

## City of Concord Conservation Open Space Ordinance

### 4-6-1 Definition.

*Conservation Open Space:* The term "conservation open space" shall be deemed to include land within and owned by the City and subject, under the provisions of Chapter 30-3-12, to management and control by the Conservation Commission.

### 4-6-2 Conduct Prohibited in Conservation Open Space.

It shall be unlawful for any person in any conservation open space to:

- (a) *Solicit Money.* Solicit money, subscription, alms, or contributions for any purpose.
- (b) *Advertising.* Advertise in any manner whatsoever for any reason whatsoever.
- (c) *Deface or Destroy Property.* Deface, destroy or remove any sign, bench, fence, or other structure, or any living plant material existing on conservation open space lands except for forest management practices specifically authorized by the Commission under Section 4-5-7.
- (d) *Setting of Fires.* Set a fire.
- (e) *Treatment of Animals.* Remove or have in his possession any animal's nest or remove the young or eggs of an animal or injure or kill any animal except during a hunting or trapping season and while legally hunting or trapping.
- (f) *Litter.* Deposit, drop or leave any debris, refuse or other litter of any kind except in such receptacles as may be provided for this purpose.
- (g) *Vehicles.* Operate on or bring onto any conservation open space, any motorized vehicle including but not limited to automobile, truck, motorized trail bike or other off-highway recreational vehicle.

### 4-6-3 Regulated Uses.

The following uses are considered regulated uses and are prohibited, except as permitted under the conditions stated below:

- (a) *Firearms.* It shall be unlawful for any person in any conservation open space to bring into, possess or use any firearm except that hunting for wild game as otherwise may be permitted by state or local law during the designated seasons unless prohibited by the posting of signs.
- (b) *Horses.* It shall be unlawful for any person to ride a horse on, or bring into or possess a horse on any conservation land that is posted prohibiting such use.
- (c) *Snowmobiles.* It shall be unlawful for any person to operate on or bring onto any conservation open space a snowmobile except on trails authorized under the provisions of Section 4-5-4.
- (d) *Selling Concessions.* It shall be unlawful for any person in any conservation open space, except by permit, to exhibit, sell, or offer for sale, hire, lease, or rent any object, service or merchandise.
- (e) *Camping.* It shall be unlawful for any person, except by permit to remain upon any conservation open space lands for the purpose of overnight camping.

### 4-6-4 Snowmobile Trails.

Snowmobiles shall be permitted only on designated trails that may cross open space lands. Request for such trail designation shall be made to the Conservation Commission through the Office of the City Manager. Approvals shall stipulate the authorized trails must not obliterate or otherwise interfere with cross-country skiing trails.

#### **4-6-5 Authority of Conservation Commission.**

In order to provide for the controlled and equitable use of designated conservation open space lands and to protect the safety of users and to preserve the natural environment, the Conservation Commission may issue rules and regulations that:

(a) *Fix Times*. Fix the times when the open space lands shall be open to public use, whenever such restrictions are necessary to protect the public or the lands.

(b) *Restrict Use*. Restrict the use of open space lands, or parts thereof, for any use which may be determined by the Conservation Commission to be detrimental to forest or open space management.

(c) *Layout of Uses*. Layout proper open space land uses in accordance with the open space plan and other management studies dealing with these designated City-owned properties.

(d) *Permit*. The Conservation Commission shall establish guidelines for any necessary permits for uses allowed by this Article. Permits shall be issued through the Health Services Division of the Code Enforcement Department. Any permit issued shall be followed with strict accordance with the written terms and conditions thereon. Any violation of any law or ordinance, rule or regulation shall constitute grounds for revocation of the permit. In the case of revocation, monies paid shall be forfeited and the violator shall be liable for all damages including prosecution under the applicable legal jurisdiction.

(e) *Appeal*. Any person aggrieved by a decision made by the Health Services Division of the Code Enforcement Department may, within five (5) working days of receipt of that decision, file a written appeal with the City Manager setting forth the reasons why the appellant is aggrieved. The decision of the City Manager shall be final.