

Town of Proctor  
Beaver Pond Committee Meeting  
July 6, 2016 - 6:00 PM

Members Present; Bill Champine, Ray Beyette Linda Lewis, Jim Moore

I. Call to Order; 6:00 PM

II, Approve Agenda; Ray Beyette moved to approve. Linda Lewis seconded, Motion Passed

III. Review Meeting Minutes 6/1/16. Ray Beyette moved to approve. Linda Lewis seconded.  
Motion Passed.

IV. Improvement Projects; North End access Road repaired. Stone will be added to turn around and parking. Jim Moore finished the trail over Beaver Pond Hill. It is a half mile walk over the hill connecting north and south ends of the pond. It is already getting some use.

Bill Champine is getting a gate for north end access road. It will be closed and locked at dusk and opened at dawn.

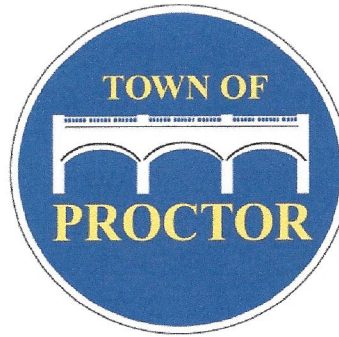
Bill is also getting the wooden posts for the signs.

V. Permits; Permits for dredging old beach section of north end and dry hydrant on the south end are in process.

VI. Signs; Signs have arrived and will be put up soon.

VII. Rules and Ordinance; Town of Proctor, Beaver Pond Ordinance was read aloud . Jim Moore moved to approve. Ray Beyette seconded. Ordinance approved, Copy attached to these minutes.

VIII. Adjourn; 6:35 PM



**Town of Proctor**

**Beaver Pond Ordinance**

**Adopted:**  
**Effective:**

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## **Article I - Authority and Purpose**

Pursuant to the delegation of authority from the Secretary of Natural Resources under provisions of Title 10 VSA Section 1424(f) and the authority of Title 24 VSA Chapter 59 and such other general enactments as may be material hereto, it is hereby ordained by the Selectboard of the Town of Proctor that the following Beaver Pond Ordinance is adopted for the Town of Proctor, Vermont as a civil/criminal ordinance.

It is the purpose of this Ordinance to regulate the waters of Beaver Pond and adjacent Beaver Pond Park within the Town of Proctor in order to promote public health, safety and the welfare throughout the Town of Proctor.

## **Article II – Definitions**

Unless the content otherwise indicates, as used in this ordinance:

- A. Beaver Pond is the approximate 11.1 acre surface water body located in the Town of Proctor.
- B. Beaver Pond Park is the approximate 38 acre tract of land owned by the Town of Proctor and surrounding Beaver Pond.

## **Article III – Access Hours to the Beaver Pond Facilities**

- Sec. 1 The ordinary hours of access to the Beaver Pond and the facilities is from dawn to dusk during the months when the Beaver Pond Park is open to the public. A Beaver Pond Recreation Facility Use Agreement is required to authorize access and use of the Facilities after dusk. The Agreement form and instructions are attached as Appendix A.

## **Article IV – Water Rules and Regulations**

- Fishing*
- Sec. 1 The waters of Beaver Pond are for bathing, swimming, and fishing. All activities in or on the water are undertaken at an individual's own risk.
- Sec. 2 The use of internal combustion motors to power vessels on Beaver Pond is prohibited.
- Sec. 3 Glass containers or other materials which may pose a hazard to swimmers are not allowed in the water or on any permitted watercraft or vessel.
- Sec. 4 No refuse of any kind shall be deposited in water.
- Sec. 5 Using soap is not allowed in the water.

## **Article V – Park Rules and Regulations**

- Sec. 1 Parking of motor vehicles is allowed only in designated areas. Violators may be towed at the owner's expense.
- Sec. 2 Posting bills, cutting, peeling, defacing, writing upon or destroying or damaging any building, sign, structure, bench, table, plant, rock or other natural or manmade structure or object is prohibited.

- Sec. 3 There shall be no littering. No containers are available at Beaver Pond for deposit of debris. All refuse and separated recyclables of items brought to the Beaver Pond Park shall be carried away and disposed of off-site.
- Sec. 4 Urinating, defecating or disposing of human waste shall be in facilities designated for that purpose.
- Sec. 5 Fires are allowed only in fire pits, fireplaces or grills at designated areas. All fires must be attended and under control at all times. Fires are not to be extinguished by throwing or dousing logs or embers in the water.

## **Article VI – Enforcement before the Traffic and Municipal Ordinance Bureau**

- Sec. 1 Any person who violates a provision of this Ordinance shall be subject to a civil penalty of up to \$500 for each violation.
- Sec. 2 Any law enforcement officer may act as an Issuing Municipal Official and issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint for violation of this ordinance.

## **Article VII – Waiver Fee for Municipal Complaint**

- Sec. 1 An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amounts, for any person who declines to contest a municipal complaint and pays the waiver fee:

First offense  
Second offense  
Third offense  
Fourth and subsequent offense

\$  
\$  
\$  
\$

*50.00*  
*150.00*  
*250.00*  
*Prohibited from use of park*

## **Article VIII – Civil Penalty for Ordinance Violation**

- Sec. 1 An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation of the Ordinance.

First offense  
Second offense  
Third offense  
Fourth and subsequent offense

\$  
\$  
\$  
\$

*SAME AS ABOVE*

## **Article IX – Additional Enforcement Rights**

- Sec. 1 In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Town is authorized to commence a civil action to obtain injunctive or other appropriate relief, or to pursue any other remedy authorized by law.

## **Article X – Severability**

- Sec. 1 If any portion of this Ordinance and any amendments made hereto are held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance and amendments made hereto shall not be affected and shall remain in full force and effect
- Sec. 2 If any statute referred to in this Ordinance shall be amended; this Ordinance shall be deemed to refer to such amended statute.

## **Article XI – Effective Date**

- Sec. 1 This Ordinance shall become effective 60 days after its adoption by the Proctor Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the effective date.

Duly enacted and ordained this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by the Selectboard of the Town of Proctor, County of Rutland, State of Vermont, at a duly called and duly held meeting of said Selectboard.

ATTESTED BY: \_\_\_\_\_  
Town Clerk

#### ADOPTION HISTORY:

This Ordinance is available for review at the Town Clerk's Office at 45 Main Street, Proctor, VT 05765. Questions concerning this Ordinance may be directed to the Town Manager, 45 Main Street, Proctor VT 05765.