

Town of Proctor

Beaver Pond Ordinance

Adopted: August 8, 2016

Effective: October 7, 2016

Amended: July 26, 2021

Effective: September 24, 2021

Amended July 8, 2024

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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 — Property Definitions

Reference to Beaver Pond in the Ordinance includes all property defined below:

- 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.
- C. Beaver Pond Park-Picnic Area is located at the North end of Beaver Pond.

Article III — Access Hours to Beaver Pond

Sec. 1 The hours of access to Beaver Pond is from dawn to dusk. The Beaver Pond Park- Picnic area is open to the public from April 1 until November 1 each year. The Beaver Pond gate may be closed during inclement weather months. The Town Manager in concert with the Department of Public Works will make the decision and post accordingly for public notice.

Article IV — Water Rules and Regulations

Sec. 1 The waters of Beaver Pond are for recreational purposes i.e. swimming, fishing, canoeing & kayaking. All activities in or on the water are undertaken at an individual's own risk.

Sec. 2. The use of internal combustion and/or electric motors to power vessels on Beaver Pond is prohibited.

Sec. 3 No glass containers.

Sec. 4 No refuse of any kind shall be deposited in water.

Sec. 5 No fishing in the designated swimming area.

Sec. 6 Ice Fishing Shanties are allowed; however, they must be removed before dusk each day.

Article V – Property Rules and Regulations

- Sec. 1 Cutting, peeling, defacing, or destroying or damaging any building, sign, structure, bench, table, tree or other manmade structure or object is prohibited.
- Sec. 2 No littering. No containers are available at Beaver Pond for deposit of refuse. Carry in – Carry out.
- Sec. 3 Charcoal fires are allowed only in the charcoal grills.
- Sec. 4 No glass containers.
- Sec.5 No camping.

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 violation and pays the waiver fee:
- | | |
|----------------|---------------------------------------|
| First offense | \$ 150.00 |
| Second offense | \$ 500.00 |
| Third offense | Results in prohibition to Beaver Pond |

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 | \$ 150.00 |
| Second offense | \$ 500.00 |
| Third offense | Results in prohibition to Beaver Pond |

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

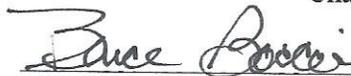
Sec. 1 This Ordinance shall become effective 60 days after its adoption by the Proctor Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the effective date.

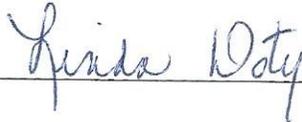
Duly enacted and ordained this 8th day of July, 2024 by the Selectboard of the Town of Proctor, County of Rutland, State of Vermont, at a duly called and duly held meeting of said Selectboard.

TOWN OF PROCTOR SELECTBOARD



Chairperson







ATTESTED BY:



Town Clerk

