 *has been expired for more than 60 days. However, this provision shall not apply to*

53 *vehicles that are not required to be inspected by the Virginia Department of Motor*  
54 *Vehicles.*

55  
56 Any motor vehicle which, for a period of sixty (60) consecutive days or longer, has been  
57 partially or totally disassembled by the removal of tires and wheels, the engine or other  
58 essential parts required for operation of the vehicle or on which both the valid license  
59 plates and the valid inspection sticker are not present.

60  
61 Notice shall be given to the property owner once a vehicle, as described in subsection (b) above,  
62 is discovered.

63  
64 (d) *Upon discovery of a violation of subsection (b) of this section, the City Manager or her designee*  
65 *shall provide written notice of violation to the owner of the real property on which the violation is*  
66 *discovered.* The owner of any *such* property shall remove therefrom any inoperable motor vehicle, trailer  
67 or semi-trailer located thereon in violation of this section. The city, through its own agents or employees  
68 may remove any such vehicle whenever the owner of the property, after a ten-day notice, has failed to do  
69 so. In the event the city so removes any such vehicle, ~~after having given such reasonable notice,~~ the city  
70 may dispose of such vehicle after giving additional notice to the owner of the vehicle. The cost of any such  
71 removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by  
72 the city as taxes are collected. Every cost authorized by this section with which the owner of the premises  
73 shall have been assessed shall constitute a lien against the property from which the vehicle was removed,  
74 the lien to continue until actual payment of such costs has been made to the city.

75  
76 (e) An initial violation of this section shall be *a misdemeanor* punishable by a fine of not more than five  
77 hundred dollars (\$500.00). A second or subsequent violation shall be punishable by a fine of not more  
78 than one thousand dollars (\$1,000.00).

79  
80 (f) If the violation is uncorrected at the time of the conviction, the court shall order the violator to  
81 abate or remedy the violation in compliance with this section.

82  
83 ~~(g) — Exceptions to the requirements stated in sections (b) and (c) above may be applied for by making~~  
84 ~~application to the board of zoning appeals.~~

85  
86 **State Law reference—** Authority for above section, Code of Virginia, § ~~15.2-904~~ *15.2-905*.