

ORDINANCE NO. 191

AN ORDINANCE OF THE BOROUGH OF INDIAN LAKE, SOMERSET COUNTY, PENNSYLVANIA, REGULATING THE USE AND ENJOYMENT OF INDIAN LAKE FOR RECREATIONAL AND OTHER PURPOSES; CONSOLIDATING AND RESTATING ALL PRIOR BOATING ORDINANCES AND AMENDMENTS THERETO.

WHEREAS, a body of water known as "Indian Lake" consisting of 732 acres., more or less, is situated entirely within the municipal and corporate boundaries of Indian Lake Borough, Somerset County, Pennsylvania; and

WHEREAS, by deed of Indian Lake Development Company, Inc., dated December 12, 1974, and recorded in Somerset County Deed Book Volume 775, at Page 303, the said Indian Lake was conveyed to the Borough of Indian Lake; and

WHEREAS, the above-referenced deed to the Borough of Indian Lake excepts and reserves "all the rights, easements and privileges in the use and enjoyment of the lake known as Indian Lake and in the above-described premises as the same have been granted and conveyed of record"; and,

WHEREAS, the above-referenced deed to the Borough of Indian Lake excepts and reserves "all the rights, easements and privileges in the use and enjoyment of the lake known as Indian Lake and in the above-described premises as the same have been granted and conveyed of record"; and,

WHEREAS, there are deeds of record made by or through a common Grantor for tracts, parcels or lots of ground situate in the Borough of Indian Lake which contain as one of the terms, covenants, conditions and restrictions, a clause, which reads in pertinent part:

"The above-described lot and the use thereof is UNDER AND SUBJECT to certain further restrictions, conditions and covenants regulating boating on INDIAN LAKE established and imposed and/or to be hereafter established, promulgated, created and/or imposed by Grantor, its successors and assigns, consisting of but not limited to the following to which the said lot is hereby UNDER AND SUBJECT: [one] (1) License for a boat on said lake for the said lot; no operation or placing of a boat on said lake in any manner whatsoever without a license first being issued by Grantor, its successors and assigns; all boats on said lake shall abide by the rules of Grantor, its successors and assigns, the Coast Guard rules and regulations, as well as those of the Commonwealth of Pennsylvania and any local governmental regulations thereto appertaining .. "; and,

WHEREAS placement and use of Watercraft on the waters of Indian Lake is a privilege subject to compliance with the provisions of this Ordinance and other applicable law; and

WHEREAS, the Borough Council of the Borough of Indian Lake has determined that because of and as a result of the various provisions contained in the deeds and because of the large number of potential users of the aforesaid Indian Lake, it is in the best interest of the Borough and necessary and proper for the safety and welfare of the residents and Property Owners of Indian Lake Borough, along with all other users of the said lake and necessary for the proper management, care and control of Borough property that certain regulations, rules, fees and penalties be established, promulgated and enforced concerning the safe use, enjoyment and management of said lake.

NOW, THEREFORE, the Borough Council of the Borough of Indian Lake hereby **ORDAINS AND ENACTS** as follows:

ARTICLE I
LICENSING AND REGULATION OF BOATING IN GENERAL

Section 101. A. Type. No Powered or Non-Powered Watercraft, exceeding twenty-two (22' 00") feet in length, except Pontoon Boats, which shall not exceed thirty (30'00") feet in length, shall be used or operated upon the waters of Indian Lake. The length of a Watercraft shall be determined by the placard length on the Pennsylvania Fish Commission or other state Registration. In the absence of a placard length on the Pennsylvania Fish Commission or other state Registration, the Watercraft shall be measured in accordance with the provisions of Section 102.I of this Ordinance to verify compliance with the length requirements of this section. A Sailboat shall not exceed twenty-two (22' 00") feet in length whether or not it has a single-hull or pontoon configuration, and shall for the purpose of this Ordinance be considered a Non-Powered Watercraft. No Watercraft, regardless of length, shall be used or operated upon the waters of Indian Lake, unless the mode of power of said Non-Powered Watercraft is manual or sail, or if a Powered Watercraft, the mode of power is by outboard, inboard-outboard stern drive motor or inboard motor. All Watercraft must be equipped and operated within the limits indicated on the BIA capacity plate, issued with or affixed to the motor or Boat.

B. Definitions: For purposes of this Ordinance, the following definitions are applicable.

1. **Boat:** A rigid or inflatable Watercraft, whether Powered or Non-Powered that is capable of carrying passengers.
2. **Canoe:** A light, slender, usually open Boat that has pointed ends, is propelled by paddles and is usually capable of carrying up to four persons.
3. **Kayak:** A very light, slender, usually covered Watercraft or Boat that has pointed ends that is propelled manually by a double-bladed paddle and is usually limited to carrying of one or two persons.
4. **Paddleboard:** A rigid or inflated long narrow board that a rider propels across the water, often in a standing position, by means of a long-handled paddle.
5. **Pontoon Boat:** A Boat capable of carrying six (6) or more persons that floats on one or more tubular pontoons.
6. **Property Owner:** Property Owner shall mean any person, group of persons, or other legal entity, who individually or collectively own any parcel, tract, lot or lots situated in the Borough of Indian Lake whose deed contains the clause identified and set forth in full in the preface of this Ordinance relating to Boat licenses, **or** any person, group of persons, or other legal entity, who individually or collectively lease a dwelling on any parcel, tract, lot or lots situated in the Borough of Indian Lake, which deed contains the clause identified and as set forth in the preface of this Ordinance relating to Boat licenses for a period of at least one (1) year. The Lessee, to qualify as a Property Owner as defined herein, must also demonstrate occupancy by the submission to the Borough of a signed lease agreement with confirmation of residency either by a voter's registration card or a driver's license indicating residency in the leased dwelling situated in the Borough of Indian Lake.
7. **Immediate Family Member:** For purposes of this Ordinance, an immediate family member is a grandparent, parent, step-parent, spouse, grandchild, sibling or child, including stepchildren that live in the household.

8. **Sailboat:** A Boat having sails that utilizes the energy of the wind for its principle means of propulsion.

9. **Watercraft:** Any vessel or means of conveyance designed specifically and only for movement on the surface of the water

a. **Powered Watercraft:** A Watercraft of any type that is propelled by an internal combustion engine or other type of motor.

b. **Non-Powered Watercraft:** A Watercraft of any type, including but not limited to a Kayak, Rowboat, or Paddleboard, that is propelled manually or by wind using a sail.

Section 102. Boat Licenses. No person shall operate or use any Watercraft, Powered or Non-Powered, on the waters of Indian Lake without first obtaining a valid registration from the Pennsylvania Fish Commission or other state and an Indian Lake Boat license from Indian Lake Borough. All Indian Lake Boat licenses shall be issued for a period of up to two years and only in accordance with the provisions of this Section.

A. **Primary Licenses.** One (1) primary license (and if a primary license is issued, a secondary license as hereinafter provided) may be issued to the Property Owner of each parcel, tract or lot in the Borough of Indian Lake as defined in the original Indian Lake plot plan and as amended by any approved sub-division plan upon proper application to the Borough. For purposes of this Section, only one (1) primary Boat license shall be issued for each parcel, tract or lot in the Borough, regardless of the number of owners or nature of ownership for said parcel, tract or lot. Each said parcel, tract or lot situated in said Borough shall be entitled to one (1) license under this sub-section, subject to the other provisions of this Ordinance.

B. **Secondary Licenses.** The Borough of Indian Lake shall issue Secondary licenses to Property Owners who make appropriate application to the Borough of Indian Lake for one additional license per lot for a Powered Watercraft. In addition to the above licenses, a Property Owner may make application for Boat licenses for Non-Powered Watercraft such as Rowboats, Kayaks, Sailboats, Paddleboards and Canoes. A Property Owner may make application for more than one license for Non-Powered Watercraft. The number of Secondary licenses for Powered and Non-Powered Watercraft shall be set each year by the Borough Council. The Borough Secretary shall post said number at the Borough Office, and said licenses shall be issued on a first-come, first-served basis.

C. **General Licenses.** A Property Owner or non-Property Owner of the Borough of Indian Lake may make application to the Borough of Indian Lake for a General boating license. General Licenses shall be issued to Property Owners who have previously been issued at least two (2) licenses for Powered or Non-Powered Watercraft, either Primary or Secondary, during the current boating season or to non-Property Owners. The number of General Licenses available to Property and non-Property Owners shall be set each year by the Borough Council and shall be posted at the Borough Office. General Licenses, as with Secondary licenses aforesaid, shall be issued on a first-come, first-served basis.

D. **Special Purpose Licenses.** A Property Owner or non-Property Owner of the Borough of Indian Lake may make application to the Borough for a Special Purpose License. Special Purpose Licensees shall be available only by application to the Borough and will be issued and only for the following purposes:

1. The demonstration of a Watercraft for sale by an owner other than a commercial entity located in the CM Zoning District. Said License shall be issued to the Property Owner who is testing the Watercraft, if deemed appropriate in the sole discretion of the Indian Lake Borough Council.

2. Special events, including but not limited to, water ski shows, water ski competitions and water ski clinics. Said License shall be issued to the Watercraft owner, if deemed appropriate in the sole discretion of the Indian Lake Borough Council.

3. Lake maintenance, survey of the waters and testing of the waters. Said License shall be issued to the Watercraft owner or resident organization or corporation, if deemed appropriate in the sole discretion of the Indian Lake Borough Council.

E. **Commercial Licenses**. A specific class of license is hereby established for those individuals, organizations or other commercial entities, which embark upon a program or schedule of activity which provides for the placement or operation of Watercraft on Indian Lake for a fee or for the purpose of providing maintenance to Watercraft docking, mooring or lift structures owned by Property Owners of Indian Lake Borough. Said licenses may be limited in number and may be issued only upon proper application to the Borough therefor. This class includes, but is not limited to, the following organizations:

1. Commercial Entities within the C-R Zoning District

(a) A commercial entity originally within the C-R Zoning District, as defined in the current Indian Lake Borough Zoning Ordinance, ("C-R District Entity") shall be permitted a total of eleven (11) licenses as follows:

(1) **Powered Watercraft**: Six (6) licenses: limited to Pontoon Boats with a motor size not exceeding 115 horsepower. Watercraft licensed under this section shall be excluded, except where the renter is a Property Owner of property within the Borough limits or the Immediate Family Member of such a Property Owner, from towing any person or object including but not limited to tubing, skiing, knee-boarding or wakeboarding. Each license of this class shall be issued relative to a specific Watercraft by hull number and state registration. Transfer of a commercial use license of this type to another Watercraft of this same type during the license period is permissible only by application and payment of any transfer fee set by Resolution of the Borough Council.

(2) **Non-Powered Watercraft**: Five (5) licenses Limited to Rowboats, Canoes, Kayaks or Paddleboards. Each license of this class shall be issued relative to a specific Boat by hull number and state registration where state registration is required. Transfer of a commercial use license of this type to another Watercraft of this same type during the license period is permissible only by application and payment of any transfer fee set by Resolution of the Borough Council.

(b) Rental of a Watercraft licensed under this section is permissible only to overnight guests of the C-R District Entity who possess a valid Pennsylvania Fish and Boat Commission Boating Safety Education Certificate and who demonstrate knowledge of the provisions of Article II-V of this Ordinance pertaining to operation of a Watercraft on the waters of Indian Lake in a manner to be

determined by the Indian Lake Borough Council by separate Resolution. Under no circumstances shall rentals of Watercraft licensed under this section be permitted to any individual who is not an overnight guest. Rentals of Watercraft licensed under the provisions of this section to persons other than overnight guests or to overnight guests that do not comply with the provisions of this section shall result in the suspension by the Borough of all licenses provided under this Section.

(c) Each rental of Watercraft licensed under this subsection is subject to a rental license usage fee to be determined by the Indian Lake Borough Council by separate resolution. Rental license usage fees are payable for each rental of a Watercraft based on each rental period of 24 hours or less. The C-R District Entity shall be responsible to submit a report of each rental of a Watercraft licensed under this subsection on a monthly basis accompanied by payment of the appropriate rental use fees.

(d) Consistent with the provisions of Section 201.E or this Ordinance, the C-R District Entity shall be additionally responsible, jointly and severally, for any violation of the provisions of Articles II-V of this Ordinance by a person or persons who operate a Watercraft with a Commercial License rented by the C-R District Entity as permitted under this subsection.

(e) Any license of this class shall only be issued relative to a specific Watercraft by hull number. Transfer of a commercial use license to another Watercraft of the same or different type during the license period is permissible by only application and payment of any transfer fee set by Resolution of the Borough Council.

2. Commercial Entities within the C-M Zoning District

(a) Commercial entities within the C-M Zoning District, as defined in the current Indian Lake Borough Zoning Ordinance, ("C-M District Entity") shall be permitted a total of fourteen (14) licenses as follows:

- (1) Powered Watercraft: Six (6) licenses: limited to Pontoon Boats with a motor size not exceeding 115 horsepower. Watercraft licensed under this section shall be excluded, except where the renter is a Property Owner of property within the Borough limits or the Immediate Family Member of such a Property Owner, from towing any person or object including but not limited to tubing, skiing, knee-boarding or wakeboarding. Each license of this class shall be issued relative to a specific Watercraft by hull number and state registration. Transfer of a commercial use license of this type to another Watercraft of this same type during the license period is permissible only by application and payment of any transfer fee set by Resolution of the Borough Council.
- (2) Nonpowered Watercraft: Five (5) licenses: Limited to Rowboats, Canoes, Kayaks or Paddleboards. Each license of this class shall be issued relative to a specific Boat by hull number and state registration where state registration is required. Transfer of a commercial use license of this type to another Watercraft of this same type during the license period is permissible only by application and payment of any transfer fee set by Resolution of the Borough Council.

(3) Maintenance/work Boat: Three (3) licenses - limited to maintenance or work Boats used strictly for the purpose of dock/boat lift installation or removal or for the purpose of transporting maintenance personnel to perform work at a Property Owner's location or for the retrieval/towing of inoperable Watercraft. Each license of this class shall be issued relative to a specific Boat by hull number and state registration. Transfer of a commercial use license of this type to another Watercraft of this same type during the license period is permissible only by application and payment of any transfer fee set by Resolution of the Borough Council.

(b) The rental of Watercraft licensed under this subsection shall be only to persons that possess a valid Pennsylvania Fish and Boat Commission Boating Safety Education Certificate and who demonstrate knowledge of the provisions of Article II-V of this Ordinance in a manner to be determined by the Indian Lake Borough Council by separate resolution. Permission for the use of said licenses given by the C-M District Entity not in compliance with the provisions of this section shall result in the suspension by the Borough of all licenses provided to that specific C-M District Entity under this Section.

(c) Each rental of Watercraft licensed under this subsection is subject to a rental license usage fee to be determined by the Indian Lake Borough Council by separate resolution. Rental license usage fees are payable for each rental of a Watercraft based on each rental period of 24 hours or less. Each C-M District Entity shall be responsible to submit a report of each rental of a Watercraft licensed under this subsection on a monthly basis accompanied by payment of the appropriate rental use fees.

(d) Consistent with the provisions of Section 201.E or this Ordinance, the C-M District Entity shall be additionally responsible, jointly and severally, for any violation of the provisions of Articles II-V of this Ordinance by a person or persons who operate a Watercraft with a Commercial License rented by a C-M District Entity as permitted under this subsection.

(e) Demonstration of Boats for Sale: A C-M District Entity that offers Watercraft for sale shall additionally be permitted to place a Powered or Non-Powered Watercraft of any type that it is offering for sale on the waters of Indian Lake for demonstration purposes to a potential purchaser provided that the Boat is piloted only by a member of the C-M District Entity sales staff.

F. Compliance with Regulations. All license holders shall comply with all ordinances, rules and regulations of the Borough of Indian Lake, the Commonwealth of Pennsylvania and the Federal government and there shall be no transfers of any licenses hereunder between Property Owners and/or non-Property Owners.

(1) If an applicant or license holder has been adjudicated as violating an ordinance, rule, or regulation or if an applicant or license holder has failed to pay a lawful assessment of the Borough of Indian Lake or Indian Lake Service Corporation, and such violation or failure can be corrected but has not been corrected within thirty (30) days of the final adjudication or due date on the obligation, Borough officials are authorized to deny an application for any license otherwise permitted under this Ordinance or to revoke or suspend any previously issued license until the violation has been

corrected.

(2) If an applicant or license holder has been determined by Borough officials to have violated an ordinance, rule or regulation of the Borough of Indian Lake or failed to pay a lawful assessment of the Borough or Indian Lake Service Corporation, and if Borough Council by majority vote concludes that the violation or failure has probably occurred, the applicant or holder of a Watercraft license shall be given at least fifteen (15) days' notice to show cause to Borough Council at a public meeting why any Watercraft license should not be withheld or existing license revoked, pending correction of the violation or failure or a determination that the violation or failure has not occurred. If Council does not find sufficient cause shown, then the Borough officials are authorized to deny an application for a boating license for use on the waterways of Indian Lake, or to revoke or suspend any previously issued license pending either an adjudication' that the violation or failure has not occurred or a correction of the violation as in (1) above.

(3) In the interim, if a license is not issued or if a license is revoked, the applicant may be issued a temporary General License provided that such a General License is available, upon payment of the fee therefore, but if the applicant or license holder is adjudicated to have violated an ordinance, law or regulation of the Borough or failed to pay a lawful assessment of the Borough or Indian Lake Service Corporation, and such violation or failure can be corrected but is not corrected within thirty (30) days of the final adjudication, then the general license thus issued may be revoked and no refund shall be available. If the final adjudication determines that no violation of an ordinance, law or regulation of the Borough or failure to pay an assessment has occurred, the applicant shall be refunded the difference between the general license fee and the appropriate fee for the class of license sought by the applicant.

G. Application for Licenses. To obtain a license, an applicant must complete an application in a format to be determined by the Indian Lake Borough Council, containing all the information requested therein and attest to the accuracy of the information submitted, under penalties of perjury. Upon receipt of a properly executed application and attestation, and subject to the provisions of Section 102.F of this Ordinance, an appropriate license may be issued consistent with the provisions of this Ordinance and the administrative procedures developed by Indian Lake Borough related to application and issuance of Boat licenses.

H. Term of License. All licenses issued by the Borough shall be valid for a term to coincide with the term of registration for the Watercraft in question as established by the Pennsylvania Fish Commission or other state agency, which at present is a two-year period beginning April 1 of the year of issuance through March 31 two years later. Where application is made for an Indian Lake Borough boating license for the remaining single year of the Pennsylvania registration, the published license fee applicable to a two-year license shall be reduced by half.

I. Proof of Compliance with Section 101. Prior to the initial or first registration of a Boat for use on the waters of Indian Lake whose length, as reported on the state registration, is within twelve (12) inches of the limits defined at Section 101 of this Ordinance, the Boat shall be measured and inspected by the Indian Lake Borough Police Department for compliance with the length limitations set forth in Section 101 as well as the exhaust requirements of Section 201.F.4 of this Ordinance. The applicant shall be responsible to contact the Indian Lake Police department to schedule such measurement.

J. **Establishment of Fees.** The fees for a license issued under the provisions of this Ordinance shall be established by Resolution of the Indian Lake Borough Council and posted in the Borough office as well as the Borough website. All required fees shall be paid by an applicant for a Boat license before a license is issued.

K. **Proof of Liability.** Every applicant must provide proof of liability insurance at the time of application for a license by providing the name of the liability insurer, the policy number and the effective dates of coverage for any Boat Powered by motor and shall agree to maintain such coverage for the term of the license and shall additionally hold the Borough harmless from any and all liability arising out of the operation of the licensed Boat or other vessel on the waters of Indian Lake as a condition of use of the waters of Indian Lake as otherwise permitted by the boating license obtained

L. **Display of License.** Licenses required under this Ordinance pertain only to the hull number of the Watercraft for which issued and must be permanently affixed on the left (port) and right (starboard) side of the Watercraft licensed, immediately adjacent to and following the valid, current Pennsylvania or other state boating license so as to be visible from another Watercraft. For Paddleboards, the license shall be permanently affixed to the top surface at the front and rear of the Paddleboard.

M. **Misuse of Indian Lake Boat License.** No person shall affix an Indian Lake Boat license to a Watercraft not authorized for use by that particular license for the purpose of placing or using the Watercraft on the waters of Indian Lake. Both the owner of the unlicensed Watercraft and the person to whom the license was issued shall be strictly liable for violation of this subsection as provided in Article VII of this Ordinance.

Section 103. MISCELLANEOUS LICENSES. If determined to be in the best interests of the Borough, miscellaneous licenses may be issued by the Borough Council for the placement of any floating docks, ski jumps or other items placed in the water, but not customarily or necessarily considered a Watercraft. Fees for such licenses shall be established by the Borough Council and the licenses may be issued only upon proper application to the Borough, which shall include but not be limited to, proof of adequate liability insurance on the item to be licensed.

ARTICLE II **OPERATION OF BOATS**

Section 201. OPERATING BOATS. All State and Federal Boating Regulations, including the requirements for the issuance of Pennsylvania boating licenses, shall be observed and complied with by license holders. Without in any way limiting the foregoing, the following rules shall also apply:

A. **Warnings and Directions.** All warnings, directions and orders of duly appointed law enforcement officers of the Borough or Pennsylvania Fish Commission, shall be obeyed, and operation of boats shall be in compliance with the rules established under the laws of the Commonwealth, the provisions of this Ordinance and safety directives published by the Office of the Mayor.

B. **Traffic Pattern.** A left-hand or counterclockwise traffic pattern shall be maintained at all times, with the exception of Powered Watercraft utilizing the slalom water ski course.

C. **Speed Limits.** No person shall operate a Watercraft at a speed in violation of 58 Pa. Code §103.16(a). Additionally, no person shall operate a Watercraft in excess of a non-numerical slow

no-wake speed from 30 minutes after sunset to 30 minutes before sunrise. The observation of an officer authorized to enforce this Ordinance, which shall include members of the Indian Lake Police Department, shall be evidence of violation of non-numerical specific speed restrictions.

D. **Dangerous Operation of Watercraft.** No person shall operate a Watercraft in, upon or through the waters of Indian Lake in a dangerous manner so as to create a substantial risk of bodily injury to any person or damage to the property of any person due to operation in violation of the provisions of 58 Pa. Code Subpart C Chapters 91 (General Provisions), 103 (Rules of the Road), 105 (Operational Conditions) and 109 (Specialty Boats and Waterskiing Activities).

E. **Permitting Violations.** No person shall authorize or permit a Powered or unpowered Watercraft owned by him or under his control to be operated in violation of any of the provisions of this Ordinance or any applicable state or federal statute, rule or regulation. Any owner of a Watercraft or person who has control of such Watercraft who permits such a violation shall be liable for prosecution under this Ordinance for the same offense as the operator and shall be subject to the same fine or penalty as the offending operator.

F. **Limitations on Operation of Watercraft.**

The restrictions contained in this section shall be applicable to the Thursday prior to the Memorial Day weekend and continue through Labor Day.

1. No Non-Powered Watercraft to include but not limited to Sailboats, Canoes, Kayaks, and Paddleboards shall be permitted to operate more than seven-five (75) feet from shore from eleven o'clock (11:00) a.m. until sunset on weekends and holidays with the exception of crossing the lake provided that the lake is crossed perpendicular to the shoreline and in an expeditious manner so as not to create an impediment to the recreational use of the lake.

2. No Watercraft of any kind shall be permitted to maintain stationary position more than seventy-five (75) feet from the shoreline so as to create an impediment to navigation between the hours of from eleven o'clock (11:00) a.m. until sunset on weekends and holidays.

3. Powered Watercraft operating at no-wake speed or at speeds less than a speed that would allow the watercraft to operate on plane (usually a speed in excess of 15 mph), except for Powered Watercraft operating with either a towed or non-towed person or persons behind the boat, shall be required to slow to no wake speed and operate within seventy-five (75) feet from the shoreline between the hours of from eleven o'clock (11:00) a.m. until sunset on weekends and Holidays so as not to create an impediment to sporting related uses of the lake including but not limited to tubing, water skiing, wake boarding, and/or wake surfing.

4. Mufflers Required, every Powered Watercraft operated upon the waters of Indian Lake must have a functioning exhaust muffling system that vents the exhaust below the waterline of the vessel while at rest and additionally meets the requirements of 58 Pa Code, Subpart C, Chapter 119 pertaining to Motorboat Noise Control.

ARTICLE III
SWIMMING

Section 301. LIMITATIONS. No swimming will be permitted beyond forty (40) feet from shore unless the swimmer is accompanied by a Boat immediately adjacent to the swimmer.

Section 302. AREA DESIGNATIONS. In order to protect swimming areas, all lake front Property Owners are permitted to install a floating buoy not to exceed twelve (12) inches in diameter, yellow in color, at a point in line with the owner's lot line at a distance forty (40) feet from shore. No other markers, including pennants, shall be used.

ARTICLE IV
FISHING

Section 401. LIMITATIONS. No Watercraft shall be used for fishing more than fifty (50) feet from the natural shoreline from eleven o'clock (11:00) a.m. until sunset on weekends and holidays. Additionally, no fishing shall be permitted from any Watercraft operated under a Commercial use license issued under the provisions of Section 102.E of this Ordinance.

ARTICLE V
DUMPING AND DEBRIS

Section 501. DISPOSITION OF DEBRIS. No person shall dump, deposit, place, throw, spill or leave grass and grass clippings, refuse, trash, rubbish, debris, human waste, animal waste, filthy or odoriferous objects, substances, oil, or gasoline on the waters of the lake or its shorelines.

ARTICLE VI
MISCELLANEOUS

Section 601. LOT NUMBERS; MAINTENANCE OF DOCKS. All dock and Boat house owners on the perimeter of the lake and tributaries shall display their 911 addresses in lettering not less than three (3) inches nor more than six (6) inches in height, facing the lake, so as to be easily read from a distance of 50 feet and shall maintain their docks and Boat houses in safe repair, with all parts securely fastened so that nothing can float freely into the lake.

ARTICLE VII
VIOLATIONS

Section 701. A. PENALTIES; FINES. Each violation of any provision of this Ordinance shall be a Summary Offense resulting in a criminal fine not less than \$100.00 and not to exceed \$1,000.00 per violation and/or a term of imprisonment to the extent allowed by law for the conviction of a summary offense under the laws of the Commonwealth of Pennsylvania except the offenses listed below which shall be punishable by higher mandatory minimum fines, as follows.

<u>Violations</u>	<u>Fine</u>
1. Section 101, 102 and 103	\$300.00
2. Section 201.C	\$300.00
3. Section 201.D	\$300.00
4. Section 201.E	\$300.00
5. Section 201.F	\$300.00
6. Section 501	\$300.00

A separate violation shall arise for each applicable section of this Ordinance. A separate violation shall arise for each day that a violation under any Section of this Ordinance exists. Any person, firm or corporation who shall violate any provision of this Ordinance, in addition to any other remedy or penalty available or imposed under this Ordinance or by law, shall be additionally responsible for payment of court costs and reasonable attorney fees incurred by Indian Lake Borough in the enforcement proceedings.

B. SEIZURE OF WATERCRAFT. In addition to the fines set forth in subsection A of this Section 701 above, any Boat, vessel or other device found on the lake in violation of the licensing provisions of this Ordinance at Sections 101, 102 and 103, may be seized and impounded by appropriate law enforcement officials and retained by the Borough as security for unpaid license fees, fines or other penalties.

C. REVOCATION OF LICENSE. In addition to any other penalties imposed by this Ordinance, a license granted under the provisions of this Ordinance may be revoked or suspended as determined by the Indian Lake Borough Council for failure to comply with the provisions of Article II, III, IV, V or VI of this Ordinance.

ARTICLE VIII REPEALER

Section 801. REPEALER. Ordinance No. 29, Ordinance 54, Ordinance 59, Ordinance No. 82, Ordinance No. 116, and Ordinance 184 of the Borough of Indian Lake, and all amendments to those ordinances, and all other Ordinances or portions of Ordinances of the Borough which are inconsistent herewith are hereby repealed.

ARTICLE IX GENDER

Section 901. GENDER. In the language set forth in this Ordinance, the singular shall include the plural, and the masculine the feminine and/or either gender where appropriate.

ARTICLE X
SEVERABILITY

Section 1001. SEVERABILITY. The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, such declaration or decision shall not affect the validity of any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Borough Council of the Borough of Indian Lake that this Ordinance would have been enacted had any such unconstitutional, illegal or invalid provision not been included therein.

ARTICLE XI
EFFECTIVE DATE

Section 1101. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days from the date of enactment hereof.

ARTICLE XII
FILING OF ORDINANCE

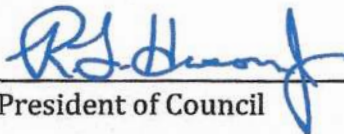
Section 1201. FILING OF ORDINANCE This Ordinance shall, upon enactment, be properly filed with the Borough records in the official Borough Ordinance Book at the Borough Offices.

ORDAINED AND ENACTED this 14 th day of April, 2021


Attest:

BOROUGH OF INDIAN LAKE

Kimberly Siene
Secretary

By: 
President of Council

EXAMINED AND APPROVED by me this 14th day of April, 2021


Mayor

