

**TOWN LANDS MANAGEMENT ORDINANCE
TOWN OF PHIPPSBURG May 2004**

1. **AUTHORITY:** This ordinance is adopted under the home rule powers provided the Town of Phippsburg by the Maine Legislature (Title 30, M.R.S.A. Section 1917.) This ordinance may be amended by a majority vote of residents at a Town Meeting.

2. **PURPOSE:** This ordinance is designed to protect and enhance citizen use and enjoyment of important parcels of publicly owned land in Phippsburg.

3. **ADMINISTRATION:** The Board of Selectmen, with the advice of the Town Lands Management Committee, may adopt regulations to carry out the provisions of this ordinance, and may appoint or designate an agent or agents to ensure that the requirements of this ordinance are enforced.

4. **COMMITTEE MEMBERSHIP:** The Board of Selectmen shall appoint a seven member Town Lands Management Committee, for staggered terms of three years.

When possible, the membership of the board will be as follows:

One member shall be selected from persons nominated by the Phippsburg Recreation Commission

One member shall be selected from persons nominated by the Phippsburg Sportsman's Club

One member shall be selected from persons nominated by the Phippsburg Conservation Commission

One member shall be selected from persons nominated by the Phippsburg Land Trust

Three members shall be appointed at large from among the citizens of the Town of Phippsburg.

5. **COMMITTEE DUTIES:** The Committee shall:

A. Recommend to the Board of Selectmen those town properties with particular value for public recreation, forest management or other public uses.

B. Manage those parcels of Town owned property assigned to it for management by the Phippsburg Board of Selectmen.

C. Develop regulations for the management of the assigned town owned lands. Such rules and regulations shall be adopted only after a public meeting which is advertised at least one week in advance. At this meeting affected citizens shall be provided with opportunities to speak and express their views. Adopted rules and regulations shall be posted at the Phippsburg Town Office.

D. Prepare a budget for consideration at the Annual Town Meeting.

E. Submit a committee report for the Annual Town Report.

6. **REGULATIONS FOR ALL ASSIGNED TOWN OWNED LANDS:** The following rules and regulations apply to all Town Owned Lands:

A. Except where prohibited by federal, state or local regulations, all assigned lands shall be open for hunting, fishing where available, walking, sight seeing, and other low impact public recreation activities.

B. Trails shall be constructed only after their location and construction has been reviewed and approved by the committee.

C. ATV, hiking, and other trails shall be constructed so as to minimize soil erosion.

D. ATV use shall be prohibited between April 1 and May 15, unless the committee finds that conditions have dried enough to minimize damage to the land.

E. Federal and state game laws shall be observed.

F. Contained cooking devices, such as BBQ grills, are allowed. A Fire Permit must be obtained for an open fire.

G. Town Lands will be open from daylight to dark.

H. Overnight camping will be allowed with permission of this committee.

I. Trash will be carry in – carry out except for the Totman Preserve.

J. Park in designated areas only.

K. Obey the speed limits as posted.

7. **SPECIFIC RULES FOR TOTMAN PRESERVE:** The following rules apply to the use of the Totman Preserve:

A. Use of the Totman Preserve is limited to Phippsburg residents, taxpayers and their guests. A guest is defined as an individual who is staying with a Phippsburg resident or Phippsburg taxpayer or is renting a campsite, room or cottage from a business located in Phippsburg. Whereas, Totman Preserve is a limited resource with respect to usable area and parking, and is in a fragile conservation area, and the Town has purchased and developed the Preserve without any state or federal moneys, and more than ninety percent of all shore frontage in the Town is owned by nonresidents, and there are three other beaches (Popham State Park, Morse Mountain, and Head Beach) available to everyone regardless of residency or taxpayer status, and other Town owned and Land Trust lands are available to everyone regardless of residency or taxpayer status, it shall be the intent of this ordinance to restrict the use of the Totman Preserve to Phippsburg residents, Phippsburg taxpayers and guests staying at their properties.

B. Preserve Hours – The Preserve will be open from sunrise to sunset. The inner gate will be open from 8:00 a.m. to sunset from April 15th to November 1st and closed the rest of the year.

C. Parking - Phippsburg residents and taxpayers must display a current Transfer Station/Town Lands Use permit on their vehicle in order to park at the Preserve. Guests must obtain a temporary parking permit at the Town Office during normal working hours which must be displayed on the dashboard of the parked vehicle. Businesses who rent campsites, rooms or cottages may obtain reusable annual permits for daily issuance to their guests. Parking is only allowed in designated areas.

D. Trash shall be disposed of in the appropriate containers.

E. Open fires on the beach are not allowed.

F. Pedestrian walking and hiking trails may be designed and constructed with the approval of this committee.

G. Horse and pack animals shall be prohibited within 250 feet of water bodies and on trails constructed for pedestrian use. However, equestrian trails may be constructed with the approval of this committee.

8. **RESPONSIBILITY AND LIABILITY:** Persons using any town owned property assigned for management do so at their own risk. The Town of Phippsburg shall not be responsible for any accidents or injury to persons that occur on these properties.

9. **ENFORCEMENT AND PENALTY:**

A. It shall be the duty of the Phippsburg Police Department, Board of Selectmen or their designees to enforce the provisions of this ordinance.

B. The Board of Selectmen is authorized to institute any or all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines that may be necessary to enforce this ordinance in the name of the Town of Phippsburg.

C. Any person who violates any provision of this ordinance shall be guilty of a civil violation subject to a penalty of between \$50 and \$1,000 for each violation. All fines levied under this ordinance shall be paid to the Town of Phippsburg. Persons found guilty of violating this ordinance also shall be liable for the Town's attorney's fees and costs.

10. **SALE OF PROPERTY:** The Board of Selectmen shall not negotiate for the sale, lease or disposal of lands assigned to the Committee for management without first notifying the Committee. Nor shall an article for the sale, lease or disposal of such lands

be submitted for a town vote without the Committee's recommendation being included on the town meeting warrant.

11. **APPEALS:** Any persons aggrieved by decisions of the Committee may appeal to the Phippsburg Board of Selectmen

12. **EFFECTIVE DATE:** This Ordinance shall become effective after its adoption at the May, 2004 Town Meeting and will stay in effect until repealed or replaced. Any other Ordinance concerning the use of Town owned property is hereby repealed.

13. **SEPARABILITY:** If any section, subsection, sentence or part of this Ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this Ordinance.

Given under our hands this 12th day of May, 2004.

PROCTOR W. WELLS
Chair, Board of Selectmen

MICHAEL W. RICE
Board of Selectmen

ALAN B. DOUGLASS
Board of Selectmen

Attest: Betty Herron
Town Clerk, Town of Phippsburg