

SECTION 7
APPROVED MAY 19, 1967

ORDINANCE NO. 5

AN ORDINANCE DEFINING CERTAIN NUISANCES AND THE REGULATION THEREOF IN THE PROTECTION OF HEALTH, WELFARE AND SAFETY OF THE RESIDENTS OF THE BOROUGH OF INDIAN LAKE AND THE PROTECTION OF THEIR PROPERTY, PROVIDING FOR THE ENFORCEMENT THEREOF AND THE ABATEMENT OF SAID NUISANCES AND PRESCRIBING PENALTIES FOR VIOLATIONS



The Borough of Indian Lake hereby ordains as follows:

SECTION 1: DEFINITIONS. The word "person" as used in this Ordinance shall mean any natural person, partnership, association, firm or corporation. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

SECTION 2: ENFORCEMENT. It shall be the duty of the Mayor acting either personally or through his various agents such as members of the Police Department, the Building Official or any other persons who may from time to time be employed by the Borough of Indian Lake to enforce this Ordinance. He shall be authorized to institute any action required whether in a Court of Law or Court of Equity to maintain the health, safety, and welfare of the residents of the Borough of Indian Lake and the protection of their property.

SECTION 3: COVENANTS RUNNING WITH THE LAND OF LOT OWNERS OF THE BOROUGH OF INDIAN LAKE. Inasmuch as certain covenants aforesaid are inserted in most of the deeds of property within the Borough of Indian Lake and inasmuch as said covenants were intended to preserve the values of private property and to increase the general well being and welfare of the residents of the Borough of Indian Lake and in certain instances to protect the health of said residents, the violation

of said covenants set forth as follows is hereby declared to be a nuisance and subject to prosecution as hereinafter set forth:

(a) No building on any lots sold as or intended for a residential dwelling shall be used for or occupied by as a public garage, manufacturing or commercial establishment or any offensive or malodorous occupation or purpose.

(b) Every building within the Borough shall be under and subject to certain sanitary and sewer restrictions and regulations established and imposed by the Borough, the County of Somerset and the Commonwealth of Pennsylvania. Any violation of said restrictions shall be prosecuted under applicable laws and regulations or ordinances if applicable, and if no penalty has been provided by the other Authorities in the Commonwealth then shall be prosecuted under this Ordinance.

(c) No person shall cut or caused to be cut any tree over three (3) inches in diameter measured at a point two (2) feet above the ground nor shall any such tree be removed without having complied with the restrictions contained in his deed and without having obtained a permit granted by the Borough of Indian Lake.

SECTION 4: SURFACE WATER AND WATER COURSES. No person shall permit any body of water that has or may become stagnant to remain on the premises owned by him nor shall any person divert or change a water course as presently existing within the confines of the Borough unless such diversion has been approved by and a permit granted by the Borough. Upon a receipt of a notice from the Borough that a condition exists upon a property owned by any person that a body of water has become or may become stagnant, it shall be his duty to abate the nuisance created thereby to the satisfaction of the Borough within the time limits specified in such notice.

SECTION 5: No person shall dispose of or cause to be disposed of any trash, garbage or junk by any means of other than that provided by a licensed garbage collector, and no person shall run, cast or deposit either by means of a drain or otherwise upon any roadway or alley or communal property any kitchen waste, washwater, soapsuds or any other nauseous or offensive liquid or substance.

SECTION 6: No person shall cause or permit to be caused on his property any activity either of a commercial, domestic or recreational nature which shall cause offensive and nauseous odors apparent to other residents of the Borough. It shall be the duty of any person who receives a notice from the Borough that such a condition exists on a property owned or occupied by him to abate the nuisance created thereby to the satisfaction of the Borough within the time limits specified in such notice.

SECTION 7: No person shall cause or permit to be kept on the premises owned by him any animals or fowl, including horses, swine, cows, goats, sheep or rodents, at any time, and no domestic animals such as dogs and cats shall be kept upon said premises unless they are properly confined or maintained on leash to prevent their roaming onto other property owned by other persons in the Borough and to prevent their making of noises offensive to other persons in the Borough.

SECTION 8: No person shall keep or permit to be kept on his property any junk or discarded material or rubbish which shall include but not limited to scrap metal and scrap motor vehicles. Such prohibition shall not be intended to prevent any person from effecting

repairs to his own automobiles or other similar vehicles. Upon a receipt of a notice from the Borough that such a condition exists upon a property owned or occupied by him, it shall be his duty to abate the nuisance created thereby to the satisfaction of the Borough within the time limits specified in such notice.

SECTION 9: No person shall store or permit to be stored or kept or retained on any property within the Borough any explosives unless said explosives are stored and maintained in a structure which is and can be kept locked and which is approved by the Borough. Nothing in this restriction shall be interpreted to include ammunition normally used in guns or rifles for which the person is permitted to own.

SECTION 10: No person shall keep or permit to be kept on premises owned or occupied by him within the Borough any refrigerators, freezers or other chests which cannot be opened from the inside which are not in use and which are in any place where children may become trapped unless said refrigerator or freezer or chest has had the doors completely removed.

SECTION 11: No person shall engage in or permit to engage in any drag races or other races or games of vehicle driving skill or courage at any time or at any place within the Borough of Indian Lake unless a permit from the Borough has been obtained for said undertaking. In addition, no person shall bring into the Borough or permit to be brought into the Borough limits any vehicle to be used in motor vehicle racing unless said vehicle is transported on a carrier or trailer not under its own power unless said racing equipment or vehicle wears the necessary and current inspection stickers and licenses authorizing

travel on public highways. No vehicle shall be converted into such a racing vehicle on any person's property within the Borough of Indian Lake unless a permit has been granted by the Borough. The aforesaid prohibition against racing or games shall include all manner and every kind of act preparatory to said races or games.

SECTION ¹²~~12~~: 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 a decision 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 unconstitutional provision that it cannot be presumed that the Ordinance would have been enacted without the unconstitutional provision. It is hereby declared as a legislative intent that this Ordinance would not have been adopted had such unconstitutional or illegal provision not been included herein.

SECTION ¹³~~13~~: ENFORCEMENT. Any person convicted of violation of any provision of this Ordinance may be fined not more than Three Hundred and 00/100 (\$300.00) Dollars nor more than thirty (30) days in jail or both.

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 19th day of May, 1967, by the majority of the Council of the Borough of Indian Lake.

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. 5 approved May 19, 1967, duly advertised and transcribed.

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

(SEAL)