



# Indian Lake Borough

Office of the Mayor

## JULY 2014 NEWSLETTER

### **BOROUGH HIRES ADDITIONAL POLICE OFFICER**

The Borough Council has authorized the hiring of an additional part-time officer. Please be sure to welcome Officer Dail to the Borough if you see him on patrol. His addition to our department will provide us with much needed additional weekday coverage throughout the year.

### **BOATING AFTER DARK**

All are reminded, especially those that plan to view the Fireworks display on July 5<sup>th</sup> from the lake, that you may operate a boat on the lake only at NO WAKE SPEED at night (30 minutes before sunset until 30 minutes after sunrise). Additionally, PWC (jetski's) and other watercraft without navigational lighting may not be operated during these times. If traveling the lake at night, it is not appropriate or legal to operate your boat with your mooring/docking lights turned on. While I know they seem to make great headlights, they prevent an oncoming boater from seeing the red/green navigation lights and therefore present a potentially hazardous condition. We traditionally have complaints each year of boats speeding up and down the lake after dark - as late as 3 or 4 in the morning, playing loud music or blowing loud air-horns. Not only does such conduct violate boating regulations (Ordinance 116) and our Nuisance Ordinance (Ordinance 105), such conduct is very dangerous not to mention annoying to others. Police schedules are being modified to put a stop to this behavior. Enjoy the lake but do so responsibly and in a manner respectful of our Ordinances and your neighbors.

### **DAM**



Recently there have been reports of a “leak” near the bottom of the spillway. Looking at the spillway, you may notice water running near the left wing wall. This is nothing new. Regardless, based on

expressed concern by residents of Stoneycreek, the Borough asked our engineers (CME Engineering) to inspect the condition. According to our engineers Sean Isgen and Jeff Najjar, "the flow originates in bedrock about 20 feet off the wing wall. It is apparent this area has historically been a discharge zone as evidenced by an existing 4" pipe that is discharging." The water is clear indicating that no soil erosion is occurring. Our engineers also walked the entire dam and confirmed that there were no additional discharges. They inspected the flumes, which are the areas where water is designed to be coming through the breast of the dam. Flumes 1, 3 4, and 5 were discharging clear water at typical rates. Flume 2 was not discharging – also normal. While this condition is not new, the Borough, through our engineers, will notify DEP of our findings in the event that they are contacted with concerns. The Borough will of course respond appropriately to any recommendations DEP might make. CME does recommend installation of rip wrap in the area below the spillway to preclude erosion of that location. This task is easily accomplished by the Borough maintenance staff.

To the extent that you may hear rumors of this issue, we hope that this provides you with appropriate information to alleviate any unnecessary concerns. The Borough will continue to monitor this situation to ensure that our dam remains safe.

## **FIREWORKS**

As you all know, the Indian Lake Service Corporation legally contracts with a professional company to provide our annual fireworks display. This company is licensed to use "display fireworks", is insured and has a permit issued by the Borough in order to legally conduct their display. In past years, a number of lot owners have been setting off their own increasingly elaborate displays following the service corporation display. Unfortunately, those setting off these additional displays are not licensed, not insured and do not have the appropriate permits required by law to legally conduct these displays. Unlike our neighboring states, Pennsylvania has very restrictive rules on the types of pyrotechnics that are permissible for private use. PA permits residents to purchase and use only sparkler and novelty items that are not classified as either Consumer or Display Fireworks. Additionally, it is illegal to transport Consumer or Display fireworks from another state into PA. While I hate to take the position of ruining anyone's fun, the Borough cannot silently acquiesce to the unlicensed and therefore illegal use of either consumer or display fireworks. As the saying goes, it's all fun until someone gets hurt. The danger to yourselves, your neighbors and the fire risk, not to mention the potential liability to the Borough is simply too great. As a result, our Police officers and the State Police will be on the lookout (from both the lake and on land) for anyone violating the PA Fireworks Law and will issue appropriate citations and will confiscate illegal fireworks as permitted by the law.

So that you may be better information regarding the PA Fireworks Law, the following frequently asked questions from the PA State Police website may be helpful:

### **Q: Can I use fireworks in Pennsylvania?**

A: State law prohibits the use of Consumer and Display Fireworks in Pennsylvania without a permit. Items defined as "ground and hand-held sparkling devices", "novelties" and "toy caps" in American Pyrotechnics Association (APA) Standard 87-1 are not currently regulated by State Law; therefore, their sale and use are permissible. These "non-fireworks" are the only types allowed to be sold from tents, stands, convenience stores, retail establishments and other various outlets not licensed by the Department of Agriculture. (Title 35, Chapter 13A, Sections 1271 & 1275)

**Q: Can I buy regular fireworks – not sparklers or novelty items -- under any conditions?**

A: This answer depends on whether or not you are a Pennsylvania resident.

Pennsylvania residents: May purchase Consumer Fireworks only with a display permit issued by the municipality wherein the display will take place.

Non-residents: An amendment to the Fireworks Law, effective November 30, 2004, makes it legal, upon proof of out-of-state residency status, to purchase Consumer Fireworks from a facility licensed by the Pennsylvania Department of Agriculture provided the Consumer Fireworks **are transported directly out of state by the seller or purchaser.** (Title 35, Chapter 13A, Section 1275)

**Q: How do I get a permit for a fireworks display?**

A: The Commonwealth does not issue permits for firework displays and does not oversee the issuance of permits by the municipalities. **A permit for a fireworks display must be obtained from the municipality where the display will take place.** The municipality is the only governing body with authority to issue this permit under reasonable rules and regulations adopted by them. Upon inspection of the display site by the fire chief, or other designated officer, and the posting of a bond of at least \$500 for any possible damages, the municipality may issue a permit to a person they deem competent.

If you are hiring someone to perform the display, that person or corporation must be registered with the Pennsylvania Office of Attorney General. **If you are not hiring someone, you can attempt to obtain the status of “competent operator” from the municipality where the display will take place.** Questions concerning display permits should be directed to the appropriate municipality.

Any business entity that performs, provides or supervises fireworks displays or exhibitions for profit must register annually with the Office of Attorney General. For more information, contact the Office of Attorney General, Criminal Law Division, at (717) 787-3391. (Title 35, Chapter 13A, Sections 1273, 1274, 1275.2 & 1276.2)

**Q: Who enforces the Fireworks Law?**

A: Any Law Enforcement Officer having jurisdiction may make an arrest and confiscate fireworks under the Fireworks Law. To report a violation of the Fireworks Law contact the Police Department servicing your area as would to report any other crime. (Title 35, Chapter 13A, Section 1278)

<http://www.portal.state.pa.us/portal/server.pt/community/psp/4451/fireworksfaq/537214>

Let's all be responsible so that everyone can enjoy the holiday weekend and the rest of the summer safely.

/s/

Michael Miscoe

Mayor, Indian Lake Borough