

Town of Calais

Ordinance Regulating the Use of Curtis Pond Recreation Area

Section 1. AUTHORITY. Under authority granted in 24 V.S.A. Chapter 59, the Selectboard of the Town of Calais hereby adopts the following civil ordinance regulating the use of the Curtis Pond Recreation Area.

Section 2. PURPOSE. The purpose of this ordinance is to ensure and protect the public health, safety, welfare, and enjoyment of the public's use of the Curtis Pond Recreation Area.

Section 3. AREA DEFINED. The Curtis Pond Recreation Area is that area located on the current Calais Interactive Town Map and listed as Parcel ID CP0100. This includes, but is not limited to, the Beach Side Swim area (including the Dock and Raft), the Grassy Side Swim Area, the Parking Area, and all surrounding woods and fields.

Section 4. HOURS OF OPERATION. The Curtis Pond Recreation Area shall be open for the public's use between the hours of 6:00 a.m. and 9:30 p.m. It shall be closed between the hours of 9:30 p.m. and 6:00 a.m.

Section 5. PROHIBITIONS. The following are prohibited:

- A. Smoking
- B. Fires, camping, or cutting of trees
- C. Dogs
- D. Fishing
- E. Glass containers or alcoholic beverages
- F. Motor vehicles or motorized watercraft
- G. Littering, vandalism, destruction, or defacement of any portion of the property
- H. Discharging of firearms or fireworks

Section 6. WATERCRAFT USAGE. Non-motorized watercraft, when used at or around the Curtis Pond Recreation Area, shall not in any way endanger swimmers or block their access to the pond. No watercraft may be stored, unattended, at the Curtis Pond Recreation Area. Motorized watercraft shall not be allowed in the Curtis Pond Recreation Area.

Section 7. COMPLIANCE. All public using the Curtis Pond Recreation Area shall comply with all requests and instructions regarding such usage as may be made by the Town Officials, swimming instructors, or Town appointed designees.

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 shall require the user to leave the Curtis Pond Recreation Area.
- 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 use the Curtis Pond Recreation Area in the future. 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 access to the Curtis Pond Recreation Area to 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 shall have authority to issue tickets and may be the appearing officer at any hearing.

Section 10. 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 11. 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 12. 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: _____