

INDIAN LAKE BOROUGH
ORDINANCE NO. 104

AN ORDINANCE OF INDIAN LAKE BOROUGH DEFINING CERTAIN CONDITIONS AS NUISANCES, PROVIDING THE BOROUGH WITH THE AUTHORITY TO ABATE NUISANCES OR TO TAKE OTHER ENFORCEMENT ACTION AGAINST CONDITIONS WHICH CONSTITUTE A NUISANCE, AND REPEALING INCONSISTENT ORDINANCES.

WHEREAS, Indian Lake Borough is a residential and recreational community and a borough created under the Borough Code of the Commonwealth of Pennsylvania,

WHEREAS, because of the nature of the community Indian Lake Borough is a unique community providing peace, quiet, and enjoyment of the natural and aesthetic aspects of a rustic woodland setting along the shores of a recreational lake,

WHEREAS, the Borough Council of Indian Lake Borough has determined that it is in the best interests of the health, safety and welfare of the residents of Indian Lake Borough to declare certain activities a nuisance,

WHEREAS, Sections 202(10), 202(24), 202(28) and 202(29) of the Borough Code allow the Borough of Indian Lake to pass an Ordinance regulating nuisances, including Ordinances related to building and housing, accumulation of refuse and garbage, junkyards and other places maintained for collection, storage and disposal of discarded items,

WHEREAS, the numbers of the users of Indian Lake, and craft thereon require certain special regulations to accommodate all residents of the Borough, to allow peaceful enjoyment of the resource which the lake provides, and, inter alia, the appreciation of the aesthetic aspects of a recreational lake,

WHEREAS, Indian Lake Borough finds that excessive levels of sound are detrimental to the physical, mental and social well being of the people as well as to their comfort, living

physical, mental and social well being of the people as well as to their comfort, living conditions, general welfare and safety, and being therefore a public health and welfare hazard, find it necessary to declare certain activities a nuisance and provide for greater control and more effective regulation of excessive sound and the sources of sound within the Borough.

WHEREAS, the Borough has passed other Ordinances to promote, protect and facilitate public health, safety, general welfare, coordinate practical community development, population density, and to prevent overcrowding of the land, congestion in travel and transportation, loss of health, life or property, and to facilitate the development of the Borough in an orderly fashion, fulfilling the overall objectives primarily as a single family residential and recreational area, together with the promotion of its various recreational facilities, all of which these Ordinances contemplate will be done in a way which will preserve the natural beauty of the area and provide continual sound physical growth;

WHEREAS, the Borough has passed a comprehensive Zoning Ordinance, Boating Ordinance, and other Ordinances in an attempt to fulfill these goals,

WHEREAS, the Zoning Committee, Environmental Committee and Police Committee of Indian Lake Borough Council have studied the need to regulate or prohibit certain activities which constitute a nuisance, and determined that such an Ordinance is in the best interest of the residents of Indian Lake Borough,

NOW THEREFORE, the Council of Indian Lake Borough hereby Ordains and Enacts the following Ordinance:

SECTION 101 - SHORT TITLE

This Ordinance shall be known as the **Indian Lake Borough Nuisance Ordinance**.

SECTION 102 - AUTHORITY

This Ordinance and the objectives leading to its enactment are authorized by the Borough Code of the Commonwealth of Pennsylvania.

SECTION 103 - DEFINITIONS

BOATS - Any boat, vessel, jet ski, powered craft, non-powered craft, canoe, sailboat, or other flotation device for which a boat license is required under §102 of Ordinance No. 82 of Indian Lake Borough.

BUILDING - A roofed structure enclosed by one or more walls, for the shelter, housing, storage or enclosure of persons, goods, materials, equipment or animals, fixed or moveable, constructed or placed within the Borough.

DANGEROUS CONDITION - All buildings or structures which have any or all of the following defects shall be deemed to be dangerous conditions:

- A. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used;
- B. Those which have been damaged by fire, wind, weather, weathering or other causes so as to be dangerous to life, safety or the general health and welfare of the occupants or the public.
- C. Those which are so damaged, dilapidated, decayed, unsafe, unsanitary, vermin infested or would so utterly fail to provide the amenities essential to decent living, or protected storage, that are unfit for human habitation, or storage of materials, or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of the residents, or those who dwell, store, or use the building or structure.
- D. Those which have parts thereof which are so attached that they may fall and injure property or members of the public;
- E. Those which lack illumination, ventilation or sanitation facilities or because of another condition are unsafe, unsanitary, or dangerous to the health, safety or general welfare of the occupants or the public;

F. Those which because of their location are unsanitary, or otherwise dangerous to the health, safety and welfare of the occupants or the public;

G. Those existing in violation of any provision of the zoning code, building code, or other ordinances of the Borough of Indian Lake.

H. Any building or structure which has been constructed in violation of the Zoning Ordinances of the Borough of Indian Lake, or for which a permit has not been previously obtained.

GARBAGE - Animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

INFESTATION - Presence within or around a building or structure, of any vectors, insects, rodents, or other pests.

LOT - Plot, tracts, premises or parcels of land, with or without improvements.

NUISANCE - A nuisance for the purpose of this Ordinance is an unreasonable interference with the right common to the general public, which involves a significant interference with the public health, the public safety, the public peace, the public comfort, or the public convenience, or which causes public inconvenience, annoyance or alarm, whereby the public peace or peaceful enjoyment of the residents are disturbed, or which disturbs the peace, dignity, and tranquility of the public, or which violates any statute, ordinance, or administrative regulation, or which has a significant effect upon the public right. A public nuisance shall include any conduct, activity, or condition which will interfere with those who come in contact with it in the exercise of a public right, or which otherwise effects the interest of the community at large.

OWNER - A person who alone, or jointly or severally with others:

1. Shall have the legal or equitable title to any dwelling or structure, with or without accompanying actual possession thereof; or

2. Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, or guardian or fiduciary of the owner. Any such person thus 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.

PERSON - Any individual, firm, corporation, association or partnership, or other legal entity.

PROPERTY - A piece, parcel, lot or tract of land within the Borough.

RUBBISH - Waste materials, including residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral material, glass, crockery, dust, dead animals, solid waste as defined by the Pennsylvania Solid Waste Management Act. Rubbish shall also include discarded construction materials, or other materials used in any process, business, or industry, which are discarded, or which have otherwise been stored without use for a period of longer than six (6) months.

STRUCTURE - Anything constructed or erected or placed with a fixed or ascertainable location on the ground or in water whether or not affixed to the ground or anchored in the water, including buildings, walls, fences, platforms, docks, wharves, billboards, trailers, signs, towers, tanks, sheds, or other manmade items which have been built, placed, left or discarded upon property within the Borough.

UNOCCUPIED HAZARD - Any building, trailer, shed, structure, or part thereof, which remains unoccupied for a period of more than six (6) months, and which has doors, windows, or other openings broken, removed, boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than six (6) months. This term shall include any building, structure, trailer, shed, dock, or part thereof wherein garbage or rubbish has been stored, without being used, for a period of six (6) months or more.

SECTION 201 - DECLARATION OF NUISANCE

All dangerous conditions or unoccupied hazards, and certain buildings and structures as defined in this Ordinance, are hereby declared to be public nuisances, and unlawful, and shall be repaired, vacated, demolished, or eliminated, by the owner thereof, or abated in the manner provided by this Ordinance and by law. This Ordinance further declares any noise in the Borough, including noise from dogs, pets, animals which cause public inconvenience, annoyance, or alarm, whereby the public peace or peaceful enjoyment of the residents are disturbed, or which disturbs the peace, dignity, and tranquility of the public while serving no lawful purpose to be a nuisance. This Ordinance further declares noise from boats, automobiles, motor vehicles, which exceed or are not in compliance with any federal, state or local statute, regulation, or ordinance, including but not limited to 58 Pa. Code Chapter 119 as relates to power boats, which cause public inconvenience, annoyance or alarm by making unreasonable noise whereby the public peace or peaceful enjoyment of the residents are disturbed, and which disturbs the peace, dignity and tranquility of the public while serving no lawful purpose to be a nuisance.

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

SECTION 401 - BUILDINGS AND STRUCTURES

1. No owner of any building or structure shall fail to take steps and perform such maintenance thereto as may be required from time to time to ensure the property is safe, sound, sanitary and secure and does not present a health or safety hazard to surrounding properties and to the general populace.

2. No owner of any unoccupied building or structure, or of any storage tank, shed, or trailer shall fail to take such steps as may be required to ensure that these are securely closed as to prohibit and deter entry thereto and to ensure that no health and/or safety hazard or threat thereof is precipitated due to a lack of maintenance or due to neglect or allowance of a dangerous or hazardous condition.

3. Owners of any and all unoccupied buildings and/or structures which, through neglect have deteriorated to the point of being classified as unoccupied hazards, and therefore constitute a health or safety hazard, shall upon direction of the Borough of Indian Lake remove, or cause the removal of the building and/or structure.

4. No structures shall be maintained in the Borough of Indian Lake whose sole purpose is the storage of discarded materials or garbage or rubbish, where such materials have been stored without use, or have been allowed to be stored and deteriorated to such a condition as they may not be used, for a period of more than six (6) months. It shall be presumed that storage of discarded or unused materials for a period of more than six (6) months constitutes disposal, and such activity is hereby prohibited in the Borough of Indian Lake.

SECTION 402 - YARDS, OPEN LOTS, AND PARKING AREAS

No person shall permit:

1. Fences and/or minor structures to be constructed and maintained so as to present a safety or health hazard to persons and/or property.
2. The accumulation or development of hazards, rodent harborage and/or infestation upon yards, courts, and lots;
3. Objectionable materials to accumulate and to be blown about the surrounding neighborhood.
4. Wells, septic tanks, cisterns, sediment ponds, storm water management impoundment ponds and/or ponds of a similar nature to remain open without adequate fencing or barricades to prevent access thereto by the general public, nor shall they permit ponds, impoundments, or other ponds of a similar nature to become stagnant, or to become a harborage for rodents, insects or other vectors.
5. The accumulation of heavy undergrowth and/or vegetation which would impair the health and/or safety of the neighborhood.

SECTION 403 - DRAINAGE WAYS

1. No owner of a lot or property in the Borough shall alter existing waterways, drainage ways, or water courses in a manner which will adversely affect any public or private property within the Borough, and such alteration, without having obtained a permit from the Borough shall constitute a nuisance.
2. Roof, surface, and/or sanitary drainage to create a safety and/or health hazard to persons and/or property by reason of inadequate and/or improper construction or maintenance or manner of discharge.
3. Roof gutters, drains, or any other system designed or constructed to transport storm water to be discharged into any sanitary system or any part thereof.
4. Roof, surface, sanitary discharges and/or drains, or storm water conveyances to be constructed in a manner which permits the conveyance of any roof, surface, sanitary, or other drainage to be discharged onto public property, or the property of any other resident of the Borough of Indian Lake, without prior approval by the Borough of a permit issued for this purpose.

SECTION 404 - INFESTATION, PREVENTION AND CORRECTION

1. Grounds, buildings and structures shall be maintained free of insects, vermin, and rodent harborage or infestation.
2. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage, refuse, rubbish or other discarded materials.
3. Where there exists rodent and vermin infestation, corrective measures shall be undertaken by the property owner and/or occupant to alleviate the existing problems, and methods employed for extermination shall conform with generally accepted practice, and shall be approved prior to implementation by the Borough.
4. No structure or building shall be maintained wherein discarded materials, or materials which are the residue, rubbish or waste from construction or other activities are maintained for a period of more than six (6) months, or which tend to harbor insects, vermin, and create a rodent harborage or infestation.
5. Any refrigerator, freezer, stove, or other household items, rubbish or discarded or unused construction and/or manufactured items to be placed or stored in any location within the Borough for a period of more than six (6) months. Said storage, in any structure, or on the land for a period of more than six (6) months shall constitute disposal, as that term is defined in the Pennsylvania Solid Waste Management Act and shall constitute a nuisance.

**SECTION 405 - STORAGE OF DISCARDED MATERIALS, GARBAGE, RUBBISH
PROHIBITED**

It shall be unlawful for any person to store or maintain abandoned, unused, stripped, damaged and generally unusable appliances, machinery or equipment, or construction materials, containers or other discarded materials, garbage or rubbish on any property in the Borough. Such storage shall constitute a nuisance and/or health hazard if any of the following conditions exist:

1. The storage continues for more than six (6) months, in which case such storage shall constitute disposal.
2. The storage containers are conducive for harboring and growth of vermin, vectors, or animals.
3. The storage would allow the materials stored to shift, tilt or fall from their original storage position, and pose a threat of injury.
4. Any refrigerator, freezer, stove, household items, and/or rubbish, discarded materials from construction, manufacturing, or other processes to be placed, put, discarded, abandoned or stored in any place or location which is accessible to the general public without first completely removing any and all locking devices and/or doors, if otherwise allowed by this Ordinance.
5. The storage includes discarded, abandoned, damaged or unused vessels or containers of any liquid or material of a hazardous, or potentially hazardous nature, or which contained any hazardous or toxic material and/or substance, including but not limited to materials defined in the Federal Resource Conservation and Recovery Act, the Pennsylvania Solid Waste Management Act, gasoline, oil, battery acids, refrigeration agents, and poisons.
6. The storage includes discarded, abandoned, damaged or unused tanks which has been used to store hazardous, toxic, combustible, petroleum, petroleum

based, or other products, which is no longer in use.

7. Any other condition which shall threaten the health, safety or welfare of the citizens.

SECTION 501 - RESPONSIBILITIES OF OWNERS AND OCCUPANTS OF LAND, STRUCTURES AND BUILDINGS

1. The owner of premises shall comply with the provisions of this Ordinance as well as operators and occupants, regardless of any agreements between owners and occupants as to which party shall assume such responsibility.

2. In instances where an occupant is responsible or shares responsibility with an owner, for the existence of one or more violations of this Ordinance, said occupants shall be deemed responsible and treated as if an owner within the true intent and meaning of this Ordinance.

3. Any occupant of a premise shall be responsible for compliance with the provisions of this Ordinance with respect to the maintenance of that part of the premises which he occupies and/or controls in a safe, sound and/or sanitary condition pursuant to the terms of the contract/agreement under which he exercises occupancy or control thereof.

SECTION 601 - NOISE

No person shall permit:

1. Dogs, cats, birds, domestic animals, livestock, or any other animals to create noise which causes a public inconvenience, annoyance, or alarm, by allowing the animals to make unreasonable noise, whereby the public peace or peaceful enjoyment of the residents are disturbed, and which disturbs the peace, dignity and tranquility of the public while serving no lawful purpose, and such conduct shall constitute a nuisance.

(a) For purposes of this Ordinance, in determining whether noise made by any dog, cat, animal or bird constitutes a nuisance, the Borough will consider whether or not the noise is continuous or incessant over a period of time, or whether the noise is intermittent, and disturbs the tranquility, peace, and peaceful enjoyment of any resident of the community, over a period of time at any time of the day or night. It shall not be a violation of this Ordinance if the animal is making such noise because a person is trespassing and/or threatening to trespass upon private property, or if the animal has been justifiably provoked.

2. The operation of any boat, as defined by Ordinance No. 82, or other water craft requiring a license pursuant to Ordinance No. 82, or car, or other motor vehicle within the Borough of Indian Lake, or on Indian Lake, which violates any statute, regulation or Ordinance regulating noise, including but not limited to 58 Pa. Code Chapter 119 as related to boats, or which causes public inconvenience, annoyance, or alarm by making unreasonable noise whereby the public peace or peaceful enjoyment of the residents are disturbed and which disturbs the peace, dignity and tranquility of the public while serving no lawful purpose. It is the intent of this section of the Ordinance to specifically prohibit unreasonably loud motors on boats and motor vehicles, which disturb the public peace and peaceful enjoyment of Indian Lake Borough, and which are incompatible with the planned nature of the community, and its use as a recreational/residential community.

SECTION 701 - DUTIES OF THE INDIAN LAKE BOROUGH CODE ENFORCEMENT OFFICER

The Code Enforcement Officer shall inspect on a regular basis dwellings, buildings, and structures to determine whether any conditions exist which render such premises dangerous conditions, or nuisances within the meaning of this Ordinance. Insofar as enforcement of the terms and conditions of this Ordinance are concerned the Borough Council may appoint the Borough Manager, any police officer, or other individuals to be the Code Enforcement Officer for the purposes of enforcing the provisions of this Ordinance.

SECTION 702 - NOTICE

Whenever an inspection discloses that a dwelling, building or structure has become a public nuisance, the Code Enforcement Officer shall issue a written notice to the person or persons responsible therefore. The Notice shall be in writing, shall include a statement of the reason it is being issued, shall state a reasonable time to rectify the conditions constituting the nuisance or to remove or demolish the dwelling, building or structure, and shall be served upon the owner or his agent or the occupant as the case may require.

a. Except in emergency cases and where the owner, occupant, lessee, or mortgagee is known to be absent from the Borough of Indian Lake, all Notices shall be deemed to be properly served upon the owner, occupant or other person having an interest in the dangerous condition, if a copy thereof is served upon him personally, or if a copy thereof is posted in a conspicuous place in or about the structure affected by the notice, or if he is served with such Notice by any other method authorized or required under the laws of the Commonwealth.

b. Except in emergency cases, in all other cases where the owner, occupant, lessee, or mortgagee is known to be absent from Indian Lake Borough, all Notices or orders provided for herein shall be sent by registered mail, to the owner, occupant, and all other persons having an interest in said building, as shown by the records of the county Recorder of Deeds, to the last known address of each, and a copy of such Notice shall be posted in a conspicuous place on the dangerous condition to which it relates. Such mailing and posting shall be deemed adequate service.

c. For the purposes of the noise provisions of this Ordinance (Section 601), as relates to animals, motor vehicles, and boats, publication of this Ordinance and its enactment shall constitute Notice, and any person found by the Code Enforcement Officer, Chief of Police, Police Department of Indian Lake Borough, Pennsylvania Fish Commission or other person appointed or authorized to enforce this Ordinance shall be deemed to have constructive notice of this Ordinance, and shall, upon determination by the responsible Borough and/or police official that said person is violating the Ordinance, be subject to prosecution by a summary citation for violation of this Ordinance.

SECTION 703 - RIGHT OF ENTRY

Indian Lake Borough may, or may cause, through an authorized representative of Indian Lake Borough the entry onto premises for the purpose of inspection of any and all premises, properties, conditions, buildings and/or structures located within Indian Lake Borough, or any boat, or motor vehicle, or any kennel, yard, or other area wherein animals are confined, for ascertaining the existence of violations. An authorized representative of the Borough shall be permitted entry onto any premises for the purposes of ascertaining the existence of violations of this Ordinance. In those situations where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, however, prior arrangements shall be made with the owner, or his agent to secure access thereof. In the event that the Borough has reasonable grounds to believe that a violation of this Ordinance has occurred, and the Borough is denied access to the premises, building and/or structure to determine whether in fact such a violation occurs, such denial of access shall constitute a presumption of violation which may be rebutted only by clear and convincing evidence in any enforcement proceeding pursuant to this Ordinance.

SECTION 801 - REMEDIES AND ABATEMENT

1. If upon information received and/or inspection the Borough determines that a violation of this Ordinance has occurred, the Borough may, after giving notice of the violation issue such orders as are necessary to abate the nuisance, including but not limited cease and desist orders, and/or orders to repair, vacate, or demolish the structure or condition which has been declared to be a nuisance. The Borough may, at its option, pursue such additional remedies as may be available to it, to abate said nuisance, and any additional remedies shall be cumulative.
2. In the event that an order to abate is issued by the Borough, said order shall specify a time in which the abatement is to be completed, however in no event shall such order set a time for abatement of less than ten (10) days after service, unless in the case of an emergency.
3. In the event that the Borough is required to proceed to a court of competent jurisdiction to abate a nuisance all costs sustained by the Borough including filing fees, attorney's fees, and the costs of investigation shall, if determined to be appropriate by the court, be awardable as against the party maintaining the nuisance.
4. Any party aggrieved by an order of Indian Lake Borough which has been issued in connection with the enforcement of any provision of this Ordinance may request and shall be granted a hearing on the matter before Indian Lake Borough, or any committee and/or commission designated by the Borough to conduct such hearings, provided that such persons shall file with the secretary of Indian Lake Borough a written petition requesting such a hearing setting forth all reasons why the order should not be enforced, within ten (10) days after the date the notice was served. Upon receipt of such petition the Borough Secretary shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall have an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than thirty (30) days after the date on which the petition was filed, however the filing of the petition shall not act as an automatic supersedeas. Filing a written petition shall be the exclusive administrative remedy for challenging an order of the Borough.
5. After a hearing conducted pursuant to this section, Indian Lake Borough shall sustain, modify, or withdraw the notice or order issued pursuant to this Ordinance. If Indian Lake Borough sustains or modifies the order it shall be deemed to be a final order. Any order served

pursuant to this Ordinance shall automatically become a final order of the Borough pursuant to this Ordinance if a written petition for a hearing is not filed with the Borough Secretary within ten (10) days after such order is served.

6. Any aggrieved party may appeal the final order of the Borough of Indian Lake to the Court of Common Pleas in accordance with the provisions of the Judicial Code, however failure to request a hearing from the Borough of Indian Lake in the time and manner provided by this Ordinance shall constitute a waiver of any right of appeal to the Court of Common Pleas.

SECTION 802 - ABATEMENT BY INDIAN LAKE BOROUGH

If the owner, occupant, mortgagee, lessee or other responsible party fails to comply with the Order of Indian Lake Borough within the time specified in the Order issued by Indian Lake Borough and no petition for a hearing is filed within ten (10) days thereafter or following a hearing by Indian Lake Borough where the Order is sustained, Indian Lake Borough shall cause such building or structure or condition to be repaired, vacated, demolished or abated, as determined by Indian Lake Borough in accordance with the standards set forth herein. The municipality may collect the cost of repairs, vacation, demolition or abatement together with a penalty of 10% of such costs, plus any and all costs sustained by the Borough in enforcing the provisions of this Ordinance including but not limited to attorney's fees, costs, and reimbursement of time spent by personnel of the Borough in enforcing this Ordinance in the manner provided by law. The municipality may also seek injunctive relief in a court of competent jurisdiction.

SECTION 803 - EMERGENCY CASES

Whenever Indian Lake Borough finds that an emergency exists which requires immediate action to protect the public health, it may, without notice or hearing, issue an Order reciting the existence of such emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, such order shall be effective immediately. The costs of such emergency repair, vacation or demolition of such dangerous building, structure or condition or abatement of a nuisance shall be collected in the same manner as provided herein for other cases.

SECTION 901 - PENALTIES

Any person who violates any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than Three hundred (\$300.00) dollars, nor more than One thousand (\$1,000.00) dollars, and in default thereof undergo imprisonment for a term of not more than thirty (30) days. Each day of continuing violation of this Ordinance commencing on the date of first notice, or citation, shall constitute a separate offense, and shall be punishable by a separate fine of not less than Three hundred (\$300.00) dollars nor more than One thousand (\$1,000.00) dollars per day for each day of continuing violation.

a. In the event that any person violates the noise provisions of this Ordinance (Section 601), as relates to animals, motor vehicles, and boats, and causes a public inconvenience, annoyance, or alarm by making unreasonable noise, whereby the public peace or peaceful enjoyment of residents are disturbed, and which disturbs the peace, dignity and tranquility of the public while serving no lawful purpose, said person shall, without the written notice specified for other activities prohibited under this Ordinance, be subject to the issuance of a citation for a violation of this Ordinance, and shall, upon conviction thereof be sentenced to pay a fine of no less than Three hundred (\$300.00) dollars and no more than One thousand (\$1,000.00) dollars, and in default thereof shall undergo imprisonment for a term not to exceed thirty (30) days. If the Borough issues a second or subsequent violation to any person under the noise provisions of this Ordinance (Section 601), the fine for any second or subsequent violation shall escalate according to the following schedule to the maximum fine provided by law. For the purposes of the noise provisions of this Ordinance (Section 601) the schedule of fines shall be:

- (a) Second Violation - No less than \$400.00 nor more than \$1,000.00
- (b) Third Violation - No less than \$500.00 nor more than \$1,000.00
- (c) Fourth or subsequent Violation - No less than \$1,000.00;

In default of payment for any of the fines set forth in this schedule, a person may undergo imprisonment for a term not to exceed thirty (30) days for each violation, and each day that a violation continues beyond the date fixed for compliance shall constitute a separate offense.

SECTION 1001 - GENERAL CONDITIONS OF THE ORDINANCE

1. **Owners jointly and severally responsible** - If the premises are owned by more than one owner each owner shall be jointly and severally responsible and be subject to prosecution for violations of this Ordinance.

2. **Remedies not mutually exclusive** - The remedies provided herein for the enforcement of this Ordinance, or any remedy provided by law, shall not be mutually exclusive. These remedies may be employed simultaneously, consecutively, or concurrently, at the option of Indian Lake Borough.

3. **Severability** - If any provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not effect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

4. **Repealer** - All Ordinances or part of Ordinances which are inconsistent herewith are hereby repealed.

5. **Effective date** - This Ordinance shall become effective upon passage by the Borough Council of Indian Lake Borough.

ENACTED AND ORDAINED THIS 10th DAY OF September, 1996.

ATTEST:

INDIAN LAKE BOROUGH BY:

Theresa L. Keyant
Secretary - Indian Lake Borough

Richard W. Stern
President - Borough Council

The foregoing Ordinance having been approved by the Borough Council of Indian Lake Borough shall hereafter be entered on the Ordinance books of the Borough:

Barry Luchty
Mayor