

ORDINANCE NO. 54

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" covering 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 Co., Inc. dated December 12, 1974, and recorded in Somerset County Deed Book Volume 775, at Page 303, the Borough of Indian Lake is the owner of said Indian Lake; and,

WHEREAS, the Council of the Borough of Indian Lake has determined that 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 and necessary for the proper management, care and control of the Borough that certain regulations, rules, fees and penalties be promulgated 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 motive power of said boat is manual, sail, or by outboard or inboard-outboard stern drive motor not exceeding 200 horsepower. Boats or other vessels or devices powered by any other source whatsoever, including but not limited to inboard motors, jet powered boats and houseboats, are prohibited and shall not be placed, operated or used in or upon the waters of Indian Lake. All power 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 other similar device 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. Boat licenses shall be issued only to property owners in Indian Lake Borough who are members in good standing of the Indian Lake Service Corporation. For the purposes of this section, any persons holding title to real estate in any form of co-tenancy or co-ownership, including, but not limited to, tenancy by the entireties, joint tenancy, tenancy in common, and tenancy in partnership, shall be considered as one owner, and a boat license shall be issued in the name of one co-tenant only.

b. Licenses shall be valid for a term of one (1) year, and all licenses shall expire on the same date, as shall be established by Borough Council.

c. Licenses will not be issued except upon satisfactory showing or proof that the boat or vessel or other device for which said license is requested is in compliance with provisions of Section 101 above.

d. 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 fee shall be charged for the first license issued in any one year to any property owner.

e. Additional licenses may be issued by Borough Council to all persons having a 1982 license, upon the payment of any fees prescribed by or adopted by motion of the Borough Council.

f. Upon request to Borough Council, and after notice and a hearing, Council may grant variances from any of the requirements for licensure set forth in this Ordinance, upon any terms and conditions established by Council in the granting of a variance.

g. All boat owners must provide proof of insurance at the time a permit or 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 permitted boat or other vessel on the waters of Indian Lake Borough.

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 the launch ramps located at the marinas or other launch areas designated by the Borough Council. Boats are not permitted to be launched from the lot or any other easement around 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. Without in any way limiting the foregoing, the following rules are specifically set forth:

a. All warnings, directions and orders of duly appointed 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 counter-clockwise 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 has 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; (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 subparagraph 202.b hereof.

g. Boats pulling water skiers shall have at least one other occupant besides the operator. Tow ropes shall not exceed 80 feet in length and shall 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. All boats operated after sunset must display proper lights in accordance with Section 3.15 of the Pennsylvania Boating Regulations.

Section 203. Special permits or licenses may be issued by Borough Council for any floating docks, ski jumps or other items placed in the water but not customarily or necessarily considered a boat or vessel. Fees for the placement of such items shall be established by motion of the Borough Council, provided, however, that satisfactory proof insurance is submitted by the applicant at the time of the application.

ARTICLE III. SWIMMING:

Section 301. No swimming will be permitted beyond thirty (30) 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 shoreline 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 or substances, oil, or gasoline on the waters of the lake or its shorelines.

ARTICLE VI. MISCELLANEOUS:

Section 502. All dock and boat house owners on the perimeter of the lake and its 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 601. 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 penalties.

ORDAINED AND ENACTED this 12th day of April, 1983.

/s/ Frank A. Bedois
President of Council

ATTEST:

/s/ Beverly J. Brown
Secretary

Examined and approved by me this 12th day of April, 1983.

/s/ John E. Meehan, Sr.
Mayor