

**INDIAN LAKE BOROUGH**  
**ORDINANCE NO. 102**

AN ORDINANCE OF INDIAN LAKE BOROUGH AMENDING PARTS OF  
ORDINANCE NO. 5, BEING THE INDIAN LAKE BOROUGH NUISANCE ORDINANCE,  
AND ORDINANCE NO. 99, BEING THE INDIAN LAKE BOROUGH  
ZONING ORDINANCE, AND CREATING A NEW SCHEDULE OF FINES  
FOR ILLEGAL CUTTING OF TREES WITHIN THE BOROUGH.

WHEREAS, Indian Lake Borough is a municipal corporation empowered by the laws of the Commonwealth to pass certain ordinances under the Borough Code,

WHEREAS, Ordinance No. 5 was approved by Indian Lake Borough on May 19, 1967, and contained, in §14, penalty provisions for fines issued pursuant to that Ordinance,

WHEREAS, Indian Lake Borough approved Zoning Ordinance No. 99 including certain penalty provisions on April 13, 1994;

WHEREAS, §3(c) of Ordinance No. 5 prohibits any person from cutting or causing to be cut any tree over three (3) inches in diameter measured at a point two (2) feet above the ground or removing such tree without having complied with restrictions contained in the deed and without having obtained a permit granted by the Borough of Indian Lake;

WHEREAS, §416 of Zoning Ordinance No. 99 prohibits the cutting of trees over three (3) inches in diameter as measured at a point two (2) feet above the level of ground without a permit first being obtained from the Borough,

WHEREAS, the Borough Council of Indian Lake Borough has determined that certain other practices related to the trimming, pruning, shearing, and cutting of trees are inconsistent with the spirit of Ordinance No. 5 and Ordinance No. 99, and have a negative impact on the development of properties in Indian Lake Borough.

WHEREAS, Indian Lake desires to amend Ordinances No. 5 and 99 to provide stronger

deterrents for activities which may violate Ordinances 5 and 99 with respect to removal of trees,

NOW THEREFORE it is hereby ordained and enacted by Indian Lake Borough as follows:

1. Ordinance No. 5, §14 regarding enforcement is hereby amended by the addition of §14(a) which shall read as follows:

"(a) Any person convicted of violating §3(c) of this Ordinance relating to the cutting of trees shall be guilty of a summary offense, and upon conviction shall be fined \$250.00 for each tree cut having a diameter of over three (3) inches when measured at a point two (2) feet above the ground."

2. Ordinance No. 99, §906 related to zoning is hereby amended to read as follows:

"Any person, partnership, corporation, entity, organization, or legal person who violates the provisions of §416 of this Ordinance by cutting a tree three (3) inches in diameter as measured at a point two (2) feet above the level of the ground without having obtained a permit from the Borough shall be guilty of a summary offense, and upon conviction thereof shall be fined \$250.00 for each tree cut or removed in violation of §416 of Ordinance No. 99."

3. The provisions of this amendment to Ordinances No. 5 and 99 shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of the Ordinance.

4. Insofar as any part of Ordinances 5 and 99 are not specifically amended hereby, said Ordinances remain in full force and effect.

5. The Ordinance shall be effective upon approval by the Borough Council.

ENACTED AND ORDAINED THIS 14th DAY OF May, 1996.

ATTEST:

INDIAN LAKE BOROUGH BY:

Theresa L. Keyant  
Secretary - Indian Lake Borough

Richard W. Stern  
President - Borough Council

The foregoing Ordinance having been approved by the Borough Council of Indian Lake Borough shall hereafter be entered on the Ordinance books of the Borough:

Barry Luckley  
Mayor