

ORDINANCES OF THE AMSTON LAKE DISTRICT

Date Approved: September 18, 2013

Revised: June 12, 2021

The following ordinances are promulgated under authority of Connecticut Special Act 02-2 and Connecticut General Statutes Sections 7-157 and 7-328(a). All predecessor ordinances of the Amston Lake Hebron Tax District and Amston Lake Lebanon Tax District are hereby superseded.

2008.1 – Definitions. The following definitions apply to all ordinances:

- (a) “Board” means the District’s Board of Directors.
- (b) “Contaminants” include any substance which may be hazardous to water quality, fish, waterfowl, or area ecology, or the introduction of which into District Waters would be prohibited by federal, state, or local law. Examples may include septic leakage; human or animal bodily waste; herbicides and pesticides; paint and noxious chemicals; lawn refuse, organic fertilizer, and inorganic fertilizers “containing phosphate”; detergents, soaps, and cleaning materials; wastewater drained from a spa, hot tub, Jacuzzi, or pool; automotive fluids; solvents and corrosive liquids; medicines and poisons; and any foreign plant, animal, or microbial species.
- (c) “District” means the Amston Lake District.
- (d) “District Properties” include all lands, beaches, dams, roads, rights-of-way, facilities, buildings, and utilities owned or maintained by the District.
- (e) “District Waters” include Amston Lake and all ponds, wetlands, watercourses, and storm drains which are owned or maintained by the District.
- (f) “Vegetation” includes all trees, shrubs, undergrowth, and landscaping on District Properties; all aquatic plant life in and near District Waters; and all other flora otherwise owned or maintained by the District.
- (g) “Motor Vehicle” is defined as any vehicle propelled or drawn by any non-muscular power, i.e., any internal combustion powered motorized vehicle or electric powered motorized vehicle.
- (h) “Beaches” includes District Properties that consist of an expanse of sand or pebbles along the shore of Amston Lake. These properties include Lollipop

Beach, Main Beach, and the sand-covered swimming areas located at the ROWs.

- (i) “Mooring” is where a watercraft is attached to a buoy/weight in the water.
- (j) “Docking” is when a watercraft is attached to a dock. “Designated areas” are District Properties or District Waters designated by the Board for a particular use or function.
- (k) “Lake Pass, Car Pass and Boat Pass” are proof of residency and must be displayed on all appropriate vehicles.
- (l) “Authorized Agent” is anyone authorized by the ALD Board to perform an activity or task on the Board’s behalf.
- (m) “Dock” is a structure extending along shore or out from the shore into a body of water.
- (n) “Raft” is a flat buoyant structure, used as a boat or floating platform.
- (o) “ALA” is the Amston Lake Association.
- (p) “ROW” is a right-of-way.

2008.2 – Annual Meeting

The District’s annual meeting date shall be held during the month of May at a date decided at the previous Annual District meeting.

2008.3 – Conflicts of Interest

No Independent Contractor, Officer, or Director of the District shall directly or indirectly: (a) be financially interested or have any personal beneficial interest in any contract or purchase order for any supplies, materials, equipment, or contractual services furnished to or used by the District unless approved by the Board, or (b) accept or receive from any person, firm, or corporation to which any contract or purchase order may be awarded by the District, by rebate, gifts, or otherwise, any money, or anything of value whatsoever, or any promise, obligation, or contract for future reward or compensation. Any such transaction shall be void and unenforceable against the District unless ratified by a majority of the Board or voters at any duly called annual or special meetings upon full disclosure of the relevant facts. This provision does not apply to good faith expense reimbursements or compensation lawfully established by contract or ordinance.

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2008.4 – Independent Contractors

The District may retain independent contractors under such terms and at such compensation as the Board deems appropriate for managing and providing services to District Properties, District Waters, and/or the District's affairs.

2008.5 – District Properties

- (a) No person may build on, obstruct, alter, damage, or otherwise disturb District Properties without the approval of the Board.
- (b) No person may cause or permit litter, lawn refuse, discarded objects, or other unauthorized material or things to be left on any District Properties without the approval of the Board.
- (c) No unauthorized person may trim, alter, damage, remove, or affix anything to any vegetation without the approval of the Board.
- (d) Logging, hunting, and trapping are prohibited on any District Properties or District Waters. Open fires are prohibited on beaches and all other District Properties unless approved by the Board.
- (e) Fireworks are not permitted anywhere on District Properties.
- (f) Smoking is prohibited on any District Properties.
- (g) No person may use any District Properties for a party, concert, or other special event or to the exclusion of other residents without the Board's approval.
- (h) No trailer may be stored or left unattended anywhere on District Properties between April 1 and October 31 without special permission of the Board.

2008.6 – District Waters

- (a) No person may divert or obstruct District Waters without the approval of the Board. This includes demarcation of swimming areas and other restrictions to lake access. No one may cause or permit any litter, lawn refuse, discarded objects, contaminants, or other unauthorized material to enter District Waters except as directed by the Board or authorized agents.
- (b) No person may alter, excavate, or fill any shoreline, submerged grounds, or subsurface areas of District Waters without the written approval of the Board.
- (c) Swimming, fishing, boating, ice skating, and all other activities in and near District Waters are always at the user's own risk.

- (d) Any private dock or raft in District Waters which the Board determines to present a safety hazard may, if not repaired or relocated within 21 days of the Board's written instruction to do so, be removed at the owner's expense without further notice to the owner or liability to the District.
- (e) No person may fish in any District Waters except in accordance with all regulations of the state and town and all posted rules of the District. Catch-and-release fishing is recommended. Largemouth Bass that are 12 to 16 inches are in a "protected slot limit" and should not be removed; daily creel limit is 2 with only one being greater than 16 inches (other fish must be less than 12 inches). Artificial barbless lures and hooks and live bait which is approved by CT state regulations should be used. Existing state laws cover all other fish species.

2008.7 – District Assets

No person may conceal, take for personal use, sell, alter, damage, or destroy any funds, tools, equipment, documents, records, or other items or assets owned by the District without the approval of the Board.

2008.8 – Boats

- (a) Persons who use or store boats on District Properties are responsible for them at all times, including monitoring the boat itself and protecting all people, property, and animals from them.
- (b) Boat passes are issued for a fiscal one-year period and are not transferable from one owner to another or from one boat to another.
- (c) No boat powered by an internal combustion engine, or which fails to display a current, valid, Board-approved boat pass is permitted anywhere on District Waters or Properties. Except in emergencies, no boat is permitted in District Waters unless it: (1) complies with all state and town regulations and registration requirements; (2) carries an approved flotation device for each occupant; and (3) has been dry for at least 72 hours or thoroughly cleaned after use in any other body of water to prevent the introduction of foreign plant, animal, or microbial species.
- (d) No person may launch, operate, or land any boat closer than 12 feet from swimmers or waders. The sails of any boat on District Properties must be down except while launching and landing.
- (e) No boats may be stored or left unattended on District

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Properties unless they are adequately secured between April 1 and October 31. Boats can be stored: (1) in Designated Areas on the beaches; (2) at the sides of ROWs in designated areas so as not to present an obstruction; or (3) properly moored in Board-designated areas.

- (f) Any boat which is abandoned, unregistered, or not stored in a designated area or is obstructing any District Properties or District Waters, or which otherwise violates any rule or ordinance of the District, may be removed at the Board's discretion at the owner's expense. If the owner does not pay that expense and retrieve the boat within 10 days of the Board's written instruction to do so, or if the owner is unknown, the District may dispose of the boat without further notice to the owner or liability to the District.
- (g) No person may moor, store, or operate on District Properties or District Waters any boat which the Board determines is unsafe as to its location, construction, or condition or otherwise adversely affects District Waters or other residents. The Board may remove and dispose of the boat at the expense of any person who fails to comply with a directive to do so, without further notice to the owner or liability to the District.
- (h) No boat and/or trailer may be stored or left unattended anywhere on District Properties between November 1 and March 31 without special permission of the Board.
- (i) All jet skis and personal watercraft, including those powered by electric motors, are banned from District Waters.
- (j) The total power output for boat motor(s) on one boat shall not exceed a thrust rating equivalent of 3 hp.
- (k) Boats shall not attain speeds greater than 5 miles per hour and shall not produce more than minimum wake.
- (l) Boats are to be operated so as not to endanger others. The boat must be able to stop safely within the clear distance ahead. When passing docks, beaches, mooring areas, ROWs, and other areas where people are active, boats must reduce speed. Operators are responsible for any damage caused by their boat or by reckless or negligent operation.
- (m) Except for emergencies or District-authorized maintenance, no boats greater than 20 feet in overall length shall be allowed on District Waters. This includes both commercially-manufactured and home-built craft.

- (n) Racing of any watercraft on the District Waters is prohibited unless the race is an organized and approved activity by the ALA and ALD Board.
- (o) Grandfathered Privileges. Sections (m) of this Ordinance does not apply to any boats existing on the date this Ordinance is adopted until 30 days after its owner and spouse die or the real property is conveyed to a new owner.

Design and Safety Requirements – Boats

Mandatory – boats violating the following requirements are prohibited from District Waters:

- No boats powered by internal combustion engines shall be allowed on District Waters.
- All boats shall comply with all appropriate local, state, and federal regulations.
- No boats shall have more than one level.
- No boat shall be longer than 20 feet and/or wider than 10 feet.
- Charcoal and propane grills are prohibited on boats.
- Batteries shall be permanently attached to the boat when in use or contained in a floating box.

Maintenance Standards – All Boats

Inspection/regulation to be complaint driven

- All boats must meet local, state, and federal regulations for safety, registrations, and periodic inspections.
- All deteriorating float material shall be replaced and removed from District Waters.
- All warped, splintering, or rotting deck or structural material shall be replaced and removed from District Waters.
- Entire deck surface shall be above water line under all loading conditions.
- All material fastened to or resting on a boat shall be in good repair – not rusted, or in a deteriorated condition.

2008.9 - Docks and Rafts

(a) Permitting

- The resident and/or the contractor must meet all applicable town permitting requirements for the town within which they live before constructing or

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modifying any dock. This includes meeting the requirements of the wetland commission, which has jurisdiction over any work being performed in or within 100 feet of the water.

- The owner of the dock or proposed dock must also submit plans and receive approval from the District's Board before constructing or modifying any dock.

(b) Dimensions

- The length of a side of a raft should be a minimum of 8 feet to a maximum of 14 feet.
- Docks should be a minimum of 3 feet wide.
- Docks should not extend more than 24 feet from the shore.
- Rafts should not be located more than 40 feet from shore.
- The size and placement of the dock should minimize negative impacts on District Waters, water views and boat access of neighbors, vegetation, wildlife, and the shores of District Waters.

(c) Dock Configuration

- Free-floating docks or removable docks are preferred because they can be removed in the winter to mitigate damage from ice.
- Railings that have minimal impact on the view are permitted provided they are safe and structurally sound.
- Dock pilings should not be installed using gasoline-powered equipment to minimize negative impacts on water quality, turbidity, and nutrient loading.
- Docks should be fastened to the shoreline in a manner that minimizes disturbance to the existing shoreline and using a method that securely anchors the dock in place.
- Docks should be located such that boats secured to them do not extend over the adjacent property line. In cases where one owner's ability to dock or moor is impinged upon by a neighboring property's use of the shoreline, the Amston Lake Board will determine the docking or mooring allowed by both owners if the owners cannot come to their own agreement.

(d) Construction Materials

- Harmful substances such as paint, stain and wood preservatives shall be prevented from entering District Waters or any storm drains. Stain/paint the dock away from District Waters and make sure it is completely dry when moved near District Waters.
- Flotation materials must be completely enclosed to maximize their useful life and to prevent them from breaking apart or floating away. Foam core, Styrofoam, metal drums and rubber tires are prohibited.
- Exterior grade paint/sealer should be used to preserve the dock.
- The use of chromate copper arsenate (CCA) or creosote-treated wood is prohibited because these chemical compounds may be toxic to the environment.
- Docks and rafts should be constructed from materials that are impact resistant and non-corrosive.

(e) Maintenance

- Docks and rafts must be maintained to ensure that there is no deterioration in the safety and structural soundness of the dock and/or raft.
- Dock and/or raft materials that have deteriorated to the point of being unsafe or which may pollute District Waters must be replaced, repaired, or removed. Failure to do so will be sufficient cause for the District to remove the dock at the owner's expense.
- No person may fail to remove, relocate, modify, or repair a dock or raft which the Board determines is unsafe as to its location, construction, or condition or otherwise adversely affects District Waters or other residents. The Board may remove, relocate, modify, repair, and/or dispose of the dock or raft at the expense of any person who fails to comply with a directive to do so, without further notice to the owner or liability to the District.

(f) Grandfathered Privileges

- Sections (a) and (e) of this Ordinance apply to all docks and rafts existing on the date this Ordinance is adopted.
- Sections (b), (c), and (d) of this Ordinance do not apply to any docks or rafts existing on the date this

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Ordinance is adopted until thirty days after its owner and spouse die or the real property is conveyed to a new owner.

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(B) District Owned Properties and Waters

Owners of property in the Amston Lake District which does not abut District Waters shall have the right to access District Waters from the District owned beaches and ROWs.

This includes the right to moor boats on District Waters in District-approved mooring areas. Approved mooring areas exist for the protection of our residents.

1. Rules for Mooring: District-designated mooring areas
 - (a) The Board will establish a designated area where residents who do not own lakefront property will be permitted to moor boats.
 - (b) Mooring sites will be established by the Board within the Mooring designated area.
 - (c) Mooring sites will be assigned by the Board on a first come, first served basis for a duration of one calendar year.
 - (d) The Board will maintain a waiting list and available sites will be offered to the resident who has been waiting the longest. If a resident is offered a mooring site, their name will be removed from the list whether they accept or reject the offer.
 - (e) Boats may be moored one-deep along the shoreline unless otherwise directed by the Board.

(C) Boat and Raft Condition

- Any boat or raft kept in District Waters must be safely maintained and in sound floating condition.
- If it is determined by the Amston Lake District that a boat or raft creates a safety or health hazard due to lack of maintenance or for any other reason, the District shall, in writing, mailed to the address of record, notify the owner of the boat that the boat creates such a hazard and describe to the owner on what basis that determination was made, and request the owner correct the problem within 30 days.
- If the owner fails to correct the condition and hazard within the 30-day time frame, the District may, in writing, mailed to the address of record by regular and certified mail, return receipt requested,

2008.10 - Boat Moorings and Floating Rafts

- Amston Lake District will allow mooring of boats and rafts at designated areas on District Waters, subject to restrictions on space availability at each mooring site.
- Moored boats must display a current boat sticker issued by the District.
- A maximum swing radius equal to the length of the boat plus four feet shall be required as a safety zone around each mooring.

(A) Privately owned lakefront property

Owners of privately owned lakefront property shall have the right to access District Waters directly via the shorefront located between their right and left property lines.

This use includes the right to exclusively moor boats and rafts in and on District Waters shoreline, subject to the rules below and all other applicable rules and regulations. The length of shoreline along which an owner may moor boats and rafts shall not exceed the length of the common property line(s) shared by District Waters and the owner's private property. In cases where one owner's ability to moor is impinged upon by a neighboring property's use of the shoreline, the Amston Lake Board will determine the mooring allowed by both owners if the owners cannot come to their own agreement.

1. Rules for Mooring: Privately Owned Lakefront Property

All initial private mooring plans must be submitted to the Board for review and approval.

- (a) A maximum of two moorings per lakefront residential unit may be moored seasonally, April 1 through October 31.
- (b) Boats and rafts may only be moored one-deep along the shoreline.
- (c) Only one boat is permitted per mooring.
- (d) Grandfathered Privileges. The sections of this Ordinance do not apply to any mooring existing on the date this Ordinance is adopted

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notify the owner that the owner must remove the boat or raft at the owner's expense within 10 days or the District may remove the boat or raft or cause the boat or raft to be removed and that the costs of removing the boat or raft shall be assessed against the owner.

- If it is determined that an emergency (defined as an immediate health or safety risk) exists related to the condition of any boat or raft, the Board may address this situation immediately by directing immediate corrective action including shorter advance notice than provided above, or by dispensing with advance notice in lieu of proper post-action notice as conditions reasonably permit.

2008.11 – Beach Rules

- (a) No person may enter or use any beach on District Properties except: (1) in a safe and sanitary manner which does not interfere with the enjoyment or well-being of others; (2) with a current, valid, Board-approved lake use pass (or as a guest of a person who is present with a pass) which is displayed or presented upon request. Persons present on a beach in violation of this section are trespassing.
- (b) The following are prohibited on any beach or on District Properties and in District Waters: (1) children aged 12 and under unless accompanied by a responsible adult; (2) littering, and glass containers; (3) pets between April 1 and September 30; (4) open fires, charcoal and gas grills and stoves without the written approval of the Board; (5) vehicles and devices powered by internal combustion engines except in emergencies, for the handicapped, or with permission of the Board – this includes all-terrain vehicles, snowmobiles, and power augers; and (6) fireworks.
- (c) Between May 1 and September 30, the parking lots at the Main beach and Lollipop beach are open and the gates unlocked between 7:00 a.m. and 9:00 p.m.

2008.12 – Motor Vehicles

- (a) The operation of any motor vehicle on District Waters is prohibited. Exceptions: Fire Department rescue, property maintenance, and handicapped, with permission from the Board.
- (b) No unauthorized person may operate or park an automobile or other motorized vehicle on District Properties except: (1) on roadways and areas owned or maintained by the District which are designated for such use; (2) with a current, valid, Board-approved

car pass which is displayed or presented upon request; (3) in strict compliance with all posted signage (speed limit, one way, stop, no parking, and the like); and (4) in compliance with all applicable laws and regulations of the state and town.

- (c) No all-terrain vehicles, snowmobiles, go-carts, or other motorized recreational vehicles may be operated on District Properties.
- (d) Vehicles may only be parked in designated parking areas. Only between May 1 and September 30, parking is permitted in beach parking areas between the hours of 7:00 a.m. and 9:00 p.m. Double-parking is prohibited anywhere within the District.
- (e) Any abandoned, unregistered, vehicle on or obstructing any District Properties, and any vehicle which otherwise violates any ordinance of the District, may be towed at the owner's expense.

2008.13 – Animals

- (a) No person may own or keep any animal within the District except domesticated household pets in compliance with all applicable laws and regulations of the state and town.
- (b) No person may own or keep any animal within the District if it is bred or maintained for commercial purposes, intended for consumption, or actually or traditionally housed in outdoor caging or pens.
- (c) No person may introduce, feed, or harm any migratory or waterfowl or wild animal anywhere within the District. Feeding ducks, geese, and other nuisance birds is specifically prohibited.
- (d) Residents are responsible for their pets at all times, including monitoring the pet's own well-being, protecting all people, property, and other animals from them, and preventing any noise, odors, activities, or conditions disruptive to other residents. Dogs must be leashed when on District Properties.
- (e) Pets must be controlled at all times. Pet owners are responsible to immediately and completely clean up all pet droppings.
- (f) Any animal which the Board determines is causing or creating a nuisance or unreasonable disturbance as defined by the Town of Hebron and the Town of Lebanon Animal Control Officers shall be permanently removed from the District upon written notice to the resident by such deadline as the Board shall specify in the notice.

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2008.14 – Unsafe Conditions

No person may cause or permit any hazardous, unsanitary, or blight condition to exist within the District, including but not limited to refuse materials, improperly stored chemicals, rotten wood or food, accumulated junk, stagnant water, roadbed obstructions, abandoned vehicles, and feeding or breeding conditions for mosquitoes, vermin, or other pests.

2008.15 – Refuse

No person may cause or permit any refuse to remain outdoors within the District except:

- (a) in suitable containers properly sealed and secured against wildlife and the elements
- (b) within a reasonable time before scheduled pickups
- (c) with recyclable materials sorted apart, broken down, and in appropriate bins
- (d) in compliance with all applicable laws and regulations of the state and town

2008.16 – Taxes and Debts

- (a) Taxes are levied against each parcel of real property in the District annually as of October 1 based on the assessments of the town in which it is located. Each levy is due in a single installment on July 1. Taxes of more than \$200 may be split into two equal payments with the second installment coming due January 1st.
- (b) Special tax assessments may be imposed as provided by state law and shall be payable on a date and in such installments as determined by the Board.
- (c) All taxes, fines, restitution orders, and other debts owed to the District shall: (1) be collectable by the District in any manner available for collecting a delinquent real property tax under Connecticut Statute; (2) accrue interest at the rate of 1.5% for each whole or part month they remain unpaid; (3) be deemed increased by all the District's collection expenses including court costs and attorney's fees.
- (d) All payments made or recovered for amounts owed to the District shall be applied in the following order: (1) first, to all collection expenses including attorney's fees incurred by the District; (2) next, to any unsecured debts owed to the District by contract or otherwise; (3) next, to all fines and penalties in the chronological order in which they were imposed; and (4) last, to the interest accrued on, then lien fees incurred for, then

principal amounts of each respective year's unpaid taxes, in the chronological order in which they were levied.

2008.17– Enforcement

- (a) The Board may enforce its Special Act, Bylaws, and Ordinances and protect the interests of the community by imposing fines; by prosecuting litigation in the District's name; by abating any violation without breaching the peace; and as otherwise allowed by law.
- (b) At any hearing of which the accused has been given at least five days' notice and an opportunity to be heard and present evidence and witnesses, the Board may impose fines of up to \$100 for a first offense or up to \$500 for subsequent offenses plus order full restitution of any actual losses, abatement costs, repair expenses, and attorney's fees.
- (c) If a fine has been imposed and the violator does not take appropriate actions to rectify the violation within 30 days of the imposition of the fine, the Board may convene a new special Board meeting and impose additional fines (\$100 for a first offense or up to \$500 for subsequent offenses) for the original violation. The Board may impose additional fines every 30 days until the original violation has been rectified.
- (d) The Board may, upon written request, convene a Board of Appeals which will consist of special meeting of the full Board. This Board will review the outcome of the original hearing, permit new and additional information to be presented by all appropriate parties, will evaluate the total body of information, and will reach a final determination in the issue at hand. The decision of the Board is final and binding on all parties involved. Any additional expenses or costs incurred by the Board related to the appeal process shall be the sole responsibility of the person responsible for the violation.
- (e) Passes for lake use, vehicles, and boats are invalid if: (1) transferred to anyone other than the immediate family member or tenant of the property owner to whom they were issued; or (2) the Board, at any hearing of which the resident has been given at least five days' notice and an opportunity to be heard and present evidence and witnesses, suspends such privileges.
- (f) The Board will notify federal, state, and/or local administrative agencies and law enforcement authorities of criminal violations and regulatory

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infractions. The District will seek to prosecute trespassing, environmental contamination, and other crimes committed against it, to the fullest extent of the law.



Lake Day (Photo by Clyde Arnold)