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ORDINANCE NO. 82

AN ORDINANCE OF THE BOROUGH OF INDIAN LAKE,  
SOMERSET COUNTY, PENNSYLVANIA, REGULATING  
THE USE AND ENJOYMENT FOR RECREATIONAL AND  
OTHER PURPOSES OF INDIAN LAKE AND RESTATING  
ALL PRIOR BOATING ORDINANCES AND AMENDMENTS  
THERE TO IN THEIR ENTIRETY.

WHEREAS, a body of water known as "Indian Lake" consisting of 732 acres is situate 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, 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, 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 use, enjoyment and management of said lake.

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

ARTICLE I. LICENSING AND REGULATION OF BOATING IN

GENERAL:

Section 101. TYPE: No boats exceeding twenty (20) feet in length, except pontoon boats, which shall not exceed thirty (30) feet in length, shall be used or operated upon the waters of Indian Lake. No boat or vessel regardless of length, shall be used or operated upon the waters of Indian Lake, unless the mode of power of said boat is manual, sail, or by outboard, inboard-outboard stern drive motor or inboard motor, not exceeding a total or combined horsepower

of 265. All boats must be equipped and operated within the limits indicated on the BIA capacity plate, issued with or affixed to the motor or boat.

Section 102. BOAT LICENSES: No person shall operate or use any boat, vessel, or similar device, power or nonpower, on the waters of Indian Lake without first obtaining a license therefor from the Indian Lake Borough Office. All licenses issued shall be in accordance with the following procedures:

A. Primary Licenses: A Primary license may be issued to a property owner in the Borough of Indian Lake upon proper application to the Borough. For purposes of this Ordinance, the term "property owner" shall mean any person or persons owning any parcel, tract, lot or lots situate 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 an individual who leases property from a property owner for a period of time exceeding four (4) consecutive months during the current boating season. Each such parcel, tract or lot situate in said Borough shall be entitled to one license under this

subsection, 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 vessel powered by engine or sail. In addition to the above licenses, a property owner may make application for boat licenses for manually powered vessels such as rowboats and canoes. A property owner may make application for more than one license for manually powered vessels. The number of Secondary licenses shall be set each year by the Borough Council, by Resolution, 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 vessels powered by engine or

sail, either Primary or Secondary during the current boating season or to non-property owners. The number of General licenses shall be set each year by Resolution of the Borough Council and shall be posted at the Borough Office. General licenses, as 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 Licenses shall be limited in number, set each year by resolution of the Borough and posted at the Borough office. Only upon proper application to the Borough shall the aforesaid licenses be issued and only for the following purposes:

1. The demonstration of a boat for sale by an owner other than Indian Lake Marina. Said License to be issued to the property owner, if appropriate.

2. Special events, including but not limited to, water ski shows, water ski competitions and water ski clinics. Said License to be issued to the property owner, if appropriate.

3. Lake maintenance, survey of the waters and testing of the waters. Said License to be issued to

the property owner or resident organization or corporation, if appropriate.

E. Commercial Rental Licenses: A specific class of license is hereby established for those individuals, organizations or other 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. Said licenses shall be limited in number and shall be issued only upon proper application to the Borough therefor. This class includes, but is not limited to, the following organizations:

1. Indian Lake Lodge: Ten (10) licenses
  - a. Powered Watercraft: Five (5) licenses  
Limited to pontoon, ski, or runabout crafts
  - b. Nonpowered Watercraft: Five (5) licenses  
Limited to row, canoe or paddle boats

The licenses to be issued shall be used only by overnight guests of the Lodge. Under no circumstances shall the license be used by an individual not an overnight guest. Permission of the use of said licenses by the Lodge to those other than overnight guests shall allow the suspension of the licenses used

for the duration of the license period by the Borough.

2. Indian Lake Marina: Three (3) licenses
  - a. Powered Watercraft: Three (3) licenses - Limited to pontoon, ski or runabout crafts
  - b. Nonpowered Watercraft: No licenses

The licenses to be issued are to be used only by Marina personnel to pilot boat rides or to allow boats to be piloted by individuals presently possessing a valid Indian Lake license of another class. Permission of the use of said licenses by the Marina in a manner other than as aforesaid shall allow the suspension of the licenses used for the duration of the license period by the Borough.

F. Compliance with Regulations: All license holders shall comply with all 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 or non-property owners.



G. Applications for Licenses: Application for all licenses shall be available at the Borough Office. To obtain a license, each property owner, or non-property owner, must complete said application, containing all the information requested therein and execute said application, under the penalties of perjury, and deliver the application appropriately to the designated Borough officials. Upon receipt of a properly executed application and delivery of the required documents, an appropriate license shall be issued.

H. Term of License: All Licenses issued shall be valid for the current boating season, and all licenses shall expire on the same date, as shall be established by Borough Council, but not longer than December 31 of the year in which the license was issued.

I. Proof of Compliance with Section 101: Licenses will not be issued except on satisfactory proof that the boat or vessel or other device for which said license is requested is in compliance with the provisions of Section 101 above.

J. Establishment of Fees: All License fees shall be established by Resolution of Borough Council and posted at the Borough Office. All fees shall be paid by the applicant before any license is issued. No fees shall be charged for any Primary license issued.

K. Proof of Liability Insurance: All applicants must provide proof of liability insurance at the time of application and agree to hold the Borough harmless from and of any and all liability arising out of the operation of the licensed boat or other vessel on the waters of Indian Lake Borough.

L. Display of License: All licenses must be displayed at all times on the left (port) side of the boat licensed, immediately adjacent to and following the valid, current Pennsylvania state boating license.

Section 201. LAUNCHING BOATS: All boats on trailers must be launched and taken out of the water at launch ramps designated by the Borough Council. Boats are not permitted to be launched from any lot or other location abutting the lake without specific written approval of the Borough Council or its designate.

Section 202. 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 are specifically set forth:

a. Warnings and Directions: All warnings, directions and orders of duly appointed law enforcement or other Lake Patrol Officers, Borough or otherwise, having jurisdiction shall be obeyed, and operation of boats shall be in compliance with established "rules of the road".

b. Traffic Pattern: A left-hand or counterclockwise traffic pattern shall be maintained at all times, with the exception of the slalom water ski course area. All traffic shall keep to the right side of the lake and make all turns to the left when reversing direction, except as provided herein.

c. Age of Operator: The operator of any power boat must be at least fifteen (15) years of age unless

said operator shall have passed a Driver Qualification Safety Check and has been issued an operator's license by the Lake Patrol Officer.

d. Position of Operator: All operators must be in the proper position behind the wheel of the boat, and all occupants must be in a safe position when the boat is in operation.

e. Operation at "No-Wake Speed": No boat or other vessel or device is to be operated in excess of a "no-wake speed" when within fifty (50) feet of: (1) the shore line; (2) floats, except for ski jumps and ski landing floats; (3) docks; (4) launching ramps; (5) swimmers; or, (6) anchored, moored or drifting boats, except when said boats are depositing or taking on water skiers.

f. Water Skiing from Shore: When pulling water skiers from shore, the skiers shall be pulled in a direction which will enable the boat to enter the traffic flow in accordance with the provisions of subsection 202 (b) hereof.

g. Length of Tow Rope; Observer: Boats pulling water skiers shall have at least one other occupant besides the operator, who shall act as an observer of the skier and be capable of providing assistance to the skier. Tow ropes will not exceed eighty (80) feet in length, except for the special event of Barefoot Water Skiing during which times the tow rope shall not exceed one hundred (100) feet in length, and will not be left trailing in the water when not being used.

h. Preservers; Fire Extinguishers: All boats must carry an approved type of life preserver for each occupant and all boats 16 feet long or greater shall also carry at least one approved throwable life-saving device, along with the other required preservers. Further, all motorized watercraft shall carry an approved, portable, nontoxic discharge fire extinguisher. Finally, all water skiers must wear an approved life preserver.

i. Operation of Watercraft Before Sunrise and After Sunset: No water skiing shall be permitted after sunset or before sunrise. All boats operated after sunset or before sunrise must display proper lights in

accordance with Section 3.15 of the Pennsylvania Boating Regulations.

j. Speed Limits: No person shall operate a boat at a speed in excess of the following maximum limits: (a) 40 miles per hour from sunrise to sunset, and (b) 20 miles per hour from sunset to sunrise.

k. Reckless Operation of Watercraft: No person shall operate a watercraft in, upon or through the waters of Indian Lake in a reckless manner. For the purposes of this subsection, reckless operation means operating a watercraft in a manner that consciously, willfully and wantonly disregards a substantial and unjustifiable risk to the safety of persons or property in, upon or along the waters of Indian Lake.

Reckless operation of a watercraft involves a gross deviation from the standard of care that a reasonable operator of a watercraft should observe under the circumstances.

Section 203. MISCELLANEOUS LICENSES: If determined to be in the best interest of the Borough, miscellaneous

licenses may be issued by 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 boat or vessel. Fees for the licenses shall be established by resolution of the Borough Council and the licenses shall 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 III. SWIMMING:

Section 301. LIMITATIONS: No swimming will be permitted beyond fifty (50) 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, painted yellow, at a point in line with the owner's lot line at a distance thirty (30) feet from shore. No other markers, including pennants, shall be used.

ARTICLE IV. FISHING:

Section 401. LIMITATIONS. No fishing is permitted beyond one hundred (100) feet from shore after eleven o'clock (11:00) a.m. and until sunset on weekends and holidays.

Section 402. SEASONS: State-established seasons will be observed for fishing.

Section 403. LICENSES: A Pennsylvania fishing license is required. A three (3) miles per hour speed limit is established and shall be enforced in the vicinity of the shore of the two wildlife preserves at Shoshone and Pawnee areas.

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, 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 are required to display their lot number facing the lake, and to maintain docks and boat houses in safe repair and securely fastened. No boat shall be permitted on Indian Lake, and no licenses shall be issued therefor, if the boats are constructed with toilets or heads.

ARTICLE VII. VIOLATIONS:

Section 701. (a) PENALTIES; FINES: Any violation of any provision of this Ordinance shall be a summary offense under the laws of the Commonwealth of Pennsylvania, and shall be punishable by commencement of an action brought before a District Magistrate having jurisdiction. The fines for the violation of this Ordinance are as follows:

<u>Violations</u>	<u>Fine</u>
1. Section 101 - length of boat	\$ 25.00
2. Section 101 - type permitted	\$ 25.00
3. Section 101 - engine size	\$ 25.00
4. Section 102 - no license	\$ 50.00

5. Section 102(k) - failure to display	\$ 25.00
6. Section 201 - launching boats at improper place	\$ 25.00
7. Section 202(b) - traffic pattern	\$ 25.00
8. Section 202(c) - age of operator	\$ 25.00
9. Section 202(d) - operator's and occupants' position in boat	\$ 25.00
10. Section 202(e) - no-wake zones	\$ 25.00
11. Section 202(f) - entry into traffic patterns when pulling skiers from shore	\$ 25.00
12. Section 202(g) - observers	\$ 50.00
13. Section 202(g) - length of tow rope	\$ 25.00
14. Section 202(h) - PFD - boat	\$ 25.00
15. Section 202(h) - PFD - skier	\$ 25.00
16. Section 202(i) - times for skiing	\$ 50.00
17. Section 202(i) - operation of boat at night without lights	\$ 50.00
18. Section 202(j) - speed limits	\$ 35.00 plus \$2.00 per mile for each mile in excess of 5 mph over max. speed limit
19. Section 202(k) - restrictions on operations of certain vessels	\$ 50.00
20. Section 203 - floating docks, ski jumps or other items without permit	\$ 50.00
21. Section 301 - swimming areas	\$ 25.00

22. Section 302 - buoys designating swimming areas	\$ 25.00
23. Section 401 - fishing	\$ 25.00
24. Section 402 - fishing seasons	\$ 25.00
25. Section 403 - fishing license	\$ 25.00
26. Section 403 - speed of fishing boats - shore line	\$ 35.00
	plus \$2.00 per mile for each mile in excess of 5 mph over max. speed limit
27. Section 501 - rubbish	\$100.00
28. Section 601 - display of lot numbers	\$ 25.00
29. Section 202(1) - Reckless operation of watercraft	\$ 50.00

(b) SEIZURE OF WATERCRAFT: In addition to the fines set forth in subsection (a) above, any boat, vessel or other device found on the lake in violation of the provisions of this Ordinance may be seized and impounded by appropriate law enforcement officials and retained by the Borough as security for unpaid license fees, fines or other penalty.

ARTICLE VIII. REPEALER:

Section 801. REPEALER: Ordinance No. 59 and all amendments thereto and all other Ordinances or portions of Ordinances 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. EFFECTIVE DATE:

Section 1001. EFFECTIVE DATE: This Ordinance shall take effect thirty (30) days from the date of enactment hereof.

ARTICLE XI. FILING OF ORDINANCE:

Section 1101. 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 11<sup>th</sup> day of May,  
1988.

Attest:

BOROUGH OF INDIAN LAKE

Melba D. Hammond  
Assistant Secretary

By Richard W. Stern  
President of Council

EXAMINED AND APPROVED by me this 11<sup>th</sup> day of  
MAY, 1988.

E. Logan II  
Mayor