

Ordinance No. 460

**AN ORDINANCE OF THE BOROUGH COUNCIL FOR
THE BOROUGH OF WORMLEYSBURG ENACTING PROVISIONS FOR A
REVISED PART 3, BOAT DOCK PERMITS, CONSTRUCTION AND
MAINTAINING OF DOCKING AND MOORING PROVISIONS, OF CHAPTER
16, PARKS AND RECREATION**

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of
Wormleysburg, Cumberland County, Pennsylvania and

IT IS HEREBY ENACTED AND ORDAINED by the authority of the same as
follows:

Section 1. Chapter 16, PARKS AND RECREATION, Part 3, Boat Dock Permits,
Construction and Maintaining of Docking and Mooring Provisions is hereby repealed in
its entirety and a new Part 3 is enacted as follows:

16-301. Definitions.

BOAT- a small vessel propelled by oars, paddles, sail or power.

COMMERCIAL DOCK SPACE- docks or similar facilities where the owner,
proprietor or permit holder charges a fee or receives compensation from any other
party for the use of a dock or similar facility. This definition shall not include
those facilities permitted and used exclusively by the membership of any non-
profit club, organization or association.

DOCK- a structure on about Borough property, which is floating, cantilevered,
pile supported, or otherwise secured or attached to the shoreline or riverbed and
used for the purpose of providing an above water platform upon which individuals
may walk or boats might be secured.

LANDING- a permitted area of the shoreline where boats may be pulled on or
against the shore and directly secured to land when not in use by the owner or
permit holder.

MOORING- the act of securing or making fast in place when not in use a boat or
other vessel by means of cables, anchors, or other contrivances in water and away
from the shoreline.

NON-COMMERCIAL DOCK SPACE- docks or similar permitted facilities,
which are used by individuals or non-profit organizations for recreational
purposes and not for a fee, compensation or profit.

PERMITTEE- and individual person or group of individual persons or a business
organization, and whom is awarded a permit under § 16-305 of this Part 3. [Ord.]

VEGETATION- plant life or total plant cover over an area.

PARKS AND RECREATION

16-302. Boat Docks, Landings and Moorings.

The permitting and control of all boat docks, landings, moorings and similar facilities on or about lands or water areas owned or controlled by the Borough of Wormleysburg shall be under jurisdiction of the Borough Council except to the extent that either the Federal or State government shall have jurisdiction. Any land owned by the Borough of Wormleysburg adjacent to the Susquehanna River shall be public areas and governed by Borough Council.
(Ord.396, 5/12/1992, §3)

16-303. Permits for Boat Docks, Landings and Moorings.

Any individual or organization seeking to place a boat dock, landing or mooring on or about land or waterways owned or controlled by the Borough shall apply for and obtain a permit from the Borough prior to the placement or use of any such boat dock, landing, mooring or similar facility. The following procedure for application and issuance of such a permit shall apply:

New or First Time Applications.

Borough Council or its designee shall produce a form to be used in applying for a permit for the placement of any boat dock, landing, mooring, or similar facility. Borough Council or its designee shall review all permit applications and may issue a permit only after such applications are reviewed and deemed in conformity with the provisions of this Part.

All permits issued by the Borough pursuant to this Part shall be used exclusively for recreational boating purposes. No permit shall be issued for the placement or use of any boat dock, landing, mooring or similar facility where and when the applicant does not have a boat or vessel nor demonstrates the intention of using the permitted facility for recreational boating purposes. Under no circumstances shall any permit be issued to any individual or organization, which does not have or intend to obtain a boat or similar vessel for use in conjunction with the permit for which application is made.

Any permit application found to contain false information shall be rejected.

When and where the number of permit applications exceeds the available areas for permitted use, the Borough shall establish and maintain a perpetual waiting list of such additional applicants. When a previously permitted area becomes available for use, priority shall be given to persons on the list who are Borough residents and having been first recorded. Individuals listed on the waiting list shall have the right to indicate a preference for a particular area.

All permits issued are valid from April 1 through November 1 of the current following year.

Renewal Applications.

All permit holders shall be entitled to renew their permit annually by making application on a form provided for that purpose by the Borough. Any person or organization who is holding or has held a permit issued under the Part during the immediately preceding year shall be given the right to renew that permit each succeeding year so long as that individual or organization adheres to the provisions of this Part. When and where any permit holder is unwilling or unable to renew the permit previously issued by the Borough any other individual who shared in the use of that previously issued permit shall be granted a priority right

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to make application for the use of that same permit so long as the individual or organization can adequately demonstrate their regular or shared use of the previously permitted area or facility. All renewal of permits shall be applied for each year from January 1 through March 31. Any new permit application can be applied for at any time.

Any changes in any information listed on the permit application must be provided to the Borough Council in writing within 15 days of said change of the permit may be revoked.

PARKS AND RECREATION

16-304. Requirements of Permit Holder.

Docking, mooring or landing areas shall be limited to no more than the approved permitted area designated on the permit issued by the Borough Council or its designee. The area of offshore mooring shall be within the area from the Harvey Taylor Bridge to U.S. Route 15, Walnut Street, and all mooring shall be within 175 feet from the shoreline, or as designated by the Pennsylvania Fish and Boat Commission. The distance between moorings shall be a minimum of 150 feet. No dock shall be more than 125 feet from the shoreline without Borough Council approval. All boats in any docking or mooring area must remain within the space designated on the approved dock or mooring permit.

Requests for structures must receive written approval from Borough Council or its designee before being installed. Said approval shall be at the sole discretion of Borough Council or its designee. Examples of structures include: steps, light poles and walkways.

Permit fees for docking and mooring shall be set on a per boat basis and established by resolution of Borough Council.

Permit holders shall be responsible for the proper securing of all boat docking and mooring facilities. Provisions shall also be made to insure that new cabling systems which secure docking or mooring facilities do not impede or hinder those of preexisting permitted adjacent facilities. Preexisting permitted adjacent facilities shall be defined as those being in existence as of December 30, 1991.

New systems shall be defined as those proposed after January 1, 1992. A diagram of the cabling system must be included on all permit applications.

No commercial docks shall be permitted.

Vegetation and Maintenance. Permit holders shall be responsible for the cleaning and proper maintenance of all permit areas. Permit holders shall either plant or maintain the growth of ground covering plants or vegetation such as Crown Vetch, various grasses, flowers or other ornamental or ground-covering plants or vegetation however all such ground cover shall be kept and maintained in a neat, controlled and orderly manner and shall not be allowed to exceed height limits or obstruct the view of the river or the boats or docks along the river.

Height Limits. All permit areas shall be cleared of all brush and trees which block or obstruct the view of boats or docks at any permit site at any point adjacent to the guide rail when viewed from a standing position on the Front Street side of guide rail or which exceeds in height the line-of-sight of an adult standing on the Front Street side of the guide rail viewing permitted boats or

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docks. No trees or brush or other obstructions within permitted areas shall extend above the guide rail along Front Street unless planted, authorized or maintained by the Borough.

To the extent practicable, all permit holders shall clear and keep and maintain an unobstructed pathway of short, cut grass or other short ground cover approximately 3 feet wide on the river-side of the Front Street guide rail.

Platforms or steps which enhance or enable safe passage over the guide rail shall not be considered a pathway obstruction so long as such platforms do not block the ability of any person to safely pass along the river side of the guide rail.

Under no circumstances shall any steps or platform or handrails or other items or constructed facilities extend above the height of the guide. All cut trees or brush or over-sized vegetation which is cut or trimmed shall be removed and properly disposed of by the permit holder and shall not be placed upon any area of the waterfront or in the water of the river.

Any trees or vegetation planted or maintained by the Borough shall not be harmed or removed by any person without the written permission of the Borough. Permit holders shall be responsible for the removal of all trash and debris from their permitted areas and shall properly dispose of such debris at appropriate disposal locations.

With the exception of ordinary lawn and garden products commonly sold for the purpose of treating, destroying or removing various poisonous plants or vegetation such as poison oak or poison ivy, no permit holder shall use or apply any chemicals or hazardous materials to kill, clear or remove trees or vegetation. No permit holder may store or keep any hazardous chemicals or materials on or about the waterfront area.

No person shall cut or remove or disturb or disrupt the natural growth of any trees or plants or vegetation or the wildlife habitat within any of the designated natural areas without express written permission of the Borough.

Inspections. The Borough Manager shall make periodic inspections of the waterfront area. The Borough Manager shall then notify the permit holder(s) in writing of the observed violation(s) and shall provide the permit holder(s) with 15 days notice for correcting such violations. If such violations are not corrected to the satisfaction of the Borough Manager within the 15-day period a citation and revocation shall be issued.

[Ord. 427]

All boats to be docked or moored must be listed on the boating permit application, which shall include the following information, and any other relevant information requested by the Borough Council or its designee:

Owner's name.

Address.

Phone Number.

Size and make of the boat.

Pennsylvania Boat Registration Number (if required).

A request for of list of all proposed structures.

No boat or dock shall be less than 15 feet from the guardrail along Front Street at any time.

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(Ord. 396, 5/12/1992, § 3; as amended by Ord. 427, 2/12/2002, §1)

16-305. Revocation of Permits.

In addition to any remedies provided in §16-307 upon any violation of this Part by the permit holder, Borough Council or its designee may terminate any permit issued pursuant to this Part.

All docking and mooring permits issued are subject to cancellation by reason of loss or non-attainment of the DER and/or Pennsylvania Fish Commission permit. Any permit may also be revoked for failure to comply with the regulations set forth in this Part. Failure to use the privileges granted by a permit during the term of permit shall constitute abandonment, and upon showing thereof, it may be revoked by Borough Council. The person or persons who are responsible for the revocation, which may be the permittee, shall lose the right to use any permitted facility for a period of at least 1 year from the date of revocation and said responsible person or persons shall not be allowed to apply for a permit issued under this Part 3 during that 1 year period. Any person or persons not responsible for the revocation and who is also a permittee under the permit shall have a preference to take over a permit that was revoked provided all violations are corrected within 15 days of any notice issued by the Borough. [Ord. 424]

The revocation of any permit can only occur upon the following conditions: The Borough Manager may inspect the riverfront or any permitted area on his own violation or upon a report of violation. In the event this Borough Manager determines that there is a violation of a permit or discovers any other violation, a warning notice shall be sent to the permittee who shall be given 15 days to correct the violation. If the violation is not corrected within 15 days of the notice being sent, the Borough Manager shall recommend to Borough Council that the permit be revoked. The permittee shall be given notice of the Borough Manager's recommendation and the right to be heard before Borough Council's Committee on Parks, Recreation and Public Land, whose decision will be final and binding. [Ord.424]

Requests for structures must receive written approval in the permit issued from Borough Council or its designee before being installed. Said approval shall be at the sole discretion of Borough Council or its designee. Examples of structures shall include: steps, light poles and walkways. Said structures need not be removed during non-boating season. Boats, docks or similar moveable items are to be removed at the end of the boating season and not stored in the riverfront area. Any such structure not so removed shall be considered abandoned by the permittee and may be removed and/ or discarded by the Borough without any liability whatsoever. Any cost(s) associated with the removal and disposal, shall be the responsibility of the permittee. [Ord. 424]

(Ord. 396, 5/12/1992, §3; as amended by Ord. 424, 6/12/2001, §2)

16-306. River Front Committee

A River Front Committee is hereby established consisting of no more than seven (7) members, all residents of the Borough of Wormleysburg. All members of the Committee shall be appointed by Borough Council and can be removed

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OR OTHERWISE AT THE DISCRETION OF BOROUGH COUNCIL

without prior notice by Borough Council. Committee members shall be appointed for five (5) year terms or until their successors are appointed. ~~With the establishment of the River Front Committee the members first appointed shall be so appointed that the term of one (1) member shall expire after the first year, one (1) member after the second year, one (1) member after the third year, two (2) members after the fourth year and two (2) members after the fifth year. In the initial year of the Committee's re-establishment appointees named will consider their first year to end December 31, 2007. Vacancies shall be filled in the same manner as original appointments and for the unexpired term. Members of the Committee need not be boat owners to serve. Committee members shall serve without compensation.~~

The Committee shall elect officers ~~at the initial meeting of the re-established Committee and annually thereafter~~ at the first meeting each January. Officers elected shall be Chairman, Vice Chairman and Secretary. Monthly meetings should be held at dates and times as designated by the Committee. Minutes should be kept of each meeting and provided in a timely manner to the Borough Council's Committee on Parks, Recreation and Public Lands so that appropriate reports and/or recommendations may be acted upon and reported out at monthly Borough Council meetings.

The River Front Committee shall work closely with the Borough Council Committee on Parks, recreation and Public Lands. They shall serve in an advisory capacity on matters, issues or problems, which relate to the riverfront. The Committee should review, consider and make recommendations to the Borough Council Committee in an effort to improve and enhance recreational boating activities along Wormleysburg Borough's shoreline. The Committee shall ~~not~~ be a clearinghouse for applications for dock spaces, landing spaces and other permits deemed necessary by Borough Council or state agencies. Applications are to be submitted directly to the Borough Manager. Procedures enumerated in sections 16-303, 16-304 and 16-305 are to be followed.

Budget considerations regarding the Borough's cost of maintaining and improving the Borough's water front will be determined between the Borough Council's Committee on Parks, Recreation and Public Lands and the Borough Manager subject to approval of the Wormleysburg Borough Council.
(Ord. 396, 5/12/1992, §3; as amended by Ord. 424, 6/12/2001, §2)

16-307. Enforcement and Penalties.

Enforcement of this Part shall be the responsibility of the Borough Council or any other Borough Council designee. Failure to comply with any provision of this Part, including the failure to secure a permit when required, shall be a violation of this Chapter. Any person, partnership or corporation, who or which shall violate the provisions of this Part shall, upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than \$600 and forfeiture of permit. In default of payment of the fine, such person, members of such partnership or the directors and officers of such corporation shall be liable to imprisonment for not more than 30 days. Each day that a violation is continued or occurs shall constitute a separate offense. (Ord. 396, 5/12/1992, §3)

THE REVIEWING
AGENT

THE RIVERFRONT
COMMITTEE

ENACTED AND ORDAINED at a meeting of the Borough Council of the Borough of Wormleysburg held this 13th of JUNE, 2006.

BOROUGH OF WORMLEYSBURG

By: Thomas B. Mangano
President

ATTEST:

[Signature]
Secretary

Approved this 13th day of JUNE, 2006

[Signature]
Mayor