

ORDINANCE NO. 59

AN ORDINANCE OF THE BOROUGH OF INDIAN LAKE,
SOMERSET COUNTY, PENNSYLVANIA, REGULATING
THE USE AND ENJOYMENT FOR RECREATIONAL AND
OTHER PURPOSES OF INDIAN LAKE.

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 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:

"6. 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, may 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 200. Boats or other vessels or devices powered by any other source whatsoever, including, but not limited to, jet-powered boats and house boats, are prohibited and shall not be placed, operated or used in or upon the waters of Indian Lake. Beginning in the calendar year 1986 and continuing thereafter, no jet-ski or wet bike type vessels or similar devices, shall be permitted to be operated upon the waters

of Indian Lake. 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 subject to the following:

a. For the calendar year 1985, the Borough of Indian Lake shall issue no more than 740 boat licenses, not including those issued under Section 102 (c). Each year thereafter, the Borough Council for the Borough of Indian Lake shall, by resolution, establish the total number of licenses which shall be issued in that calendar year, and shall post said number at the Borough Office.

b. No later than February 1 of each year, the Borough of Indian Lake shall mail to each property owner of the Borough of Indian Lake one (1) application for a license effective for that calendar year. In order to obtain a license, each property owner must return said application, containing all the information requested therein, to the Borough Office no later than March 1 of that same calendar year. For purposes of this Ordinance, an application will be deemed "received"

if it is postmarked no later than 12 o'clock midnight of the last day of the application period. Applications received which are incomplete or which are received after March 1 of the calendar year shall not be considered unless there are licenses available after the licenses provided for in subparagraphs b., c., d. and e. of this section have been issued. 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 above-referenced term, covenant and condition relating to boat licenses. Each such parcel, tract or lot situate in said Borough shall be entitled to one (1) license under this subsection (b), subject to the provisions of this Ordinance.

c. After the licenses provided for in subsection 102 (b) are issued, the Borough of Indian Lake shall, in addition to the number of permits listed in Section 102 (a), have for issuance fifty (50) licenses which shall be held for issuance to persons purchasing property in the Borough of Indian Lake after the application period provided in subsection 102 (b) has closed who desire a permit and who are unable to obtain one as

provided in subsection 102 (f). The number of licenses retained by the Borough shall be subject to change by resolution of the Borough Council of the Borough of Indian Lake. Any change shall be posted at the Borough Office.

d. If after licenses provided for in subsection 102 (b) above are issued there exists any remaining licenses, property owners of the Borough of Indian Lake may make application to the Borough of Indian Lake for one (1) additional license per lot for a vessel powered by engine or sail. In addition to the above licenses, property owners may make application for boat licenses for manual powered vessels such as rowboats and canoes. A property owner may make application for more than one (1) license for manual powered vessels. Applications, which shall be available at the Borough office, shall be accepted for said licenses from March 2 of the calendar year until April 30 of the calendar year. Applications received before March 2, after April 30, or incomplete applications will be rejected. No license shall be issued to a property owner whose application is incomplete, is received before March 2 of the calendar year or after April 30 of the calendar year. The fee for the additional license shall be established from time to time by the Borough Council of the Borough of

Indian Lake and posted at the Borough Office. The licenses shall be issued on a first-come, first-served basis, as determined by the Borough Council.

e. If after the licenses provided in subsections 102 (b), 102 (c) and 102 (d) above are issued or retained, as the case may be, there exists any remaining licenses, anyone, meaning residents and nonresidents of the Borough of Indian Lake, may make application to the Borough of Indian Lake for a license. Applications may be obtained from the Borough Office and shall be received beginning May 1 of the calendar year and ending May 31 of the calendar year. No applications which are incomplete or are received before May 1 or after May 31 shall be accepted. Licenses shall be issued on a first-come, first-served basis, as determined by the Borough Council. Anyone who receives a license in any year shall not be automatically entitled to receive a license in any subsequent year. All license holders shall comply with all rules and regulations of the Borough of Indian Lake, the Commonwealth of Pennsylvania, and the Federal Government. The fee for said permit shall be Three Hundred (\$300) Dollars and shall be subject to change by resolution of the Borough Council of the Borough of Indian Lake. Said fee shall be posted at the Borough Office.

f. If after the application period as provided for in subsection 102 (b) has closed, a piece, parcel, tract or lot is sold or transferred by an existing property owner and the selling lot owner had previously obtained a license, the said license may be transferred to the new property owner providing the new property owner agrees in writing to comply with all of the provisions of this Ordinance, including, but not limited to, providing the Borough with the information required in a license application. In the event the selling lot owner does not transfer the license, he shall be entitled to the privileges of said license, but only for the period for which the license is valid. Thereafter, he shall only be entitled to a license as provided under subsection 102 (e) unless he is otherwise entitled to a license under the provisions of this Ordinance.

g. Licenses shall be valid for a term not to exceed one (1) year, and all licenses shall expire on the same date, as shall be established by Borough Council.

h. Licenses will not be issued except on satisfactory showing of 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.

i. License fees shall be established by motion of Borough Council and posted at the Borough Office. All fees shall be paid for by the applicant before any license is issued. No fees shall be charged for the first license issued in any one (1) year to any property owner.

j. All applicants must provide proof of liability insurance at the time a license is applied for 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.

k. The boat license must be displayed at all times in a conspicuous place on the boat licensed.

ARTICLE II. RULES FOR OPERATION OF BOATS:

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

b. A left-hand or counterclockwise traffic pattern shall be maintained at all times. All traffic shall keep to the right side of the lake and make all turns to the left when reversing direction.

c. 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. 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. 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 taking on water skiers.

f. 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. Boats pulling water skiers shall have at least one other occupant besides the operator who shall act as an observer of the skier. Tow ropes will not exceed 80 feet in length and will not be left trailing in the water when not being used.

h. All boats must carry an approved type of life preserver for each occupant. All water skiers must wear an approved life preserver.

i. 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. 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.

Section 203. If determined to be in the best interest of the Borough, special 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 said special licenses shall be established by motion of the Borough Council, provided, however, that satisfactory proof of liability insurance is submitted by the applicant at the time of the application.

ARTICLE III. SWIMMING:

Section 301. 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. 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. 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. State-established seasons will be observed for fishing.

Section 403. A Pennsylvania fishing license is required. A three (3) mile 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. 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. 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. 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. Further, any boat, vessel or other device found on the lake in violation of these provisions may be seized and impounded by appropriate law enforcement officials and retained by the Borough as security for any unpaid license fees, fines or other penalty.

ARTICLE VIII. REPEALER:

Section 801. Ordinance No. 54 and all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

ARTICLE IX. GENDER:

Section 901. In the language set forth in this Ordinance, the singular shall include the plural, and the masculine the feminine and/or neither genders where appropriate.

ORDAINED AND ENACTED this 28th day of January,
1985.

Attest:

BOROUGH OF INDIAN LAKE

Beverly J. Brown
Secretary

By: Frank A. Zepher
President of Council

EXAMINED AND APPROVED by me this 28th day of
January, 1985.

Edward P. Rogan II
Mayor

I hereby certify that the foregoing ordinance is Ordinance No. 59, approved January 28, 1985, duly advertised and transcribed on February 1, 1985.

Beverly J. Brown
Secretary
Borough of Indian Lake