

Article V — Greasing and Repairing Vehicles

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Article V — Greasing and Repairing Vehicles

§ 53-501 Prohibition.

No person shall grease, repair, or otherwise service a vehicle upon any public street, road, highway, or alley, or park a vehicle upon any public street, road, highway, or alley for the principal purpose of greasing, repairing, or otherwise servicing such vehicle, except repairs necessitated by an emergency.

[Ord. 438 12-28-2005]

§ 53-502 Violations and Penalties.

(a) **Civil Penalty.** Any person who violates any provision of this Article shall be subject to a civil penalty as set forth in subsection (b).

(b) **Amount.** The amount of the penalty for any violation of this Article shall be—

- (1) Seventy-five Dollars (\$75.00) for a first offense;
- (2) One Hundred Fifty Dollars (\$150.00) for a second offense; and
- (3) Three Hundred Dollars (\$300.00) for a third or subsequent offense.

(c) **Initial Determination of Violation.** Council hereby delegates the initial determination of violations under this Article to any police officer of the Borough. The police officer shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (*i.e.* section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(d) **Civil Enforcement Proceeding.** When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (c), the police officer or the Borough Manager shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be as-

essed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

(e) **Separate Offenses.** Each day or portion of a day that a given violation exists or continues shall constitute a separate offense.

(f) **Equitable Remedies.** In addition to or in lieu of enforcement of this Article through a civil action, the Borough may enforce this Article through an action in equity brought in the Court of Common Pleas of Lehigh County. The Borough Solicitor shall have authority to commence the action in equity on behalf of the Borough without explicit authorization of Council in any situation where the Solicitor or the President of Council deems it advisable to act before the next regular Council meeting.

[Ords. 438 12-28-2005, 518 03-12-2014, 526 01-28-2015]