

INDIAN LAKE BOROUGH
ORDINANCE NO. 143

AMENDMENT TO ORDINANCE NO. 116 PROVIDING ADDITIONAL REQUIREMENTS
WITH RESPECT TO BOAT LICENSES AND ENFORCEMENT OF PROVISIONS OF
ORDINANCE NO. 116

WHEREAS, on January 12, 2000, Ordinance No. 116 titled, "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," was enacted by Borough Council and executed by the Mayor at a duly advertised meeting; and,

WHEREAS, after careful consideration, Indian Lake Borough Council desires to amend the Ordinance by adding additional provisions dealing with the enforcement of terms and conditions of this Ordinance as well as all ordinances, statutes, rules and regulations of the Borough of Indian Lake or Indian Lake Service Corporation, and to delete sections that are inconsistent with the intent and purpose of this Ordinance.

NOW, THEREFORE, the Borough of Indian Lake does hereby ordain and enact as follows:

Article I., Section 102 F. of Ordinance No. 116, presently reads as follows:

Compliance with Regulations. All license holders shall comply with all ordinances, statutes, 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.

Article I., Section 102 F. of Ordinance No. 116, is hereby amended by adding to the existing language the following subsections:

(1) If an applicant or license holder has been adjudicated as violating an ordinance, rule, regulation or failure to pay a lawful assessment of the Borough of Indian Lake or Indian Lake Service Corporation, and such violation or failure can be corrected and has not been corrected within thirty (30) days of the final adjudication, 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 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 boat license shall be given at least fifteen (15) days' notice to show cause to Borough Council at a public meeting why any boat 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, 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 and 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.

Article VII. of Ordinance No. 116, Violations, shall be amended to include a Section 701 C., Revocation of License:

C. REVOCATION OF LICENSE. In addition to any other penalties imposed by this Ordinance, and in accordance with Article I, Section 102 F., a license may be revoked or suspended as provided for in Section 102 F.

Article I, Section 102 E. 2. of Ordinance No. 116, shall be amended by deleting the following:

The licenses issued shall 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.

All other terms and conditions of the Ordinance enacted and ordained January 12, 2000, are reaffirmed and incorporated herein by reference.

ENACTED and ORDAINED this 14th day of March, 2007.

BOROUGH COUNCIL OF INDIAN LAKE
BOROUGH, SOMERSET COUNTY,
PENNSYLVANIA

Attest:

Thomas L. Meyant
Borough Secretary

(Seal)

[Signature]
President

[Signature]
Patricia A. Dawson

[Signature]
[Signature]
[Signature]

APPROVED this 14th day of March, 2007

[Signature]
Mayor