

ORDINANCE NO. 1

AN ORDINANCE REGULATING MOTOR VEHICLE TRAFFIC WITHIN THE BOROUGH OF INDIAN LAKE AND FOR THE PROTECTION OF PERSONS AND PROPERTY OF THE RESIDENTS AND THEIR GUESTS OF THE BOROUGH AND THE ABATEMENT OF NUISANCES RESULTING FROM IMPROPER MOTOR VEHICLE TRAFFIC FOR THE BOROUGH OF INDIAN LAKE, SOMERSET COUNTY, PENNSYLVANIA

PREAMBLE

WHEREAS ALL MOTOR VEHICLE TRAFFIC WITHIN THE BOROUGH OF INDIAN LAKE MUST PASS ALONG ROADWAYS BUILT AND PRESENTLY OWNED BY EITHER THE ALLEGHENY LAKES CORPORATION OR THE INDIAN LAKE SERVICE CORPORATION: SUCH ROADWAYS NOT HAVING THE LEGAL STATUS OF A STREET, ROAD OR HIGHWAY IN ACCORDANCE WITH THE DEFINITIONS OF THE MOTOR VEHICLE CODE OF THE COMMONWEALTH OF PENNSYLVANIA, AND WHEREAS GENERALLY THESE ROADWAYS ARE INTENDED FOR THE USE OF THE RESIDENTS OF THE BOROUGH OF INDIAN LAKE AND THEIR GUESTS, AND WHEREAS THERE IS NO INTENTION OF EITHER PRESENTING OF SAID ROADWAYS TO THE BOROUGH OF INDIAN LAKE FOR THE DEDICATION AND ACCEPTANCE BY SAID BOROUGH, AND THERE IS NO INTENTION ON THE PART OF THE BOROUGH OF INDIAN LAKE TO ACCEPT OR ASSUME THE RESPONSIBILITY FOR SAID ROADWAYS. IT HAS BEEN DEEMED NECESSARY AND ESSENTIAL THAT CERTAIN REGULATIONS BE IMPOSED UPON THE USE OF THE SAID PRIVATE PROPERTY FOR THE HEALTH, SAFETY AND WELFARE OF THOSE WHO HAVE A RIGHT TO USE THE PROPERTY, THIS BEING A LAWFUL FUNCTION OF THE POLICE POWER OF THE BOROUGH OF INDIAN LAKE.

I. DEFINITIONS

Words and phrases when used in this Ordinance shall have the meaning ascribed to them in the Vehicle Code of Pennsylvania as now in force or as hereafter amended, enacted or re-enacted. The singular shall include the plural, and the masculine shall include the feminine.

II. "INCORPORATION OF THE
VEHICLE CODE OF PENNSYLVANIA"

The Vehicle Code of 1959, April 29, P.S. 58 Section 101 et sec., is incorporated by reference herein and made applicable in as far as the said Code applies to roads, streets and highways within a Borough and shall further apply as fully as if the entire Code was set forth herein.

III. SPECIAL POWERS OF THE MAYOR

The Mayor shall have the following powers to regulate traffic and parking temporary and in times of emergency:

(a) In a case of fire, flood, storm or other emergency, to establish temporary traffic and parking regulations.

(b) In a case of an emergency or to facilitate public works or in the case of the conduct of processions and public events, to restrict or prohibit prelimited areas for periods of not more than 24 hours.

(c) Such temporary and emergency regulations shall be enforced by the Mayor and the police of the Borough in the same manner as permanent regulations.

(d) Any person who shall operate a vehicle in violation of any such regulation shall be liable to the penalties set forth in the law for such a violation, and in case of any violation which no specific penalty is set forth in the law, to a fine of not more than \$50.00.

IV. AUTHORITY OF POLICE OFFICERS

The Police Officers of the Borough are hereby given authority to direct traffic on the roadways of the Borough and intersections thereof.

V. REPORTS OF ACCIDENTS REQUIRED

The operator of any motor vehicle involved in an accident in the Borough of Indian Lake and required by law to report such accident to any department or agency of the Commonwealth of Pennsylvania or any other person required to make such report shall, at the time of making such a report to the Commonwealth, make a written report to the Police of the Borough of Indian Lake containing the same information. Any person failing to make such report as hereby required shall, upon conviction thereof, be sentenced to pay a fine of \$10.00 and cost of prosecution.

XI. SPEED LIMITS ESTABLISHED ON CERTAIN STREETS

The following speed limits are hereby established: Except as hereinafter excepted, the speed limit on any roadway within the Borough of Indian Lake shall be 25 miles per hour. Said speed limits shall be posted on signs prepared and constructed in accordance with the Motor Vehicle Code of Pennsylvania. Any roadway within the Borough of Indian Lake which is to have a different speed limit shall be authorized by an appropriate Ordinance prior to the erecting of any signs therefor.

XII. SEVERABILITY

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional or illegal by a Court of record, such decisions shall not affect the validity of any of the remaining provisions of this Ordinance, unless the Court finds that the valid provisions of the act are so essentially and inseparably connected with and so dependent on the unconstitutional provision that it cannot be presumed that the Ordinance would have been enacted

without the unconstitutional provisions. It is hereby declared as a Legislative intent that this Ordinance would have been adopted had such unconstitutional or illegal provision not been included herein.

XIII. APPLICABILITY

This Ordinance shall apply only to the roadways which were built and laid out for the general use of the residents and their guests of the Borough of Indian Lake and shall not in any case be construed as applying to driveways or roadways owned by individual residents or not intended for the general use of the residents of the Borough of Indian Lake.

IX. ENFORCEMENT

Any person convicted of violation of any provision of this Ordinance for which a fine is not imposed by the Motor Vehicle Code of Pennsylvania may be fined not more than \$50.00 to be collected by summary conviction before any magistrate as fines and penalties are now by law collected. In the event of non-payment of fines and costs of prosecution, the magistrate may sentence any person convicted of violating such provisions of the Ordinance to undergo imprisonment for a period not exceeding ten (10) days.

The above Ordinance having been approved for publication and having been advertised for the proper period as provided by law is hereby approved on this 21st day of April, 1967, by the majority of the Council of the Borough of Indian Lake.

ORDAINED AND ENACTED into law this 21st day of April, 1967.

APPROVED:

BOROUGH OF INDIAN LAKE

/s/ Theron H. Wider
Mayor

BY /s/ Edward A. Specht
President of Council

I hereby certify that the foregoing Ordinance is Ordinance
No. 1 approved April 21, 1967, duly advertised and transcribed.

/s/ Lucille P. Garman
Secretary, Borough of Indian Lake

(SEAL)