

1 **Ordinance to Amend and Reenact Sections 24-39 and 24-39.1 of the City Code of the City**
2 **of Hampton, Virginia, Entitled, “Open Storage of Inoperable Vehicles on Property Zoned**
3 **for Residential Purposes,” and “Open Storage of Inoperable Vehicles on Property Zoned**
4 **For Other Than Residential Purposes”**

5 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia that Sections 24-39 and 24-
6 39.1 of the City Code of the City of Hampton, Virginia, be amended and re-enacted as follows:
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8 **CHAPTER 24 - OFFENSES—MISCELLANEOUS**
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10 **ARTICLE I. - IN GENERAL**
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14 **Sec. 24-39. - Open storage of inoperable vehicles on property zoned for residential**
15 **purposes.**

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17 (c) For the purposes of this section, ~~an “inoperable vehicle” shall mean any motor vehicle,~~
18 ~~trailer or semitrailer, as those terms are defined in Code of Virginia § 46.2-100 which is:~~ the
19 following terms shall have the following definitions:

20 ~~(1) Not in operating condition; or~~

21 ~~(2) Does not display valid license plates; or~~

22 ~~(3) Does not display an inspection decal that is valid or does display an inspection~~
23 ~~decal that has been expired for more than 60 days. However, this provision shall not~~
24 ~~apply to vehicles that are not required to be inspected by the Virginia Department of~~
25 ~~Motor Vehicles.~~

26 *(1) “Inoperable vehicle” means any motor vehicle, trailer or semitrailer, as those terms*
27 *are defined in Code of Virginia § 46.2-100, which is:*
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29 *(i) Not in operating condition; or*
30

31 *(ii) Does not display valid license plates; or*
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33 *(iii) Does not display an inspection decal that is valid or does display an*
34 *inspection decal that has been expired for more than 60 days. However, this*
35 *provision shall not apply to vehicles that are not required to be inspected by the*
36 *Virginia Department of Motor Vehicles.*

37 *(2) “Residential zoned property” means all lots with a one-family, two-family, or a duplex*
38 *dwelling as the primary use.*

(3) "Owner" means the owner of the vehicle or, if the owner of the vehicle cannot be ascertained, the owner of the premises.

Sec. 24-39.1. - Open storage of inoperable vehicles on property zoned for other than residential purposes.

(a) It shall be unlawful for any person *or entity, unless licensed and regularly engaged in heavy vehicle repair as defined in the zoning ordinance*, to keep or permit the keeping on any property or parcel of land zoned for other than residential purposes, except in a fully enclosed building or structure *or otherwise shielded or screened from view*, more than five (5) inoperable motor vehicles, trailers or semi-trailers, as defined in Code of Virginia, § 46.2-100, as amended. ~~For purposes of this section, an inoperable vehicle is one which:~~

~~(1) Is not in operating condition; or~~

~~(2) For a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle or on which there are displayed neither valid license plates nor a valid inspection decal.~~

(b) *The following shall apply to all businesses licensed and regularly engaged in heavy vehicle repair as defined in the zoning ordinance:*

(1) *It shall be unlawful for any person to keep or permit the keeping on any property or parcel of land zoned for other than residential purposes, except when shielded or screened from view, more than five (5) inoperable motor vehicles, trailers or semi-trailers, as defined in Code of Virginia, § 46.2-100.*

(2) *For the purposes of this section proof of the following is required upon request:*

(i) Federal Tax ID number;

(ii) Current city business license; and

(iii) Garage keepers liability insurance.

(3) *An inoperable vehicle permitted by this section shall be either within a fully enclosed building or removed after 30 days.*

~~(b)~~(c) For purposes of this section, the following terms shall have the following definitions:

(1) ~~"Residential zoned property" means property that the zoning category permits single family or multifamily residential use.~~ *all lots with a one-family, two-family, or a duplex dwelling as the primary use.*

(2) "Owner" means the owner of the vehicle or, if the owner of the vehicle cannot be ascertained, the owner of the premises.

~~(3) Person means any individual, firm, corporation, owner, sole proprietorship, partnership, incorporated association, governmental body, municipal corporation, executor, administrator, trustee, guardian, agent, occupant or other legal entity who also possesses a Federal Tax ID number and a retail sales tax ID number and a current city business license and garage keepers liability insurance.~~

(3) "Inoperable vehicle" means any motor vehicle, trailer or semitrailer, as those terms are defined in Code of Virginia § 46.2-100, which is:

(i) Is not in operating condition; or

(ii) On which there are displayed neither valid license plates nor a valid inspection decal.

~~(c) After the sixty-day period referred to in subsection (a)(2) of this section has elapsed, any remaining inoperative vehicles must be moved to a screened area, so that there are never more than five (5) inoperative vehicles outside of the screened area at any one time.~~

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

~~(d)~~(e) A violation of this section shall constitute a Class 1 misdemeanor.

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

~~(f)~~(g) The provisions of this section shall not apply to a licensed business which on June 26, 1970, was engaged in business as an automobile dealer, salvage dealer or scrap processor.

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