

1 **Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending**
2 **Section 24-39 of Chapter 24 Entitled, "Open Storage of Inoperable Vehicles on Property Zoned**
3 **for Residential Purposes," to Make That Section Consistent with Applicable State Code**
4 **Authority**

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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**

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11 **ARTICLE I. IN GENERAL**

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

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

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

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

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

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

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49 (1) ~~Any motor vehicle which is~~ not in operating condition; or

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51 (2) *Does not display valid license plates; or*
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53 (2) *Does not display an inspection decal that is valid or does display an inspection decal that*
54 *has been expired for more than 60 days. However, this provision shall not apply to vehicles*
55 *that are not required to be inspected by the Virginia Department of Motor Vehicles.*

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

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

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

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

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

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

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88 *Amendments to this section adopted on October 25, 2017 shall become effective on January 1, 2018.*

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90 **State Law reference**— Authority for above section, Code of Virginia, § ~~45-2-904~~ *15.2-905*.