

TOWN OF CALAIS ORDINANCE REGULATING THE USE OF CURTIS POND ISLAND

SECTION 1. AUTHORITY. Under authority granted in 24 V.S.A. § 872, 24 V.S.A. § 1971, and 24 V.S.A. § 2911 (14), (15), and (18), the Selectboard of the Town of Calais hereby adopts the following civil ordinance regulating the use of Curtis Pond Island.

SECTION 2. PURPOSE. The purpose of this Ordinance is to ensure and protect public health, safety, and enjoyment of the public's use of the Curtis Pond Island.

SECTION 3. DEFINITIONS.

- A. "Island" shall mean the entirety of the Curtis Pond Island, located on Curtis Pond, including both the "lean-to area" in the center of the Island and the "swimming area" on the southern end of the Island.
- B. "Calais Resident" shall mean any person currently owning, leasing, or renting real property within the limits of the Town of Calais.
- C. "Invited Guests" shall mean any person invited by a Calais Resident to camp on the Island with the Calais Resident.
- D. "Campers" shall mean a group of Calais Residents and their Invited Guests who have a Permit issued by the Town of Calais allowing them to camp on the Island between 6:00 p.m. and 8:00 a.m. on specified dates.
- E. "Day Users" shall mean any person present on the Island between the hours of 8:00 a.m. and sunset.
- F. "Unreasonable noise" shall mean any noise that disturbs, injures, or endangers the peace or health of another or that endangers the health, safety, or welfare of the community. Any such noise shall be considered a noise disturbance and a public nuisance.

SECTION 4. CAMPING PERMITS AND PERMITTED USES.

- A. A Permit is required to camp on Curtis Pond Island overnight.
- B. Permits are issued by the Calais Town Clerk. One Permit shall be issued for each stay. A stay may be from one (1) night up to three (3) consecutive nights and shall list the name of each camper. A maximum of six (6) campers shall be allowed.
- C. Only Calais Residents shall obtain a camping permit.
- D. The Calais Resident to whom a Permit is issued shall be responsible for all persons named on the Permit and shall make sure that all persons in the group of Campers comply with the terms of this Ordinance and other local and state ordinances and laws.
- E. Tents and other temporary camping shelters may be placed anywhere on the Island.
- F. Quiet hours shall be maintained between 10:00 p.m. and 8:00 a.m. During quiet hours the following provisions shall apply:
 - a. No person shall make or cause to be made any loud or unreasonable noise, including yelling, except in the case of an emergency. Campers shall be cognizant of the volume of their conversations since noise travels long distances over water and is amplified by calm water.

- b. There shall be no operation, or permitting the operation, of any musical instrument, radio, stereo, sound amplification equipment, music player, television, or other device for the production or reproduction of music or audio or video broadcast in such a manner as to unreasonably disturb the peace, quiet, or comfort of the public.

SECTION 5. ISLAND DAY USE.

Day users shall access the Island from 8:00 a.m. and leave by 6:00 p.m.

SECTION 6. ISLAND PROHIBITIONS. The following are prohibited for both day users and Campers:

- A. Discharging of firearms or fireworks.
- B. Operating any power equipment, machinery, or chain saws.
- C. Cutting of live trees.
- D. Burning trash.
- E. Leaving trash or food scraps on the Island, especially in the Island outhouse, in Curtis Pond waters, and in any of the surrounding properties of Curtis Pond.
- F. Glass containers.
- G. Underage consumption of alcohol
- H. Use of illegal substances
- I. Littering, vandalism, destruction, and defacement of Island property.

SECTION 7. FIRES.

- A. Fires are permitted only within a designated stone fire pit.
- B. Fires shall not be left unattended.
- C. Fires shall be fully extinguished before the last person leaves the Island each day and before the last overnight Camper goes to sleep each night.
- D. Firewood brought to the Island must be locally derived when brought to the Island.
- E. Unused, cut to length firewood may be left on the Island and shall be neatly stacked.

SECTION 8. PENALTIES.

- A. The Enforcement Officer, the Constable(s), or any other person designated by the Selectboard of the Town of Calais shall be authorized to recover civil penalties for violating any of the provisions of this Ordinance.
- B. Such penalty shall not exceed \$500.00 for each day that such violation continues.
- C. Each day a violation continues shall constitute a separate offense and additional daily penalty will be imposed.
- D. The Enforcement Officer or designated municipal officers are authorized to recover a waiver fee from any person who declines to contest the violation in lieu of civil penalty in the following amount:

a. First offense:	Penalty Fee: \$200	Waiver Fee: <u>\$100</u>
b. Second offense:	Penalty Fee: \$300	Waiver Fee: <u>\$150</u>
c. Third and subsequent offense:	Penalty Fee: \$500	Waiver Fee: <u>\$250</u>
- E. Violation of the terms of this Ordinance may result in immediate revocation of a Permit and shall require the user to leave the Island.
- F. Damages incurred due to destruction of property may also be assessed in addition to the civil penalties.

- G. Violation of the provisions of this Ordinance may result in suspension of the ability to obtain a Permit in the future or be named on a future Permit. The period for such a suspension shall be determined by the Selectboard, based on the severity of the violation(s), the frequency of offenses, and the impact on peace, quiet, or comfort of the public.
- H. The Town of Calais reserves the right to deny a Permit to a camping party which includes any person who has previously violated this Ordinance.

SECTION 9. ENFORCEMENT. The violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau in accordance with provisions of 24 V.S.A. §§1974a and 1977 et se. For purposes of enforcement in the Judicial Bureau, any Enforcement Officer or issuing officer as authorized by the Town of Calais shall have authority to issue tickets and may be the appearing officer at any hearing.

SECTION 10. HOLD HARMLESS. All users of Curtis Pond Island shall hold the Town of Calais harmless for any claims, damages, theft, vandalism, loss, property damage or bodily injury they experience on the Island or in Curtis Pond and its surrounds, including while traveling to and from the Island.

SECTION 11. OTHER LAWS. This Ordinance is in addition to all other ordinances of the Town and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 12. SEVERABILITY. If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

SECTION 13. EFFECTIVE DATE. This Ordinance shall become effective 60 days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. §1973, that statute shall govern the taking effect of this Ordinance.

Date of adoption by the Selectboard: _____

Signatures of Selectboard members:

Effective Date: _____