

**STORING OR PARKING INOPERABLE
MOTOR VEHICLES**

CHAPTER 19.

STORING OR PARKING INOPERABLE MOTOR VEHICLES.

Article 1. In General.

- § 19-1. Definitions.
- § 19-2. On public property.
- § 19-3. On private premises.
- § 19-4. Permitting storage, etc., on private premises.
- § 19-5. Storage by service station or garage operators, or new or used car dealers.
- § 19-6. Exemptions from article.
- § 19-7. Construction of section.
- § 19-8. Penalty for violation of article.

Article I. In General.

Sec. 19-1. Definitions.

As used in this article the terms “motor vehicle” and “person” are intended to have the meanings stated and as defined in Section 39:1-1 et seq. on the Revised Statutes of the State of New Jersey.

As used in this article the term “inoperable motor vehicle” is hereby deemed to be a motor vehicle which in its then existing state cannot be moved under its own power from place to place on a public highway.

As used in this article the term “service station” or “garage operator” is hereby deemed to mean any person who is licensed under the laws of the State of New Jersey to operate a service station or automobile repair facility or to dispense gasoline or any person who shall be required to obtain a permit as a garage or service station under the Fire Prevention Code of the Town of Westfield established pursuant to General Ordinance No. 1190 or any person who maintains or operates a facility to repair, maintain, service or store motor vehicles, whether operable or inoperable.

As used in this article, the term “new or used car dealer” is hereby deemed to mean any person who is licensed under the laws of the State of New Jersey or this Code as a new or used car dealer, or any person who maintains or operates a facility where automobiles, either new or used, are stored, displayed or offered for sale or lease. (G.O. No. 1248, § 1; G.O. No. 1257, § 1.)

Sec. 19-2. On public property.

No person shall park, leave, or store any inoperable motor vehicle or component parts thereof on any public lands or premises, including streets and parking lots, except in case

of emergency and then for a period of not more than twenty-four hours. This provision shall not apply to the Town of Westfield. (G.O. No. 1248, § 1; G.O. No. 1257, § 1.)

Sec. 19-3. On private premises.

Except for service station or garage operators or new or used car dealers, no person shall park, leave, store or maintain any inoperable motor vehicle or component parts thereof for a period of more than thirty days upon any private lands or premises, except as provided in section 19-6 hereof. (G.O. No. 1248, § 1; G.O. No. 1257, § 1.)

Sec. 19-4. Permitting storage, etc., on private premises.

No owner or occupier of any private lands or premises, except such lands or premises as shall be occupied by a service station or garage operator, or new or used car dealer, shall permit or suffer any inoperable motor vehicle or component parts thereof are to be parked, left, stored or maintained on his or her lands or premises for more than thirty days, except as provided in section 19-6 hereof. (G.O. No. 1248, § 1; G.O. No. 1257, § 1.)

Sec. 19-5. Storage by service station or garage operators, or new or used car dealers.

(a) *Not more than ten vehicles.* Service station or garage operators and new or used car dealers shall have the right to park, have, store or maintain, at any one time, no more than ten inoperable motor vehicles or component parts thereof on private lands or premises owned or occupied by such licensed operators or dealers, where such vehicles, or any of them, are being or are about to be repaired, or are being disposed of or scrapped, or are being held for insurance company evaluation, so long as there has been complete compliance with the following conditions:

- (1) Such storage of any single vehicle shall not continue for more than ninety days;
- (2) All of the other applicable provisions of the Town Code;
- (3) All requirements of the Zoning Ordinance of the Town of Westfield for the location and operation of such storage facility.

(b) *More than ten vehicles.* Licensed service station or garage operators or licensed new or used car dealers shall have the right to park, have, store or maintain, at any one time, more than ten inoperable motor vehicles or component parts thereof on private lands or premises owned or occupied by such licensed operators or dealers so long as there has been complete compliance with the following conditions:

- (1) Such storage of any single vehicle shall not continue for more than one hundred eighty days;
- (2) All of the other applicable provisions of the Town Code;
- (3) All requirements of the Zoning Ordinance of the Town of Westfield for the location and operation of such storage facility;
- (4) Fire lanes of adequate width, number and locations as determined by the fire department must be provided;

(5) Any vegetation in the fenced storage area must be kept trimmed and cut back to within four inches of ground level and all resultant trimmings and clippings removed from the storage area;

(6) The premises must be fully lighted and the area devoted to vehicle storage paved to provide support for emergency vehicles. Paving materials may be gravel, cinders, macadam, concrete or other similar materials and must be of sufficient depth to provide support equivalent to four inches of gravel;

(7) The premises must be surrounded by fencing at least six feet in height to prevent unlawful entry, with the fences maintained in good repair at all times;

(8) To preclude view of the inoperable vehicles from the public streets or adjacent properties from ground level, landscape plantings or solid-type fencing shall be provided and maintained in sufficient quantity, and location, and at least six feet in height.

(c) For purposes of this section, premises separated from the main place of business of the service station or garage operator, or new or used car dealer, by a public road or property owned or operated by another shall be considered as part of the same premises and activity. (G.O. No. 1257, § 1.)

Sec. 19-6. Exemptions from article.

The provisions of this article shall not apply to motor vehicles located inside garages or other buildings or new or used vehicles being held for sale by a licensed new car dealer. (G.O. No. 1248, § 1; G.O. No. 1257, § 1.)

Sec. 19-7. Construction of section.

This section shall not be construed as permitting any use in a particular zoning district if that use is prohibited by the Zoning Ordinance of the Town of Westfield and any amendments thereto, heretofore or hereafter enacted, nor shall this article be construed as permitting junkyards. (G.O. No. 1248, § 1; G.O. No. 1257, § 1.)

Sec. 19-8. Penalty for violation of article.

Any person who shall violate any provision of this article, shall, upon conviction thereof, be liable to a fine of not more than two hundred dollars or imprisonment for a term of not more than ninety days or both, in the discretion of the magistrate.

The imposition of a penalty, or penalties for any violation of this article shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations within a reasonable time. If such violations are not corrected or remedied within a reasonable time, then each fifteen days thereafter that the prohibited conditions are maintained shall constitute a separate offense hereunder. (G.O. No. 1248, § 1; G.O. No. 1257, § 1.)