

MEMORANDUM

TO: Cape Elizabeth Town Council
FROM: Ordinance Committee
DATE: June 3, 2016
SUBJECT: Board and Committee Ordinance
Shooting Range Ordinance Committee composition amendments
Conservation Ordinance Open Space Evaluation and Preservation
Program

Introduction

The Town Council referred to the Ordinance Committee a request to update the Board and Commission Ordinance. The Ordinance Committee met 6 times and has prepared a replacement Board and Committee Ordinance, as well as amendments to the Shooting Range Ordinance (composition of the Firing Range Committee) and the Conservation Ordinance (relocation of the Open Space Evaluation and Preservation Program). The Ordinance Committee also has companion recommendations.

Board and Committee Ordinance

The Board and Committee Ordinance has been prepared to completely replace the existing Board and Commission Ordinance. The new ordinance lists all the committees in the original ordinance, plus updates it with existing committees formed after the Board and Commission Ordinance was originally written.

The new ordinance is also organized to list standard requirements for all committees in one section. Typical "bylaw" provisions are assembled to eliminate the need for each committee to create a bylaw unless there are special procedures required.

A standard format has been created to identify the purpose and duties of each standing committee, and all committees are clearly *advisory* to the Town Council, unless they have statutory responsibilities.

Shooting Range Ordinance

The Shooting Range Ordinance includes establishment of a Firing Range Committee with a unique composition. The proposed amendment changes the Firing Range Committee membership to use the same membership appointments process for all standing committees.

Conservation Ordinance

The Conservation Commission has been tasked with responsibility for conducting an Open Space Evaluation and Preservation Program. This task and program description has been moved to the Conservation Ordinance, where other Conservation Commission responsibilities are described.

Companion Recommendations

As part of its discussions, the Ordinance Committee makes the following additional recommendations for Town Council consideration.

1. **Reduce committee membership to 5.** The Ordinance Committee suggests the Town Council reflect on the standing committee responsibilities and residents' interest in volunteering for open committee seats. In some cases, it may be appropriate to reduce the membership of standing committees from 7 to 5. Due to the fieldwork inherent in its purpose, the Conservation Commission may not be appropriate for reduction.
2. **Implementation.** Once the Board and Committee Ordinance has been adopted, all related documents describing the purpose and duties of the committees should be updated to be consistent with the ordinance. This should include the website descriptions, committee member orientation materials, and other items.
3. **Town Council Liaison.** The Ordinance Committee questioned the role and/or the need for Town Council liaisons to standing boards.
4. **Bylaws of the Thomas Memorial Library Foundation.** The Town Council should consider revisions to the composition of the Foundation Board in order to reduce the number of Town Councilors who will be on the board after the Board and Committee Ordinance is adopted.
5. **Senior Representation on the Community Services Committee.** As part of the Senior Citizen Advisory Committee Report review, the Town Council discussed assuring senior representation on the Community Services Committee. This ordinance does not explicitly designate a senior citizen appointment to the Community Services Committee, but the Appointments Committee should make every effort to recommend that a senior citizen be included in the committee membership.

Ordinance Committee Recommendation to the Town Council

At the June 2, 2016 meeting, the Ordinance Committee recommended that the Board and Committee replacement ordinance, the Conservation Ordinance Amendments and the Shooting Range Ordinance amendments be sent to the Town Council for consideration.

Draft

Repeal CHAPTER 4, BOARDS AND COMMISSIONS and replace with

CHAPTER 4,
BOARDS AND COMMITTEES

SEC. 4-1-1. Establishment. The Town Council shall have the authority to form boards and committees as are required by statute, by town charter and ordinances adopted thereunder, and by Town Council vote as it shall deem necessary from time to time. The Town Council shall establish a purpose and duties for each board and committee, as described below or, in the case of future boards and committees, at the time the board or committee is created. Except when boards and committees are designated by statute with authority independent of the Town Council, all boards and committees shall be advisory to the Town Council. The Town Manager shall assign staff support to boards and committees as appropriate.

SEC. 4-1-2. Appointment. Board and committee members shall be appointed by vote of the Town Council. The Town Council shall consider board and committee appointments recommended by the Appointments Committee. The Town Council may forego the Appointments Committee process if the appointment is time-sensitive, is related to unique subject matter, or the committee charge designates representatives from existing committees. The Town Council may select a sitting board or committee member to serve another term, but there should be no expectation of reappointment.

SEC. 4-1-3. Removal and Vacancies. Board and Committee members may be removed by a vote of the Town Council for cause shown. When a Board or committee member resigns prior to the end of the term, the Appointments Committee shall recommend a replacement for the portion of the unexpired term.

SEC. 4-1-4. Additional Town Council Appointments. The Town Council designates itself to perform the duties of the following boards. The membership and terms of these boards shall be the membership and terms of the Town Council.

- A. Board of Trustees of the Thomas Memorial Library
- B. Board of Trustees of the Riverside Memorial Cemetery
- C. Board of Directors of the Museum at Portland Head Light
- D. Board of Trustees of the Thomas Jordan Trust

SEC. 4-1-5. Operations of all Boards and Committees. All boards and committees shall perform their duties in compliance with the following provisions.

- A. Chair. Every board and committee shall elect or have designated by the Town Council a Chair of the board or committee. The chair shall be responsible for conducting meetings, for making reports to the Town Council upon request, and

1 for coordinating with town staff meeting logistics. The chair shall serve for one
2 calendar year on a standing board or committee or for the set duration of an ad
3 hoc committee. A standing board or committee chair shall not serve more than
4 two (2) consecutive years as chair. The chair shall be a full participating and
5 voting member of the board or committee.
6

7 B. Quorum. Board and committee meetings shall only begin when a quorum is
8 present. A quorum is more than fifty percent (50%) of the total board or
9 committee membership. Meetings sponsored by a board or committee when no
10 vote will be taken are not required to have a quorum and may include, but are
11 not limited to, site walks and public information meetings.
12

13 C. Public Participation. Boards and committees shall conduct all business in
14 compliance with the spirit and letter of the Maine Freedom of Access Act, as may
15 be amended, and Town Council policy. Compliance shall include, but not be
16 limited, to the following:
17

18 1. Agenda. Every meeting of a board or committee shall have an agenda that
19 includes the name of the committee holding the meeting, date, time, and
20 place of the meeting, subject areas to be discussed at the meeting, and the
21 public participation allowed at the meeting.
22

23 2. Announcement. Board and committee meetings shall be announced in ample
24 time to allow public attendance, by posting on the town website and other
25 methods as appropriate. A meeting agenda shall be available prior to the
26 meeting. Board and committee meeting supplemental materials shall also be
27 available for the public to review at a designated town office.
28

29 3. Minutes. Minutes of all board and committee meetings shall be prepared by
30 staff and posted to the town website. Minutes shall include the name of the
31 board or committee meeting, date, time and place of the meeting, board and
32 committee members present and a summary of any votes taken. The name
33 and address of members of the public who speak at the meeting, including a
34 brief summary of their comments, shall also be included. Board and
35 committee minutes shall be reviewed and adopted at the next meeting, except
36 for the last meeting of ad-hoc committees, when the minutes shall be
37 reviewed and approved by the board or committee chair.
38

39 4. Public Access. All board and committee meetings shall be open to the public
40 to attend. No board or committee business shall be conducted by board or
41 committee members outside of board or committee meetings. Individual
42 board or committee members may communicate with staff, and the board or
43 committee chair is expected to communicate with staff. Communications
44 relevant to board or committee business must be shared at the next meeting.
45 Nothing in this provision shall prohibit a board or committee from holding
46 an Executive Session as provided under state statute.
47

48 5. Public comment. Except as specified in board or committee bylaws, public
49 comment shall be allowed at every board and committee meeting. Boards and

1 committees shall also limit oral public comment at meetings to assure
2 completion of assigned duties. Boards and committees shall adopt public
3 participation rules, using the Town Council's rules of public participation as
4 guidance, and shall include public participation rules on each meeting
5 agenda. Written public comments shall be directed to the board or committee
6 staff, and staff shall distribute the comments to the board or committee
7 members and shall also keep a copy in the public file. Any written comments,
8 including email, received by a board or committee member regarding board
9 or committee business shall be forwarded to staff for distribution to all
10 members and added to the public file.

- 11
12 D. Conflict of Interest. Board and committee members shall avoid both actual and
13 perceived conflicts of interest and bias. Conflicts of interest and/or bias shall be
14 determined in accordance with state statute. Board and committee members shall
15 also be guided by the Code of Ethics for the Town Council.

16
17 **SEC. 4-1-6. Standing Boards and Committees.** Boards and committees with ongoing
18 responsibilities and duties are considered standing boards and committees. Except
19 where specifically designated by statute and/or town ordinance with authority
20 independent of the Town Council, standing boards and committees are advisory to the
21 Town Council.

- 22
23 A. Composition. A standing board or committee shall be composed of a defined
24 number of members who are residents of the town, unless otherwise specified in
25 the board or committee description. Board and committee members shall be
26 appointed for staggered, three (3) year terms expiring on December 31st. A board
27 or committee member's service during an unexpired term shall not be included
28 in any term limit. Board and committee members shall be volunteers without
29 compensation.

- 30
31 B. Responsibilities. All standing boards and committees shall perform the following
32 duties:

- 33
34 1. Bylaws. If any board or committee promulgates bylaws in addition to the
35 provisions in Sec. 4-1-5, Operations of Boards and Committees, bylaws,
36 including amendments, must be submitted to the Town Council for approval.
37
38 2. Meetings. Boards and committees shall meet as needed commensurate with
39 their duties and responsibilities. When a board or committee will be meeting
40 several times a year, an effort shall be made to establish a regular meeting
41 schedule for the year to be posted on the town website.
42
43 3. Vacancy. All boards and committees shall notify the Town Clerk of any
44 vacancy (not related to the end of a term) on the board or committee.

- 45
46 C. Upon Request Responsibilities. All standing boards and committees shall
47 perform the following duties, and any other assigned tasks, upon Town Council
48 request.
49

- 1 1. Goals. All boards and committees shall develop annual goals for submission
2 to the Town Council.
- 3
- 4 2. Budget. All boards and committees shall submit to the town manager
5 funding requirements for the next fiscal year.
- 6
- 7 3. Year end report. All boards and committees shall provide a calendar year end
8 report.
- 9

10 **SEC. 4-1-7. Establishment of Standing Boards and Committees.** The following
11 standing boards and committees are established. The Town Council shall appoint
12 members with staggered terms of 3 years. Board and committee members are limited to
13 serve no more than 3 consecutive terms without a break in membership. In addition to
14 the responsibilities described below, boards and committees shall provide
15 recommendations and suggest policy changes as the Town Council may require from
16 time to time.

17
18 A. Board of Assessment Review

- 19
- 20 1. Membership. The Board of Assessment Review shall consist of three
21 members (3).
- 22
- 23 2. Purpose. The purpose of the Board of Assessment Review shall be to
24 comply with the statutes of the State of Maine in the establishment of
25 assessments for the purpose of taxation.
- 26
- 27 3. Duties. The Board of Assessment Review shall have the power to:
28
 - 29 a. Review, on complaint of property owner, and revise assessments
30 for the purpose of taxation of real and personal property within the
31 town limits made by the town assessor.
 - 32
 - 33 b. Administer oaths.
 - 34
 - 35 c. Take testimony.
 - 36
 - 37 d. Hold hearings.
 - 38
 - 39 e. Adopt regulations regarding the procedure of assessment review
40 not inconsistent with statutory provisions.
 - 41
 - 42 f. Hear an appeal of a decision of the Town Council relating to
43 applications for abatement of local property taxes.
 - 44

45 B. Community Services Committee

- 46
- 47 1. Membership. The Community Services Committee shall consist of seven
48 (7) members.
- 49

1 2. Purpose. The purpose of the Community Services Committee shall be to
2 advocate for versatile community programs offering educational, cultural,
3 recreational and social enrichment opportunities.

4
5 3. Duties. The Community Services Committee shall have the following
6 duties:

7
8 a. Perform regular outreach efforts to assess satisfaction with current
9 programming and identify unmet needs.

10
11 b. Advise the Community Services Director on issues of interest that
12 relate to the programming offered by the Community Services
13 Department.

14
15 C. Conservation Committee

16
17 1. Membership. The Conservation Committee shall consist of seven (7)
18 members.

19
20 2. Purpose. The purpose of the Conservation Committee shall be to act in
21 the role of conservation commission as described in the statutes of the
22 State of Maine, to be the steward of the Cape Elizabeth Greenbelt, and to
23 advise on wetland and natural resource issues.

24
25 3. Duties. The Conservation Committee shall have the following duties:

26
27 a. Act as Steward of Town open space as described in the
28 Conservation Ordinance, Chapter 18, Article V, Open Space
29 Management.

30
31 b. Advise the Planning Board in the review of open space set aside as
32 part of Subdivision Review, Subdivision Ordinance, Chapter 16,
33 and in the review of Resource Protection Permits, Zoning
34 Ordinance, Chapter 19.

35
36 c. Administer the Open Space Evaluation and Preservation Program,
37 Chapter 18.

38
39 d. Prepare the Greenbelt Plan for Town Council consideration.

40
41 D. Firing Range Committee

42
43 1. Membership. The Firing Range Committee shall consist of five (5)
44 members.

45
46 2. Purpose. The purpose of the Firing Range Committee shall be to make
47 recommendations to the Town Council regarding licensing of shooting
48 ranges as conferred in the Shooting Range Ordinance, Chapter 24.

- 1 3. Duties. The Firing Range Committee shall have the following duties:
2
3 a. Review license applications and inspect firing ranges in accordance
4 with the Shooting Range Ordinance, Chapter 24.
5
6 b. Recommend rules and regulations for shooting ranges for Town
7 Council consideration.
8
9 c. Review complaints.

10
11 E. Fort Williams Park Committee

- 12
13 1. Membership. The Fort Williams Park Committee shall consist of seven (7)
14 members.
15
16 2. Purpose. The purpose of the Fort Williams Park Committee shall be to
17 advise the Town Council on policies for Fort Williams Park.
18
19 3. Duties. The Fort Williams Park Committee shall have the following duties:
20
21 a. Recommend policies regarding use of the park.
22
23 b. Prepare or update a master plan or special reports for park
24 improvements.
25
26 c. Review any special event proposed for Fort Williams Park in
27 accordance with the current Group Use Policy.
28

29 F. Personnel Appeals Board

- 30
31 1. Membership. The Personnel Appeals Board shall consist of three (3)
32 members.
33
34 2. Purpose. The purpose of the Personnel Appeals Board shall be to consider
35 appeals as provided for in the Personnel Code, Chapter 3, and any
36 collective bargaining agreement that may confer such jurisdiction.
37
38 3. Duties. The Personnel Appeals Board shall have the following duties:
39
40 a. Hold hearings as provided for in the Personnel Code, Chapter 3.
41
42 b. Hold hearings as provided for in collective bargaining agreements
43 when jurisdiction has been conferred.
44

45 G. Planning Board

- 46
47 1. Membership. The Planning Board shall consist of seven (7) members.
48

- 1 2. Purpose. The purpose of the Planning Board shall be to advocate that
2 development of private and public property be done in an orderly manner
3 that protects the public health, safety and welfare.
4
5 3. Duties. The Planning Board shall have the following duties:
6
7 a. Exercise and perform such rights, powers, and duties as are
8 conferred or imposed under the provisions of the statutes, local
9 ordinances, and regulations thereunder, and as the same may from
10 time to time hereafter be amended.
11
12 b. Advise the Town Council in the amendment of the Zoning and
13 Subdivision Ordinances, and other ordinances upon request.
14
15 c. Advise the Town Council, upon request, on short and long-term
16 planning policies.
17
18 d. Advise the Town Planner on planning procedures and public
19 participation efforts.
20

21 H. Recycling Committee

- 22
23 1. Membership. The Recycling Committee shall consist of seven (7)
24 members.
25
26 2. Purpose. The purpose of the Recycling Committee shall be to promote
27 recycling of solid waste in the community, provide environmental
28 stewardship and protect the environment.
29
30 3. Duties. The Recycling Committee shall have the following duties:
31
32 a. Recommend policies that increase reuse and recycling in the
33 community and promote environmental stewardship.
34
35 b. Conduct public education and promotional efforts to increase
36 recycling.
37
38 c. Monitor recycling trends and changes in the solid waste industry.
39

40 I. Riverside Cemetery Committee

- 41
42 1. Membership. The Riverside Cemetery Committee shall consist of three (3)
43 members.
44
45 2. Purpose. The purpose of the Riverside Cemetery Committee shall be to
46 advise the Town Council on policies of Riverside Memorial Park.
47
48 3. Duties. The Riverside Cemetery Committee shall have the following
49 duties:

- a. Recommend management policies that preserve the park as a respectful place for burial of town residents.
- b. Monitor and manage capacity needs of the cemetery.
- c. Prepare and update the master plan.

J. Thomas Memorial Library Committee

1. Membership. The Thomas Memorial Library Committee shall consist of seven (7) members.
2. Purpose. The purpose of the Thomas Memorial Library Committee shall be to advocate for a library that provides a wide range of services and enrichment opportunities for the community.
3. Duties. The Thomas Memorial Library Committee shall have the following duties:
 - a. Advise the Library Director on matters of the library, such as the collection, services, programs, facilities, and policies.
 - b. Work cooperatively with groups that seek to assist the library. Committee members may, upon request, serve on independent boards whose purpose is to support the library.

K. Board of Zoning Appeals

1. Membership. The Board of Zoning Appeals shall consist of seven (7) members.
2. Purpose. The purpose of the Board of Zoning Appeals shall be to provide property owners an opportunity to seek relief from the provisions of the Zoning Ordinance, as required by the statutes of the state of Maine, or the decision of the Code Enforcement Officer.
3. Duties. The Board of Zoning Appeals shall have the following duties and responsibilities:
 - a. Exercise and perform such rights, powers, and duties as are conferred or imposed under the provisions of the statutes and the Zoning Ordinance, Chapter 19, and as the same may from time to time hereafter be amended.
 - b. Consider appeals, applications for special permits, and interpretations of the Sewer Ordinance, Chapter 15 and the Stormwater Ordinance, Chapter 25. [Pending adoption of Chapter 25, included in the Technical Amendments]

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SEC. 4-1-8. Ad Hoc Committees. Committees formed by the Town Council to complete defined tasks and then be disbanded are ad hoc committees. The Town Council may create an ad hoc committee as needed. When creating an ad hoc committee, the Town Council shall adopt a committee charge that includes the name, composition, and purpose of the committee, tasks to be completed, a deadline for completion of committee work (which may be extended by the Town Council), and direction to the Town Manager to assign staff support as needed. Ad hoc committees shall perform their duties in compliance with Sec. 4-1-5, Operation of Boards and Committees.

1
2 **Conservation Ordinance Amendments**
3

4 **Article V. Open Space Management** [Adopted eff. 06/14/2012]
5

6 **Sec. 18-5-1. Purpose.** Open spaces managed by the Town of Cape Elizabeth are for the benefit
7 and enjoyment of all citizens and visitors. Town policy is to impose as few restrictions on use of
8 these properties as possible, consistent with the desire to promote user safety in a natural
9 environment, minimize conflicting uses, protect the natural features and generally exercise
10 proactive stewardship of a valuable and enduring town asset. This ordinance establishes Town
11 open space management rules to safeguard the essential character of Cape Elizabeth public open
12 spaces for public use now and in the future.
13

14 **Sec. 18-5-2. Applicability.** The provisions of this chapter apply to all open space (as defined
15 below) for which site-specific rules and/or management entities have not otherwise been
16 approved by the Town Council. Town owned open space exempted from the chapter includes
17 Fort Williams Park, Town athletic fields, Riverside Memorial Cemetery, and the school campus.
18 Town athletic fields shall mean any athletic field managed and/or scheduled by the Cape
19 Elizabeth School Department Athletic Director. School campus shall mean all the groomed and
20 improved portions of the school campus. Athletic fields and the school campus does not include
21 the natural areas adjacent to groomed and maintained athletic fields and school campus.
22

23 **Sec. 18-5-3. Definitions.** The following terms shall have the meanings given herein. All words
24 not defined herein shall carry their customary and usual meanings.
25

26 **Animal Trap:** Any device that is made to catch undomesticated animals.
27

28 **Encroachment:** An alteration of open space by a private party without permission of the Town
29 of Cape Elizabeth. Encroachments may include, but are not limited to:
30

- 31 1. Placement of structures, buildings, fences, landscape objects, and play equipment;
- 32 2. Placement of yard and leaf waste;
- 33 3. Placement of household trash;
- 34 4. Planting of trees and vegetation;
- 35 5. Removal of trees and vegetation;
- 36 6. Unauthorized clearing, mowing and landscaping.
37

38 **Greenbelt:** A network of public trails located on Town owned or easement held land. Most
39 greenbelt trails are marked with Town greenbelt trails signs and are included on the Town
40 Greenbelt Trails Map.
41

42 **Open Space:** Land owned in fee or held in easement by the Town of Cape Elizabeth where
43 public access is permitted and is included in the Town inventory of open space.
44

45 **Sec. 18-5-4. Open Space Management Regulations.** The following regulations shall govern the
46 use of open space subject to this chapter.
47

- 1 a. Trail Closure. The Town Manager may close a trail on a temporary basis to
2 preserve trail surface stability, for trail maintenance or public safety. Notification
3 of a closed trail shall be posted on the Town website and at the trail, when
4 conditions permit, and shall be provided electronically to the Conservation
5 ~~Committee~~ Commission.
6
- 7 b. Hours of Operation. Open space subject to this chapter shall be open at all hours
8 for the enjoyment of the public. From the hours of sunset to sunrise, trail users
9 shall limit activities to the quiet enjoyment of trails and open space. Snowmobiles
10 may be operated in designated areas from sunrise until 8:00 p.m.
11
- 12 c. Encroachments. Encroachments are prohibited. Open space is held for the benefit
13 and enjoyment of public use, for its own use, and within the context of local
14 ordinances, deed restrictions, and usage easements which the Town has purchased
15 or been granted. The Town is responsible for protecting the public interest in
16 public property, now and for future generations, and has a fiduciary responsibility
17 to protect these assets.
18

19 When a possible encroachment occurs, the following process shall be used:
20

- 21 1. Identification of an encroachment. A potential encroachment on open
22 space may be reported to the Town Manager by any party.
23
- 24 2. Confirm encroachment. Following report of a potential encroachment, the
25 potential encroachment shall be inspected by the Town and, if deemed
26 necessary, a professional surveyor may be retained to confirm the property
27 boundary and prepare a sketch showing the extent of the encroachment.
28 When applicable, the deed for the open space shall be reviewed for
29 restrictions. If the Conservation ~~Committee~~ Commission identifies a
30 possible encroachment, it may gather information as described above and
31 report its findings to the Town Manager.
32
- 33 3. Identification of party causing encroachment. The Town Manager shall
34 attempt to identify who has caused the encroachment and initiate contact.
35 If the responsible party cannot be determined, the Town may take action
36 to remedy the encroachment under subsection 4 below. If the party can be
37 identified, the Town Manager shall initiate contact and seek voluntary
38 cooperation to remove, repair, restore and/or replace as necessary.
39
- 40 4. Remediation. If the Town Manager is unable to obtain voluntary
41 cooperation, all legal remedies available to a property owner may be
42 undertaken by the Town. Remedies may include but are not limited to
43 removal of structures, replanting of vegetation, installation of fencing or
44 other visually prominent boundary markers, and a recovery of any costs
45 incurred by the town. Appeal of the Town Manager's determination that
46 an encroachment has occurred may be made to the Town Council.

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- d. Vegetation Damage or Removal. No vegetation shall be removed on open space without the permission of the Town, except for blockage of Town trails. When vegetation blocks a trail marked with greenbelt trail signs, vegetative barriers such as trees and branches may be removed, only where the trail is located, without Town permission.

- e. Tree Stand. No tree stand shall be erected on open space without the permission of the Town Manager. Permission to erect a tree stand for the purpose of hunting may be obtained in compliance with the following requirements:
 - 1. The tree stand must be installed in conformance with state law;
 - 2. The tree stand must be installed a minimum of 100 yards from any residential dwelling;
 - 3. The tree stand must be installed a minimum of 10 yards from any Town of Cape Elizabeth greenbelt trail marked with greenbelt signs; and
 - 4. The tree stand must include the name and contact information of the owner on the tree stand.

- f. Animal Traps. The Town of Cape Elizabeth determines that all open space is located within one half (1/2) mile of the built-up section of the Town, as used in the State of Maine Trapping Rules, and therefore only “cage-type live traps and drowning sets” may be used in Cape Elizabeth. No traps may be set on open space without the Town Manager’s permission. Licensed trappers may be granted permission in order to remove animals causing damage to property or for wildlife survey and research purposes.

- g. Motorized vehicles. No motorized vehicles may operate on open space, except as follows:
 - 1. Snowmobiles may be operated on open space designated on the Uses and Activities Chart in the Management of Greenbelt and Open Space Plan;
 - 2. Motorized vehicles performing construction and maintenance work authorized by the Town; and
 - 3. Emergency services vehicles.

- h. Events. Group events on open space must obtain permission from the Town prior to the event. For an event that is not publicly advertised and involving the assembly of less than 50 persons, an application will be reviewed by the Town Manager or Town Manager’s designee. For an event that is publicly advertised and/or will include 50 or more attendees, an application will be reviewed by the

1 Conservation ~~Committee~~Commission. For an event with 150 or more attendees,
2 an application will be reviewed by the Conservation ~~Committee~~Commission,
3 which shall then make a recommendation to the Town Council. The Town
4 Council may make independent findings in approving or denying any request.
5

6 An application shall be made in writing and provide information for each of the
7 following items:
8

- 9 1. The name of the applicant, a contact person, contact information and
10 person supervising the event on-site;
11
- 12 2. A description of the event including the date and time of the activity, a
13 description of the group's mission or purpose and experience in holding
14 events, purpose of the event and the anticipated number of attendees;
15
- 16 3. Event parking, event tent or other on-site set-up, and need for utilities such
17 as sanitary waste disposal, electricity, amplified sound, power generator,
18 trash removal, etc;
19
- 20 4. Insurance or other liability arrangements.
21

22 The reviewing authority will consider the following in reviewing an event
23 application:
24

- 25 1. If an event has already been approved for the same open space on the
26 same day (Priority shall be given to Town of Cape Elizabeth, Cape
27 Elizabeth School Department, and Cape Elizabeth based organizations
28 events when applications are submitted at the same time for the same open
29 space);
30
- 31 2. If the event is in keeping with the desired recreational and cultural uses of
32 the open space;
33
- 34 3. If the event is compatible with the enjoyment of the open space by non-
35 event users;
36
- 37 4. If the event may expose the town to unreasonable safety related liabilities;
38
- 39 5. Experience of the applicant in handling large crowds;
40
- 41 6. The number of vehicles anticipated, parking available and traffic impacts;
42
- 43 7. The insurance coverage or liability arrangements of the applicant;
44
- 45 8. The need and availability of public safety personnel for event security;
46

- 1 9. Expected need and use of sanitary facilities, electrical service, refuse
2 disposal and recycling;
- 3
- 4 10. Use of outside vendors;
- 5
- 6 11. Advertising for the event;
- 7
- 8 12. Extent of wear to the open space;
- 9
- 10 13. Potential noise or other impacts on abutters; and
- 11
- 12 14. Other impacts unique to the open space or the event.
- 13

14 **Sec. 18-5-5. Penalties.** The violation of any provision of this ordinance shall, in addition to
15 any civil penalties available to the Town therefore, constitute a misdemeanor and be punishable
16 by a fine not to exceed \$1,000.00 to be recovered upon complaint to the use to the Town. Each
17 day that any violation of this ordinance shall continue following notification thereof by the Town
18 Manager shall constitute a separate offense.

19

20

21 Article VI. Open Space Evaluation and Preservation Program

22

23 Sec. 18-6-1. Purpose. The purpose of the open space evaluation and preservation program is
24 to establish an ongoing, standardized effort for identifying, evaluating and recommending
25 additions to the Town's inventory of preserved open spaces.

26

27 Sec. 18-6-2. Authority. The program shall be conducted by the Conservation Committee with
28 updates at each stage to the Town Manager.

29

30 Sec. 18-6-3. Program Components. The Conservation Committee shall periodically conduct
31 an evaluation and present a report to the Town Council. The evaluation shall include the
32 following components.

33

34 a. Identification and Evaluation. The Conservation Committee shall periodically
35 undertake a review of existing open space and consider areas or specific parcels
36 that may be desirable additions to the Town open space system.

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38 b. Open Space Evaluation Criteria. The Conservation Committee shall focus on land
39 that meets open space criteria adopted by the Town Council. The evaluation
40 process shall include a public participation component that invites suggestions
41 and input from all members of the public and stakeholders. If specific parcels held
42 in private ownership are under consideration, the Conservation Commisttee shall
43 endeavor to meet with the property owner prior to making a recommendation. In
44 the absence of criteria adopted by the Town Council, the following criteria shall
45 be used:

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1. Agriculture - undeveloped lands used for agriculture.
2. Greenbelt trails and recreation areas -land identified in the current Greenbelt Plan.
3. Wildlife habitat - undeveloped lands that provide a habitat for wildlife as identified by the State of Maine such as the Beginning with Habitat information and field verified.
4. Other - significant scenic, cultural and/or unique properties identified by the Town Council.

c. Recommendation. At the completion of its evaluation, the Conservation Committee shall forward its open space recommendations to the Town Council. Recommendations shall include a description of how the evaluation criteria have been met and any other factors.

Shooting Range Ordinance Amendments

ARTICLE X. FIRING RANGE COMMITTEE

SEC. 24-10-1. FIRING RANGE COMMITTEE

The Firing Range Committee shall be composed of five (5) members appointed by the Town Council in accordance with the provisions of Chapter 4, Boards and Committees Ordinance.

~~Firing Range Committee is hereby established to consist of the following:~~

- ~~1. One member of the Spurwink Rod & Gun Club who is a member of the National Rifle Association, to be designated by the Spurwink Rod & Gun Club;~~
- ~~2. One member of the public at large to be appointed by the Town Council;~~
- ~~3. One member of the public at large who is a certified firearms instructor to be appointed by the Town Council; and~~
- ~~4. Two members of the Town Council to be appointed by the Town Council, one of whom shall serve as Chair of the Firing Range Committee. In the event that the Spurwink Rod & Gun Club fails to designate a member of its organization within 30 days after having received a written request to do so, the Town Council shall have the right to make an appointment to fill said position.~~

SEC. 24-10-2. RESERVED~~POLICE CHIEF~~

~~The Police Chief and Code Enforcement Officer of the Town shall serve as ex-officio members of the Firing Range Committee.~~