

# Proposed Amendment

## Amendment

1. Municipal Parks Regulation

## **Amendment #1**

### *Municipal Park (Mount Agamenticus) Regulations*

**Ballot Language:** The following language would appear on the ballot:

Article X

The Selectboard hereby establishes the following regulations for Mount Agamenticus Park per Section 7 of the Municipal Parks Ordinance.

Statement of Fact: The purpose of the Regulations is to clearly establish standards for public use, define the decision-making process and authority to regulate Mount Agamenticus Park; and ensure consistency with any deed restrictions or other legal requirements for Mount Agamenticus Park.

**Amendment:** Adopt the Mount Agamenticus Park regulations, as follows:

# **Mount Agamenticus Park Regulations:**

## **SECTION 1: MISSION/VISION STATEMENT**

Mount. Agamenticus Park is located within the greater Mount Agamenticus Conservation Region (MtACR) encompassing over 15,000 acres of conserved land in southern York County. A cooperative planning process has been established to develop and implement a Public Access and Trail Plan that provides continued compatible public use of the MtACR while protecting the significant natural features of the site. The Mount Agamenticus Park will be used to educate and present to the public the many uses and aspects of the area and its recognition as one of nature's "Last Great Places". As the gateway to the MtACR, the Mount Agamenticus Park shall reflect the history and culture of the area, its importance to water quality and the physical and economic health of the region, its nationally recognized diversity of plants, animals, and habitats, the many recreational opportunities and finally the collaborative nature of the organizations and people who cooperatively manage the greater conservation region.

## **SECTION 2: PURPOSE AND INTENT**

The purpose of the Regulations is to: clearly establish standards for public use; define the decision-making process and authority to regulate Mount Agamenticus Park; ensure consistency with any deed restrictions or other legal requirements; promote safe and responsible use of the Mount Agamenticus Park, and to protect the natural resources located therein.

## **SECTION 3: PARK BOUNDARIES**

- 3.1** Mount Agamenticus consists of lands owned and leased by the Town of York within the Mount Agamenticus Conservation Region currently (Map & Lot) 0095-0008 and as referenced within the Municipal Parks Ordinance adopted November 2, 2021.
- 3.2** Deed References. Deeds for Mount Agamenticus can be found at the York County Registry of Deeds. Currently, two separate deeds are listed at the Registry. The property purchased in fee is in Book 2651, Pages 112-117; and the easement retained from the York Water District is in Book 2651, Pages 118-123.

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## **SECTION 4: AUTHORITY**

These regulations are adopted pursuant to Section 7 of the Municipal Parks Ordinance adopted by the Town of York on November 2, 2021.

## **SECTION 5: ADMINISTRATIVE FRAMEWORK**

### **5.1 Management**

- A. The Parks & Recreation Director or their designee is responsible for oversight of this park.
- B. The Parks Natural Resources Manager or their designee is responsible for day-to-day Park management, operations and encouraging compliance. Primary duties of the Manager at the park include but are not limited to:
  - 1. The Parks Natural Resources Manager is guided by the Mount Agamenticus Public Access and Trail Plan as amended
- C. The Parks & Recreation Board serves as the Town's advisory Board that may provide recommendations to the Parks and Recreation Director for use and management of the park.
- D. The Mount Agamenticus Steering Committee
  - 1. Is a regional advisory committee made up of representatives from the Town of York, York Water District, the Kittery Water District, the Maine Department of Inland Fisheries and Wildlife, the Great Works Regional Land Trust, the York Land Trust, and the Town of South Berwick all of whom own land in the greater MtACR.
  - 2. Established in 1999, the Committee's primary function is to develop a cooperative planning process and implement a Public Access and Trail Plan that provides continued compatible public use while protecting the significant natural features of the Mount Agamenticus area.

### **5.2 Enforcement**

The York Parks and Recreation Department in collaboration with the York Police Department is responsible for enforcement of these regulations.

## **SECTION 6: PARK STANDARDS AND RESTRICTIONS**

### **6.1 Hours of Operation**

- A. The park and trails are open year-round during daylight hours only (from sunrise to sunset).
- B. The Summit Access Road Gate Hours are set by the Town and posted at entrance.

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## **6.2 Animal Use and Standards (leash, wastes etc.)**

- A. Domestic Animals must be leashed, and owners must follow the Town's Animal Control Ordinance.
- B. Owners must carry their own pet waste bags, immediately clean up after pets and properly dispose of waste (see Trash/Carry Out).

## **6.3 Alcohol and Drugs**

Consumption or use of alcoholic beverages and drugs are prohibited.

## **6.4 Camping/Campfires**

- A. Campfires are prohibited unless authorized by the Parks and Recreation Director or their designee.
- B. Overnight parking or camping is prohibited unless authorized by the Parks and Recreation Director or their designee.

## **6.5 Commercial Use**

Solicitation, collecting, vending, advertising, and commercial activity are not allowed unless authorized by the Parks and Recreation Director or their designee.

## **6.6 Drones**

- A. Launching and landing of Unmanned Aircraft Systems (UAS), to include drones, is not allowed unless authorized in advance by the Parks and Recreation Director or their designee.
- B. Public safety, privacy of park users, impact on wildlife and visitor experiences are important factors when considering UAS launching and landing authorization.

## **6.7 Electronic Bikes (E-Bikes)**

- A. Class 1 & 2 E-Bikes are permitted on hike/bike trails.
- B. Class 3 & higher E-Bikes are only permitted on trails designated as "multiple use" and are prohibited on trails designated as hike or hike/bike only.

## **6.8 Geocaching/Letterboxes**

The placement of geocaches or letterboxes are prohibited unless authorized by the Parks and Recreation Director or their designee.

## **6.9 Group Activities/Special Events**

Organized groups may be permitted with an approved Special Use Permit or Group Registration application (see Permits).

### **6.10 Hunting and Trapping**

- A. Hunting, trapping, and fishing are allowed in accordance with Maine Department Inland Fisheries & Wildlife. Please refer to State laws for specific guidelines and boundaries.
- B. The discharging of any weapon is prohibited from or within 300 feet of any picnic area, parking area, public trail, or other developed area. Loaded weapons are not permitted on public trails.
- C. Work areas and areas with significant public use may be temporarily posted as closed to hunting by park management in the interest of public safety.
- D. Target practicing is prohibited.

### **6.11 Metal Detectors**

Metal detectors are prohibited throughout the park (see Natural and Cultural Resources Section 6.13).

### **6.12 Motor Vehicles/Mount Agamenticus Access Road**

- A. All vehicles are subject to license safety requirements and regulations of the Maine Department of Public Safety.
- B. Unauthorized ATVs, skateboards, and parked vehicles are prohibited on the access road.
- C. Parking is prohibited on the Mount Agamenticus Access Road and is regulated per the Town's Traffic & Safety Ordinance.

### **6.13 Natural and Cultural Resources**

All wildlife, plant life, artifacts and any other natural or man-made features are protected and may not be disturbed or removed unless authorized by the Parks and Recreation Director or their designee.

- A. Harassment of wildlife is illegal in Maine; thus, wildlife shall not be approached, followed, or fed. Releasing or introducing any animal is prohibited.
- B. Rocks, wildflowers, and other plants or natural objects shall not be disturbed.
- C. Wetlands and vernal pools shall not be disturbed unless approval has been granted by federal, state, or municipal reviewing/permitting authorities when applicable.

### **6.14 Noise Levels**

Amplified music is not allowed unless authorized by the Parks and Recreation Director or their designee.

### **6.15 Trail Use Designations**

- A. Observe trail use designations and closures as posted on the Mount Agamenticus website.

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- B. ATVs and snowmobiles are permitted on multiple use trails only. Please refer to the Maine Dept. of Inland Fisheries and Wildlife’s “All Terrain Vehicles Laws and Rules” publication updated annually regarding proper use, licensing, and registration.
- C. All motor vehicles are prohibited on all trails unless authorized by the Parks and Recreation Director or their designee.

**6.16 Trail and Stunt Building**

- A. Users are asked to stay on authorized, marked trails.
- B. Cutting switchbacks or creating new trails is prohibited.
- C. Stunt building or any other trail manipulation is prohibited.
- D. Possession of handsaws, chainsaws, loppers, shovels, rakes, leaf blowers, or any other trail clearing or building tool or material is prohibited unless authorized by the Parks and Recreation Director or their designee.

**6.17 Vandalism**

- A. No person may deface, paint, damage, mutilate, or vandalize any natural or cultural object, or any sign or structure within the conservation area.
- B. Possession of paint or marking materials, or tampering with, altering, or removing any sign, marker, or structure, is prohibited.
- C. Driving nails or permanently installing any object is prohibited.

**6.18 Trash and Carry Out**

- A. Mount Agamenticus is a “carry in/carry out” park.
- B. Visitors are responsible for carrying out all their refuse for proper disposal.

**6.19 Risk**

For Recreational Users: Mount Agamenticus visitors assume all risks, and shall be reasonably prepared and equipped, take reasonable precautions against endangering themselves or others.

**6.20 Trespassing**

Any unauthorized use is considered trespassing and is punishable by law.

**6.21 Construction, Building Activity, and Site Improvements**

When applicable, all construction, building activity and site plan improvements/amendments proposed at the park shall adhere to municipal procedures for site plan and construction approval, comply with deed or easement requirements, and follow municipal procedures for obtaining permits.

## **SECTION 7. PERMITS**

A written Special Use Permit issued by the Parks & Recreation Director, or their designee is required for any special request or activity not covered by the Standards and Restrictions (Section 6).

## **SECTION 8. AUTHORITY TO REGULATE MUNICIPAL PARKS**

### **8.1 Minimum Requirements.**

The Selectboard is hereby authorized to enact and amend regulations for Mount Agamenticus Park per Section 7 of the Municipal Parks Ordinance.

### **8.2 Process for Enacting, Amending, or repealing these Regulations.**

The Selectboard shall conduct at least one (1) public hearing prior to amending these regulations.

## **SECTION 9. EFFECTIVE DATE**

These regulations shall take effect following the date of adoption or approved amendment by the Selectboard.

## **SECTION 10. VIOLATION AND PENALTIES**

The Town Parks & Recreation Director, the Town designated official for the management of this park, shall institute action for any violations. Any person who violates any provision of the Ordinance may be subject to a civil penalty of \$300.00 for the first offense, \$350.00 for the second offense, and \$400.00 for the third and subsequent offenses.

These rules and regulations have been promulgated for the protection of our patrons and for the facilities and natural resources of the Mount Agamenticus Conservation Region. In addition to any criminal and civil sanctions imposed by law, any person violating these rules or other laws or regulations may be required to immediately leave and may have the privilege of entering the area revoked for a specified period.

## **SECTION 11. WAIVER/PAYMENT OF FINES**

Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court

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Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations. If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.

**SECTION 12. SEVERABILITY**

Should any portion of these regulations be held by the courts to be invalid, this shall not affect the validity of remaining portions of these regulations.