Town of Proctor

Beaver Pond Ordinance

Adopted: August 8, 2016
Effective: October 7, 2016

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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 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 from April 1 until November 1 each year. The gates for vehicular access to Beaver Pond Park will be closed and locked from November 1 until April 1 of each year. A Beaver Pond Park 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

A violation of the following Rules in Sections 2, 3, 4 and 6 are major; a violation of Section 5 is minor.

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.

Sec. 6 Fishing in the area of water where people are swimming is prohibited.

Article V – Park Rules and Regulations

A violation of the following Rules in Sections 2, 3, 4 and 5 are major; a violation of Section 1 is minor.

Sec. 1 Parking of motor vehicles is allowed only in designated areas including spaces reserved exclusively for disabled persons. Violators may be towed at the owner's expense.

Sec. 2 Cutting, peeling, defacing, or destroying or damaging any building, sign, structure, bench, table, tree or other 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 for a major violation and pays the waiver fee:

First offense	$ 50.00
Second offense	$ 150.00
Third offense	$ 500.00
Fourth and subsequent offense	Results in prohibition to enter the Park

Sec. 2 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 for a minor violation and pays the waiver fee:

First offense	$ 25.00
Second offense	$ 75.00
Third offense	$ 250.00
Fourth and subsequent offense	Results in prohibition to enter the 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 major violation of the Ordinance.

First offense	$ 50.00
Second offense	$ 150.00
Third offense	$ 500.00
Fourth and subsequent offense	Results in prohibition to enter the Park

Sec. 2 An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each minor violation of the Ordinance.

First offense	$ 25.00
Second offense	$ 75.00
Third offense	$ 250.00
Fourth and subsequent offense	Results in prohibition to enter the Park

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 statue.

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 8th day of August, 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: Celia Lisanti
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.