

Chapter 131

VEHICLES, COMMERCIAL

ARTICLE I Parking

§ 131-1. Motor vehicles in residential areas.

§ 131-2. Inspection of premises; notice to comply.

§ 131-3. Authority to remedy noncompliance.

§ 131-4. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Westfield as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Parking

[Adopted 6-11-2003 by Ord. No. 284; amended 11-13-2018 by Ord. No. 331]

§ 131-1. Motor vehicles in residential areas.

A. Definition. As used in this article, the following terms shall have the meanings indicated:

MOTOR VEHICLE NUISANCE — A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:

- (1) Broken windshields, mirrors or other glass with sharp edges.
- (2) One or more flat or open tires or tubes which permit vermin harborage.
- (3) Missing doors, windows, hoods, trunks, or other body parts which could permit animal harborage.
- (4) Any body parts with sharp edges including holes resulting from rust.
- (5) Missing tires resulting in unsafe suspension of the motor vehicle.
- (6) Upholstery which is torn or open which could permit animal and/or vermin harborage.
- (7) Broken headlamps or tail lamps with sharp edges.
- (8) Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
- (9) Protruding sharp objects from the chassis.
- (10) Broken vehicle frames suspended from the ground in an unstable manner.
- (11) Leaking or damaged oil pan or gas tank which could cause fire or explosion.

- (12) Exposed battery containing acid.
 - (13) Inoperable locking mechanism for doors or trunks.
 - (14) Open or damaged floor boards including trunk and fire wall.
 - (15) Damaged bumpers pulled away from the perimeter of the vehicle.
 - (16) Broken grill with protruding edges.
 - (17) Loose or damaged metal trim and clips, broken communications equipment and antenna.
 - (18) Suspended unstable supports.
 - (19) Such other defects which could threaten the health, safety, and welfare of the citizens of the Borough.
 - (20) Unregistered, unlicensed, or uninspected.
- B. No unregistered and/or uninspected vehicles not in running condition shall be parked on any property in a residential area, and said vehicle shall not at any time be in a state of disassembly, disrepair, nor shall it be in the process of being stripped or dismantled. In addition, no currently unregistered and/or uninspected motor vehicle not in running condition shall be parked on any property in a residential area if such motor vehicle constitutes a motor vehicle nuisance.

§ 131-2. Inspection of premises; notice to comply.

- A. The Borough Council or their designee is hereby empowered to inspect private property on which motor vehicles are stored to determine if there is compliance with the provisions of this chapter. If noncompliance with the provisions of this chapter constitutes a nuisance, or if any conditions, structure, or improvement poses a threat to the health, safety or welfare of the public, he shall issue a written notice to be served by registered or certified mail upon the owner of said premises, or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.
- B. Said notice shall specify the condition or structure or improvement complained of, and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within 10 days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.
- C. Any vehicle kept in an enclosed storage area shall not be subject to the above regulation.

§ 131-3. Authority to remedy noncompliance.

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the nuisance, within the time limit prescribed, the Borough shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10%

of all costs. The Borough, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

§ 131-4. Violations and penalties.

- A. Any person or owner or any person acting as agent, employee, contractor, tenant or servant of said person or owner who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of \$1,000, or the maximum amount permitted by law, and shall be subject to imprisonment not to exceed 30 days, or the maximum amount allowed by the law, for the punishment of summary offenses. Each day that violation of this chapter continues after notice shall constitute a separate offense.
- B. Civil enforcement.
- (1) Nothing in Subsection A hereinabove shall prevent the Borough from initiating civil enforcement proceedings before a District Justice or Court of Common Pleas of Tioga County. If this chapter is to be enforced through civil enforcement proceedings, civil penalties shall be \$600 per violation, or the maximum amount permitted by law. Each day that a violation of this chapter continues after notice shall constitute a separate violation.
 - (2) In any case where a penalty for a violation of this chapter has not been timely paid and the person or owner upon whom the penalty was imposed is found to have been liable therefore in civil proceedings, the violators shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings.
 - (3) The Borough reserves the right to enforce the provisions of this chapter in any manner permitted by law, and all fines and penalties collected for violation of this chapter shall be paid to the Borough.