

## PART 3

**BOAT DOCK PERMITS, CONSTRUCTION AND MAINTAINING OF  
DOCKING AND MOORING PROVISIONS****§ 16-301. Definitions. [Ord. 509, 6/13/2017]**

**BOAT** — A watercraft designed to be propelled by oars, paddles, sail or motor.

**BOROUGH** — The Borough of Wormleysburg.

**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 nonprofit club, organization or association.

**DEP** — The Pennsylvania Department of Environmental Protection.

**DOCK** — A structure on or about the 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.

**NONCOMMERCIAL DOCK SPACE** — Docks or similar permitted facilities which are used by individuals or nonprofit organizations for recreational purposes and not for a fee, compensation or profit.

**PERMITTEE** — An individual person or group of individual persons or a business organization who is awarded a permit under § 16-303 of this Part 3.

**VEGETATION** — Plant life or total plant cover over an area.

**§ 16-302. Boat Docks, Landings and Moorings. [Ord. 509, 6/13/2017]**

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 shall be under the 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 adjacent to the Susquehanna River shall be a public area and governed by Borough Council.

**§ 16-303. Permits for Boat Docks, Landings and Moorings. [Ord. 509, 6/13/2017]**

1. 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 for, and issuance of, such a permit shall apply:

A. New or First-Time Applications.

- (1) Borough Council, or its designee, shall produce a form, both paper and electronic, 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.
- (2) 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 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 for use in conjunction with the permit for which the application is made.
- (3) 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.
- (4) All permits issued are valid from April 1 through November 1 of the current following year. Any new permit may be applied for at any time throughout the year.

B. Renewal Applications.

- (1) 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 this Part during the immediately preceding year shall be given the right to renew that permit each succeeding year so long as the 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 legally shared in the use of that previously issued permit shall be granted a priority right to make application for the use of that same permit, so long as the individual or organization can adequately demonstrate, by a preponderance of the evidence, 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.
- (2) Any changes in information listed on the permit application must be provided to the Borough Council, or its designee, in writing, within 15 days of said change or the permit may be revoked.

**§ 16-304. Requests for Structures. [Ord. 509, 6/13/2017]**

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, but not be limited to, steps, light poles, and walkways. Said structures need not be removed during nonboating 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.

**§ 16-305. Requirements of Permit Holder. [Ord. 509, 6/13/2017]**

1. 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 moorings shall be no further than 175 feet from the shoreline, or as otherwise designated by the Pennsylvania Fish and Boat Commission and DEP, the shortest distance controlling. The distance between moorings shall be a minimum of 150 feet.
2. No dock shall be more than 125 feet from the shoreline without the express written approval of Borough Council or its designee. All boats in any docking

or mooring area must remain within the space designated on the approved docking or mooring permit.

3. Requests for structures, including, but not limited to, steps, light poles and walkways, must receive written approval from Borough Council or its designee before being constructed and/or installed. Said approval shall be the sole and absolute discretion of Borough Council or its designee and in accordance with § 16-304 of this Part.
4. Permit fees for docking and mooring shall be set on a per-boat basis and established by resolution of Borough Council.
5. 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 that secure docking or mooring facilities do not impede or hinder those of preexisting permitted facilities. "Preexisting permitted facilities" shall be defined as those being in existence and permitted continuously prior to January 1, 1992." New systems" shall be defined as those proposed on, or after, January 1, 1992. A diagram of the cabling system must be included on all permit applications.
6. No commercial docks shall be permitted.
7. Vegetation and Maintenance. Permit holders shall be responsible for the cleaning and proper maintenance of their respective permit area. 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 noninvasive and shall be kept and maintained in a neat, controlled and orderly manner and shall not be allowed to exceed height limits, as further defined in Subsection 8 below, or obstruct the view of boats or docks along the river. Any activities of the permit holder shall be in compliance with all applicable federal, state and local laws and ordinances, including, without limitation, Chesapeake Bay laws and regulations.
8. Height Limits. All permit areas shall be cleared of all brush and trees that 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 the 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 docks. No trees or brush or other obstructions within the permitted areas shall extend above the guide rail along Front Street unless planted, authorized or maintained by the Borough.
9. To the extent practicable, all permit holders shall clear, keep and maintain an unobstructed pathway of short, cut grass or other short ground cover approximately three feet wide on the river side of the Front Street guide rail. Notwithstanding the foregoing, platforms or steps which enhance or enable

safe passage over the guide rail shall not be considered a pathway of obstruction so long as such platform does not block the ability of any person to safely pass along the river side of the guide rail.

10. 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 oversized 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.
11. 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.
12. 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.
13. No permit holder may store or keep any hazardous chemicals or materials on or about the waterfront area.
14. 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.
15. 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:
  - A. Owner's name.
  - B. Address.
  - C. Phone number.
  - D. Size and make of the boat.
  - E. Pennsylvania boat registration number (if required).
  - F. A list of all proposed structures.
16. No boat or dock shall be less than 15 feet from the guide rail along Front Street at any time.

**§ 16-306. Inspections. [Ord. 509, 6/13/2017]**

1. An annual inspection shall take place every year on the third Tuesday of July.
2. Additional inspections may be scheduled at the sole and absolute discretion of the Borough Manager or his designee.

**§ 16-307. Enforcement and Penalties. [Ord. 509, 6/13/2017]**

1. Once an inspection is conducted, the permit holder shall be notified of any noncompliance, in writing, using the contact information provided on the application. It is the sole responsibility of the permit holder to ensure that the contact information is kept up to date, and the Borough shall not be liable for a permit holder not receiving a notice of noncompliance as a result of inaccurate contact information.
2. Permit holders shall correct any and all noncompliance within 15 days of the date of violation. If the noncompliance has not been corrected within that time frame, the Borough Manager, or his designee, may fine the permit holder for a first-time violation and issue a second notice of noncompliance. If the noncompliance persists beyond 15 days from the issuance of the second notice of noncompliance, the Borough Manager or his designee shall initiate revocation proceedings, as set forth herein at § 16-308.
3. Enforcement of this Part shall be the responsibility of 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.

**§ 16-308. Revocation of Permits. [Ord. 509, 6/13/2017]**

1. 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.
  - A. All docking and mooring permits issued are subject to cancelation by reason of loss or nonattainment of the DEP and/or Pennsylvania Fish and Boat 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 the permit shall constitute abandonment, and upon showing thereof, it may be

revoked by Borough Council, or its designee. 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 one year from the date of revocation, and said responsible person or persons shall not be issued a permit under this Part 3 during that one-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.

- B. The Borough Manager or his designee may inspect the riverfront or any permitted area on his own volition or upon a report of violation. In the event the Borough Manager or his designee determines that there is a violation of a permit or discovers any other violation, a written 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, or his designee, shall recommend to Borough Council that the permit may be revoked. The permittee shall be given the notice of the Borough Manager's recommendation and the right to be heard before Borough Council's Committee on Parks, Recreation and Public Lands, whose decision shall be final and binding.

**§ 16-309. River Front Committee. [Ord. 509, 6/13/2017]**

1. A River Front Committee is hereby established, consisting of no more than seven members, all residents of the Borough of Wormleysburg or otherwise at the discretion of Borough Council. All members of the Committee shall be appointed by the Borough Council and may be removed without prior notice by the Borough Council. Committee members shall be appointed for five-year terms or until their successors are appointed. Members of the Committee need not be boat owners to serve. Committee members shall serve without compensation.
2. The Committee shall elect officers annually 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.
3. The River Front Committee shall work closely with the Borough Council Committee on Parks, Recreation and Public Lands. It 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 may act as the reviewing agent 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.

4. Budget considerations regarding the Borough's cost of maintaining and improving the Borough's waterfront will be determined between the Borough Council's Committee on Parks, Recreation, and Public Lands, the Riverfront Committee and the Borough Manager subject to approval of the Wormleysburg Borough Council.