

Chapter 466

VEHICLES, JUNKED AND ABANDONED

§ 466-1. Definitions.

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assessment of costs.

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[HISTORY: Adopted by the Borough Council of the Borough of South Waverly 5-6-1985 by Ord. No. 5-6-85-2 (Ch. 139 of the 1992 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance — See Ch. 409.

Junked and abandoned vehicles — See Ch. 466.

Vehicles and traffic — See Ch. 461.

§ 466-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ANTIQUE MOTOR VEHICLE — A motor vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year, which has been maintained in or restored to a condition which is substantially in conformance with manufacturer's specifications. This vehicle has to be registered and licensed by the Commonwealth of Pennsylvania and also inspected once a year.

AUTOMOBILE WRECKING — The storage, maintenance or dumping of a partially dismantled or junk automobile or the parts of a junk automobile.

CLASSIC MOTOR VEHICLE — A motor vehicle, but not a reproduction thereof, manufactured at least 10 years prior to the effective date of the amendment to this definition and, because of limited availability, determined by the Department of Transportation to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to a condition which is substantially in conformity with manufacturer specifications and appearance, provided that five years from the effective date of the amendment to this definition and thereafter, only a vehicle which was manufactured at least 15 years prior thereto and, because of limited availability, determined by the Department to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to condition which is substantially in conformity with manufacturer specifications and appearance shall be considered a "classic motor vehicle" under this chapter. Any "classic motor vehicle" registered under 75 Pa.C.S.A. § 1340 (relating to antique and classic plates) on the effective date of the amendment to this definition which fails to qualify as a "classic motor vehicle" pursuant to these provisions may retain such classic registration unless another type of registration is applied for and issued for the vehicle. This vehicle has to be registered and licensed by the Commonwealth of Pennsylvania and

also inspected once a year. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

JUNK MOTOR VEHICLE — A motor vehicle, including but not limited to an automobile and truck, that is so worn, deteriorated, obsolete, dismantled or disassembled as to make it inoperable or unusable in its existing condition, and/or a motor vehicle which has become incapable of being operated for a period of 30 days due to mechanical defects and/or because it is not licensed and/or does not have a current valid Pennsylvania inspection sticker.

MOTOR VEHICLE REPAIR SHOP — A facility for automobile repair, automobile body repair, an automobile gas station for motor vehicle repairs or a truck repair shop that is already established or is a new business complying with the Zoning Ordinance and whose primary purpose is the repair of motor vehicles.

§ 466-2. Maintenance restrictions.

- A. No person shall maintain or keep a junk motor vehicle within South Waverly Borough for a period exceeding 30 days unless such junk motor vehicle is kept or maintained wholly within a building having four walls.
- B. No person shall maintain or conduct motor vehicle wrecking within South Waverly Borough unless the same shall be maintained or conducted wholly within a building having four walls.
- C. A junk motor vehicle will be allowed to be parked on the exterior premises of a motor vehicle repair shop until repairs are effected, but in no case for more than a period of 60 days unless one or more of the following conditions exist: a pending civil lawsuit, a pending criminal lawsuit, an insurance investigation or the vehicle is inoperable because of lack of the availability of replacement parts.
- D. For purposes of this chapter, it shall be unlawful for any person to store junked, abandoned or discarded vehicle in the open on private or public property within South Waverly Borough. It shall be considered a public nuisance as being hazardous to the health, safety and welfare of the residents if said vehicle is leaking fluids; has broken glass; has jagged metal, plastic or wooden material protruding from the vehicle; is a place for the breeding of rodents and other animals; is an attractive nuisance for children to be injured on; contains the storage of combustible fuels; contains the storage of poisonous liquids; and/or is improperly supported so that if the support collapses it could result in harm or injury; and if the location of the vehicle would impede emergency and/or fire and rescue efforts to a property because of the inability to move the vehicle in the case of an emergency or fire. [Added 12-7-1998 by Ord. No. 12-7-98-3]

§ 466-3. Removal of nuisances; assessment of costs. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Junk motor vehicles kept in violation of any provision of this chapter are declared to be a nuisance, and the Borough shall have the power, upon noncompliance by the owner, to remove said junk vehicle and to assess a charge equal to the cost of removal plus 10%.

§ 466-4. Exemptions. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

Antique motor vehicles and classic motor vehicles shall be exempt from the provisions of this chapter.

§ 466-5. Enforcement. [Added 6-2-2010 by Ord. No. 06-02-10-02']

The Borough of South Waverly contracting police force or any other authorized agent shall have the power and duty to enforce the provisions of this chapter.

§ 466-6. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

Any person who violates or permits a violation of this chapter shall, upon being found liable therefor, pay a fine of not less than \$100 nor more than \$600, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. If the penalty is not paid, the Borough shall initiate a civil action for collection in accordance with the Pennsylvania Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Bradford County.

1. Editor's Note: This ordinance also provided for an effective time and date of midnight on 6-30-2010, further providing that the South Waverly Borough Police Department be disbanded at that time contemporaneously with the commencement of police services in South Waverly Borough by Sayre Borough Police Department pursuant to an agreement of 3-1-2010.

Chapter 472

VEHICLES, MOTOR-DRIVEN

ARTICLE I Motorcycles, Snowmobiles and Other Vehicles

- § 472-1. Operation restricted; licensing.
- § 472-2. Enforcement.
- § 472-3. Violations and penalties.

ARTICLE II Trailers, Campers and Other Recreational Vehicles

- § 472-4. Definitions.
- § 472-5. Residential on-street parking prohibited.
- § 472-6. Occupation of vehicles.
- § 472-7. Front yard parking and storage prohibited.
- § 472-8. Enforcement.
- § 472-9. Violations and penalties.

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

GENERAL REFERENCES

Vehicles and traffic — See Ch. 461.
Junked and abandoned vehicles — See Ch. 466.

Zoning — See Ch. 500.

ARTICLE I Motorcycles, Snowmobiles and Other Vehicles [Adopted 8-7-1972 by Ord. No. 8-7-72 (Ch. 142, Art. II, of the 1992 Code)]

§ 472-1. Operation restricted; licensing.

It shall be unlawful and a public nuisance to operate a motorcycle or minibike, automotive go-cart, snowmobile or similar self-propelled vehicle on the sidewalks of the Borough, and on public or private property, other than the operator's own, within the Borough without the written permission of the owner or person or entity in control of said property. Those operating on public roads and highways shall be duly licensed according to law as operators, and the vehicles operated shall be duly licensed according to law as registered motor vehicles, otherwise operation on roads and highways shall also be a violation hereof.

§ 472-2. Enforcement. [Added 6-2-2010 by Ord. No. 06-02-10-02¹]

The Borough of South Waverly contracting police force or any other authorized agent shall have the power and duty to enforce the provisions of this article.

§ 472-3. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person who violates or permits a violation of this article shall, upon being found liable therefor, pay a fine of not less than \$100 nor more than \$600, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. If the penalty is not paid, the Borough shall initiate a civil action for collection in accordance with the Pennsylvania Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Bradford County.

ARTICLE II**Trailers, Campers and Other Recreational Vehicles**

[Adopted 7-5-1995 by Ord. No. 7-5-95-2 (Ch. 142, Art. I, of the 1992 Code)]

§ 472-4. Definitions.

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

AUTOMOBILE TRAILER or HOUSE CAR — Any vehicle used or arranged to be used for living or sleeping, mounted on wheels or arranged to be mounted on wheels or arranged to be movable and propelled either by its own power or drawn by another power-driven source or vehicle.

BOAT — Any vessel or craft designed or used to transport person(s) or cargo on the surface of the water. The term shall include a sailboat, motorboat and rowboat.

CAMPER — A separate vehicle designed for human habitation and which can be attached or detached from a pickup truck.

CAMPER-TRAILER — A vehicular, portable dwelling structure designed to be used for recreational purposes. This includes a travel trailer, so identified by the manufacturer; a pickup camper; a folding tent trailer; and a motorized camper where the camping portion is an integral part of the self-propelled vehicle.

MOTOR HOME — A self-contained vehicle designed for human habitation, with its own motive power and with a passageway from the body of the home to the driver's and front passenger's seat.

1. Editor's Note: This ordinance also provided for an effective time and date of midnight on 6-30-2010, further providing that the South Waverly Borough Police Department be disbanded at that time contemporaneously with the commencement of police services in South Waverly Borough by Sayre Borough Police Department pursuant to an agreement of 3-1-2010.

RECREATIONAL VEHICLE — A boat, camper, camper-trailer, motor home, trailer, automobile trailer or house car.

TRAILER — A vehicle without motive power designed for carrying persons or property on its own and to be drawn by a vehicle with motive power. The term "trailer" shall include but shall not be limited to horse trailer, boat trailers and skimobile trailers.

§ 472-5. Residential on-street parking prohibited. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

No person, firm or corporation shall park overnight or store a recreational vehicle upon any roadway, street or highway in any R-1, R-2, B-1, B-2, B-3, Industrial or Public District within the Borough of South Waverly.

§ 472-6. Occupation of vehicles.

It shall be unlawful to occupy any camper-trailer, automobile trailer, house car, boat, trailer, camper, motor home or other recreational vehicle for living or sleeping purposes or to cause any such vehicle to be connected to electric, water, gas and use the sanitary sewer facilities of the vehicle without properly disposing of the sewage at an approved sanitary sewer facility. However, permission to occupy any such recreational vehicle for living and sleeping purposes and to connect such vehicle to electric, water, gas and properly dispose of the sanitary sewage must be requested within 14 days of the occupancy and may be granted by the Building Inspector or his designee for a period not to exceed 45 days. Such permission may be renewed in the discretion of the Building Inspector or his designee.

§ 472-7. Front yard parking and storage prohibited. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

No recreational vehicle shall be parked or stored by any person, firm or corporation in any R-1, R-2, B-1, B-2, B-3, Industrial or Public District front yard. The front yard shall include the entire area extending beyond the front line of the building, lot line to lot line, except for the driveway area where the recreational vehicle may be parked only if it is done in a manner that will not create a traffic hazard for the neighboring property.

§ 472-8. Enforcement. [Added 6-2-2010 by Ord. No. 06-02-10-02¹]

The Borough of South Waverly contracting police force or any other authorized agent shall have the power and duty to enforce the provisions of this article.

2. Editor's Note: This ordinance also provided for an effective time and date of midnight on 6-30-2010, further providing that the South Waverly Borough Police Department be disbanded at that time contemporaneously with the commencement of police services in South Waverly Borough by Sayre Borough Police Department pursuant to an agreement of 3-1-2010.

§ 472-9. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person who violates or permits a violation of this article shall, upon being found liable therefor, pay a fine of not less than \$100 nor more than \$600, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. If the penalty is not paid, the Borough shall initiate a civil action for collection in accordance with the Pennsylvania Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Bradford County.

Chapter 485

WEAPONS

§ 485-1. Discharge prohibited.

§ 485-3. Violations and penalties.

§ 485-2. Exemptions.

[HISTORY: Adopted by the Borough Council of the Borough of South Waverly 7-5-1995 by Ord. No. 7-5-95-3 (Ch. 148 of the 1992 Code). Amendments noted where applicable.]

§ 485-1. Discharge prohibited.

No person shall discharge any rifle, shotgun, crossbow, pistol, gun, slingshot or any other device which is capable of discharging a projectile or which impels a projectile of any kind with a force that can reasonably be expected to cause bodily harm, which device is actuated by any firing mechanism, within the confines of the Borough limits of the Borough of South Waverly, Bradford County, Pennsylvania.

§ 485-2. Exemptions.

- A. This chapter does not apply to police officers and other officials who discharge their firearms in the course of their duties.
- B. Nothing in this chapter shall make it unlawful for:
 - (1) Any person to discharge said firearms or devices in defense of his person or the persons of others or of his property.
 - (2) Any person to discharge a bow with practice arrows at a properly constructed indoor or outdoor target range approved by the Chief of Police of the contracting police force after inspection. **[Amended 6-2-2010 by Ord. No. 06-02-10-02]**
 - (3) Any person to discharge a firearm at a properly constructed indoor target range.
- C. Persons intending to use an indoor or outdoor target range shall apply annually to the Chief of Police of the contracting police force for approval and shall be subject to random inspection during the calendar year. **[Amended 6-2-2010 by Ord. No. 06-02-10-02]**

§ 485-3. Violations and penalties. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

Any person who violates or permits a violation of this chapter shall, upon being found liable therefor, pay a fine of not more than \$600, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. If the penalty is not paid, the Borough shall initiate a civil action for collection in accordance with the Pennsylvania Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense, and each

section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Bradford County.