Town of Calais, Vermont

CHARTERED 1781

CURTIS POND ISLAND ORDINANCE

WHEREAS, the Selectboard of the Town of Calais finds that it is necessary for the protection of public health, safety, and welfare to make rules regarding use of the Curtis Pond Island; and

WHEREAS, the Selectboard of the Town of Calais further finds that such rules will ensure the public's use and enjoyment of the Curtis Pond Island;

This ordinance is hereby enacted:

1. This ordinance is designated a civil ordinance and is adopted pursuant to the authority conferred by 24 V.S.A. § 872; 24 V.S.A. § 1971; and 24 V.S.A. § 2911(14), (15), and (18).

2. When used in this ordinance the following terms shall have the meaning prescribed in this section:

    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. "Permit" shall mean a permit issued by the Town of Calais to a Calais Resident allowing the individuals listed thereon to camp on the Island between the hours of 6:00 pm and 8:00 am.
    e. "Campers" shall mean a group of Calais Residents and their Invited Guests with a Permit.
    f. "Day Users" shall mean any person present on the Island between the hours of 8:00 am and 6:00 pm.
    g. "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 to be a noise disturbance and a public nuisance.

3. This Ordinance shall apply to activities conducted on the Island and Curtis Pond and its surrounds.

4. Day Users shall not access the Island until 8:00 am and shall leave the Island by 6:00 pm.

5. Camping on the Island is by Permit only. All persons remaining on the Island after 6:00 pm must be Campers.

6. Only Calais Residents may obtain a Permit to camp on the Island. Permits shall be sought from the Town pursuant to the attached instructions and shall be issued to a Calais Resident. A Permit shall list the names of each Camper.

7. The Calais Resident issued a Permit shall be responsible for all persons named on the Permit and any persons associated with the group of Campers for complying with the terms of this ordinance and other local and state ordinances and laws.

8. Only one Permit shall be issued for each night. Permits shall be issued for a maximum of 6 Campers. Permits shall be issued for a maximum of 3 consecutive days.

9. The designated swimming area at the south end of the Island shall only be used between the hours of 8:00 am and 6:00 pm or sunset, whichever is earlier.

10. Sleeping on the Island is permitted only within the designated lean-to area. Tents and other temporary camping shelters are permitted only within the designated lean-to area.

11. Day Users and Campers shall note that noise travels long distances over water, is amplified by calm water, and that neighbors have indicated they can hear any noise made on the Island, including nearly every word said.

12. Campers shall maintain quiet hours from 10:00 pm until 8:00 am. During quiet hours, the following provisions apply:

    a. It shall be unlawful for any person to make or cause to be made any loud or unreasonable noise, including yelling, except in the case of an emergency.
    b. The 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, or in such manner as to unreasonably disturb the peace, quiet, or comfort of the public, is prohibited.
    c. The operation of any power equipment or machinery, including chain saws, is prohibited.
    d. Persons shall be cognizant of the volume of their conversations and the ability of neighbors to hear them even when conversing in normal tones. Campers shall make every effort to maintain hushed voices in order to not disturb neighbors.

13. Cutting of live trees is prohibited. Any firewood brought to the Island must be locally derived and brought to the Island by Campers. Unused, cut to length firewood may be left behind, neatly stacked, by Campers.
14. Fires are permitted only within the designated stone fire pit and must not be left unattended. Only Campers may use the fire pit. Fires shall be fully extinguished before the

last Camper leaves the Island each day. Fires shall be fully extinguished before the last Camper goes to sleep each night. Burning of trash on the Island is prohibited.

15. No glass containers shall be allowed on the Island.

16. No underage consumption of alcoholic beverages or use of illegal substances shall be allowed on the Island.

17. Littering, vandalism, destruction, and defacement of property is prohibited on the Island.

18. No trash or food scraps shall be discarded on the Island, including in the Island outhouse and in Curtis Pond and its surrounds. All trash and food must be removed from the Island and properly disposed of.

19. Campers 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.

20. Any persons violating the terms of this ordinance shall be subject to a civil penalty not to exceed $250.00 for each permitted day that such violation continues. Each permitted day a violation continues constitutes a separate offense. Violation of this ordinance by may also result in the immediate revocation of a Permit and requirement to leave the Island. Damages, in addition to any civil penalty, maybe accessed.

21. Violation of this ordinance by any person may result in the suspension of the ability to obtain a Permit and to be named on a Permit for a period of time as determined by the Selectboard, whose determination shall be based on the severity of the violation, including its impact on peace, quiet, or comfort of the public. The Town reserves the right to deny a Permit to a camping party which includes any person who has previously violated this ordinance.

22. The Constable(s) and any other person designated by the Selectboard of the Town of Calais shall be authorized to issue a municipal complaint for a violation(s) of the Ordinance and pursue the violation before the Judicial Bureau or any other court of competent jurisdiction.

23. Issuing municipal officials are authorized to recover a waiver fee in the following amount, in lieu of a civil penalty, for any person who declines to contest a municipal complaint:
    a. First offense: $100
    b. Second offense: $150
    c. Third and subsequent offense: $200

24. In addition to the enforcement procedures and penalties available before the Judicial Bureau or any other court of competent jurisdiction, the Selectboard of the Town of Calais is authorized to commence a civil action to obtain injunctive relief and other appropriate relief, and to pursue any other remedy authorized by law.

25. If any section, sub-section, or part thereof of this ordinance is held to be unconstitutional or otherwise invalid or ineffective, such determination shall not affect the validity of the remainder of the ordinance as a whole or any part thereof.

Dated at Calais, Vermont this 20th day of May, 2015.

Denise Wheeler, Chair

John Brabant, Vice Chair

Scott Bassage, Member

/s/Rose Pelchuck
Rose Pelchuck, Member

Toby Talbot, Member

Adopted: May 20, 2015