

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.**

6
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:

10
11 **Chapter 21 – MOTOR VEHICLES AND TRAFFIC**

12
13 . . .

14
15 **ARTICLE XI. – ALL-TERRAIN VEHICLES AND OFF-ROAD MOTORCYCLES**

16
17 **Sec. 21-236. – Impoundment.**

18
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.*

24
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.*

27
28 **Sec. 21-237. – Forfeiture.**

29
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.*

34
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.*

38
39 **Cross reference** - *Charter Sec. 2.01(c).*

40
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.**
45

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.*
54

55 **State Law reference - Similar provisions, Code of Virginia, § 46.2-915.1.**