

PROPOSED ORDINANCE

REGARDING PROHIBITION OF AIRCRAFT LANDINGS ON LAKE WARAMAUG

FOR ADOPTION BY THE TOWNS OF KENT, WARREN AND WASHINGTON

MINDFUL that the operation of Aircraft (as hereinafter defined) on the waters of Lake Waramaug would pose serious risks to other concurrent users of Lake Waramaug; and

COGNIZANT of the unavoidable danger of contamination of the Lake by Aircraft from other water bodies which would compromise the many year undertaking to preserve the quality of the water of Lake Waramaug from invasive species and other pollutants; and

CONCERNED that the operation of Aircraft on Lake Waramaug would create unduly noisy and congestive conditions inconsistent with the scenic beauty and tranquility of Lake Waramaug that are enjoyed by the general public;

BE IT RESOLVED THAT:

1. No person shall land any aircraft of any type, including but not limited to planes and helicopters ("Aircraft"), on Lake Waramaug, nor shall any Aircraft take off from Lake Waramaug, unless an unforeseeable emergency arises and the operator of such Aircraft cannot safely land the Aircraft at any alternative location.
2. The landing of an Aircraft on Lake Waramaug shall be prima facie evidence of a violation of this ordinance and the violation of any provision of this ordinance shall be an infraction.
3. Whenever a violation of this ordinance occurs, proof of the registration number of any Aircraft concerned shall be prima facie evidence that the owner was the operator thereof.
4. Any person violating this ordinance shall be fined two hundred and fifty dollars for each landing and each takeoff. Such fines shall be levied by law enforcement by citations in accordance with Connecticut General Statutes See Section 7-148 as the same may be amended from time to time.
5. In addition to any fines or penalties imposed in this section, this ordinance may be enforced by injunctive procedure in the Superior Court. The town may further recover from any violator any and all costs and fees, including reasonable attorney's fees, expended by the town in enforcing the provisions of this article.
6. This ordinance shall not preclude any additional enforcement action taken by any appropriate town, state or federal official conducted pursuant to any applicable ordinance, regulation or law of the town or state or the United States of America.
7. All remedies and penalties provided for in this ordinance shall be cumulative and independently available to the town, and the town shall be authorized to pursue any and all remedies set forth in this section to the fullest extent allowed by law.
8. This ordinance is adopted pursuant to Connecticut General Statutes §7-148.
9. This ordinance shall take effect fifteen (15) days after publication of a summary of its provisions pursuant to Connecticut General Statutes, §7-157(b).
10. The First Selectman is hereby authorized and directed to inform the Federal Aviation Authority and other competent Federal and State governmental authorities and all appropriate Aircraft pilots associations of the adoption of this ordinance and of any violations thereof that should occur in the future.
11. It is hereby declared to be the intention of the town that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unlawful by valid judgment or decree of the court of competent jurisdiction, such unlawfulness shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.