

**INDIAN LAKE BOROUGH  
ORDINANCE NO. 172**

**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 GUEST PERMIT FISHING 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, the Borough Council of the Borough of Indian Lake has determined that because of and as a result 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 Borough Council of the Borough of Indian Lake, under the authority of the Borough Code, hereby ordains and enacts as follows:

**ARTICLE I**  
**SHORT TITLE**

Section 101. SHORT TITLE. This Ordinance shall be known as, and may be cited as “Indian Lake Guest Fishing Permit Ordinance.”

**ARTICLE II**  
**DEFINITIONS**

Section 201. DEFINITIONS. The following words and terms used herein in the Indian Lake Guest Fishing Permit Ordinance shall have the meanings herein described thereto, unless the context clearly indicates a different meaning:

A. “Boat” shall mean any boat, vessel, jet ski, powered craft, non-powered craft, canoe, kayak, sailboat, or other flotation device regardless of whether or not said boat, vessel, jet ski, powered craft, non-powered craft, canoe, kayak, sailboat, or other flotation device is required to obtain a boat license under Ordinance No. 116 of Indian Lake Borough.

B. “Fish” and/or “Fishing” shall mean the sport, industry, or occupation of catching fish and/or attempting to catch fish in the waters of Indian Lake, whether from shore, dock, boat, or on and/or in the water and/or ice. This definition expressly includes any and all methods of attempting to catch fish, including but not limited to the use of fishing poles, fly-fishing poles, nets, lines, spears, traps, etc.

C. “Guest” shall mean a person, who is not a Property Owner and is unaccompanied by a Property Owner, fishing or attempting to fish in Indian Lake.

- D. "Ordinance" shall mean the Indian Lake Guest Fishing Permit Ordinance.
- E. "Person" shall include any natural person, association, partnership, firm, corporation or other organization.
- F. "Property" shall mean real property located within Indian Lake Borough.
- G. "Property Owner" shall mean a person who alone, or jointly or severally with others:
- i. Shall have the legal or equitable title to any dwelling or structure, with or without accompanying actual possession thereof, which is located in Indian Lake Borough; or
  - ii. Shall have charge, care, or control of any dwelling or dwelling unit located in Indian Lake Borough, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, or guardian or fiduciary of the owner. Any such person representing the actual owner shall be bound to comply with the provisions of this Ordinance and with rules and regulations adopted pursuant thereto to the same extent as if he were the owner.
- H. "Unaccompanied" shall mean a person who is not a Property Owner of Indian Lake and who is fishing in Indian Lake without being accompanied by Property Owner or an authorized guest permit holder.
- I. "Vehicle" shall mean all cars, motorcycles, all-terrain vehicles, recreational vehicles, mobile homes, buses, vans, trucks, trailers, cabin trailers and/or any other type of transportation device that is propelled or drawn by power other than muscular power.

### **ARTICLE III** **APPLICATION**

Section 301. APPLICATION. The provisions of this Ordinance shall supplement local laws, ordinances, or regulations existing in the Borough of Indian Lake, or those of the Commonwealth of Pennsylvania. Where a provision of this Ordinance is found to be in conflict with any provision of a local law, ordinance, code or regulations or those of the Commonwealth

of Pennsylvania, the provision of and law, ordinance, code or regulations which are more restrictive or which establishes the higher standard shall prevail.

**ARTICLE IV**  
**LICENSING AND REGULATION OF FISHING IN GENERAL**

Section 401. INCORPORATION BY REFERENCE OF ORDINANCE 116, ARTICLE IV, FISHING. This Ordinance hereby incorporates by reference as if set forth fully herein the entirety of Article IV of Ordinance 116 entitled “Fishing,” which provides that “No fishing boat shall be permitted to fish more than fifty (50) feet from shore from eleven o’clock (11:00) a.m. until sunset on weekends and holidays.”

Section 402. LIMITATION OF ORDINANCE. This Ordinance is not intended to nor does it usurp any valid exercise of power and/or authority of the Pennsylvania Fish and Boat Commission. Moreover, this Ordinance is not intended to nor does it contradict and/or preempt any laws, rules, or regulations rightfully enacted by the Pennsylvania Fish and Boat Commission.

Section 403. PENNSYLVANIA FISHING LICENSE. A permit issued pursuant to this Ordinance does not obviate the need for the permittee to have a valid and current Pennsylvania Fishing License and to comply with all laws, rules, and regulations governing the license and its use.

Section 404. PENNSYLVANIA LAWS, RULES, AND REGULATIONS RELATING TO AND/OR CONCERNING FISHING. A permit issued pursuant to this Ordinance requires the permittee to abide by all Pennsylvania laws, rules, and regulations governing fishing, including but not limited to the laws, rules, and regulations of the Pennsylvania Fish and Boat Commission.

**ARTICLE V**  
**LICENSING AND REGULATION OF GUEST FISHING PERMITS IN GENERAL**

Section 501. GUEST FISHING PERMIT. No Guest shall, while Unaccompanied by a Property Owner, fish in the waters of Indian Lake, whether from shore, dock, boat, or on and/or in the water and/or ice, without first obtaining a Guest Fishing Permit from the Indian Lake Borough Office. All Guest Fishing Permits shall be issued as follows:

A. One (1) Guest Fishing Permit per lot for Unaccompanied Guest(s) will be issued to all Property Owners at no charge annually prior to January 1 of year for which the Guest Fishing permit is valid. This Guest Fishing Permit shall be valid from January 1 of the calendar year for which it is issued and shall expire December 31 of the same year.

B. All Guest Fishing Permits, regardless of when purchased, are valid for the calendar year in which they are purchased, beginning on January 1 and ending on December 31.

C. Any person leasing Property in Indian Lake Borough on a long-term basis (i.e. a lease which is for a term of twelve (12) months or longer) shall be issued One (1) Guest Fishing Permit for use by the long-term lessee at no charge upon application by the long-term lease holder. This Guest Fishing Permit shall be valid from January 1 of the calendar year for which it is issued and shall expire December 31 of the same year.

D. Any person leasing Property in Indian Lake Borough on a short-term basis (i.e. a lease which is for a term of less than twelve (12) months) shall be permitted to use the Property Owner's Guest Fishing Permit. A short-term lessee is not permitted to purchase Guest Fishing Permits.

Section 502. GUEST PERMIT REQUIRED. It shall be illegal for any person who is not a Property Owner, not accompanied by a Property Owner, or who does not hold or is accompanied by a Guest with a valid Guest Fishing Permit to fish in Indian Lake.

Section 503. GUEST ACCOMPANIED BY PROPERTY OWNER. This Ordinance does not require that a person obtain and/or possess a Guest Fishing Permit if that person is accompanied by a Property Owner while fishing.

Section 504. TRANSFERABILITY. All Guest Fishing Permits are non-transferrable and non-assignable except for those accompanying the Guest, and there shall be no transfers of any Guest Fishing Permits hereunder between Property Owners and/or non-property owners.

Section 505. ADMINISTRATION AND RECORDING.

- A. All Guest Fishing Permits shall be numbered sequentially beginning at one (1) for each calendar year.
- B. All Guest Fishing Permits shall be recorded with the Indian Lake Borough Office.
- C. All Guest Fishing Permits shall also be recorded with the Indian Lake Police Department.

Section 506. LOST PERMIT. A replacement Guest Fishing Permit for a lost Guest Fishing Permit may be purchased at the Indian Lake Borough Office for an administrative fee of fifteen dollars (\$15.00).

Section 507. DISPLAY. A Guest Fishing Permit shall be displayed on the hat or outer garment of the Guest Fishing Permit holder (s) at all times while that person and those authorized by the Property Owner to accompany the Permit holder(s) is fishing. The Guest Fishing Permit shall be displayed together with a current Pennsylvania Fishing License.

Section 508. COMPLIANCE WITH REGULATIONS. All Guest Fishing Permit holders shall comply with all ordinances, statutes, rules and regulations of the Borough of Indian Lake, the Commonwealth of Pennsylvania and the Federal government.

Section 509. APPLICATION FOR GUEST FISHING PERMIT. Application forms for all Guest Fishing Permits shall be available at the Indian Lake Borough Office. To obtain a Guest Fishing Permit, each Property Owner or long-term lessee must complete an application, containing all the information requested therein and execute said application, under penalties of perjury, and deliver the application to the designated Indian Lake Borough officials. Upon receipt of a properly executed application and delivery of the required documents, an appropriate Guest Fishing Permit may be issued.

## **ARTICLE VI** **ACCESS AND PARKING**

Section 601. ACCESS TO INDIAN LAKE. A Guest Fishing Permit holder must access Indian Lake from the Property Owner's Property.

Section 602. PARKING. A Guest Fishing Permit holder must park their Vehicle on the Property Owner's Property or in the Property Owner's assigned lot.

## **ARTICLE VII** **VIOLATIONS**

Section 701. PENALTIES; FINES. Each violation of any provision of this Ordinance shall be a summary offense under the Laws of the Commonwealth of Pennsylvania and, following conviction before a District Justice on complaint filed by the Borough of Indian Lake, shall be punishable by a fine of \$50.00, except the offenses listed below which shall be punishable by higher fines, as stated:

1. Any person who is not a Property Owner, not accompanied by a Property Owner, or who does not hold and/or have use of a valid Guest Fishing Permit who is caught fishing in Indian Lake shall be subject to the following punishment:
  - A. First Offense: A fine up to one-hundred and fifty dollars (\$150.00).

B. Second Offense: A fine up to one-hundred and fifty dollars (\$150.00) and the permanent loss of all fishing privileges at Indian Lake.

**ARTICLE VIII**  
**REPEALER**

Section 801. REPEALER. All 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.

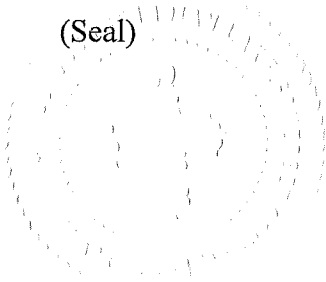
**ORDAINED and ENACTED** this 14th day of January, 2015, by the Borough Council of Indian Lake in public session duly assembled.

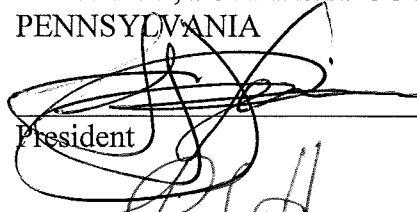
BOROUGH COUNCIL OF INDIAN LAKE  
BOROUGH, SOMERSET COUNTY,  
PENNSYLVANIA


Attest:

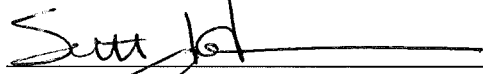
  
Borough Secretary

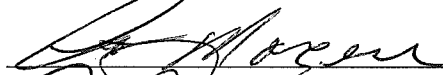
(Seal)

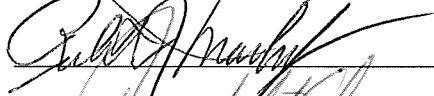


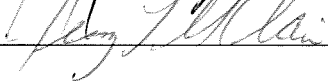
  
President

  
Patricia A. Dewar


  
Scott J. ...

  
...

  
...

  
...

APPROVED this 14th day of January, 2015

  
Mayor