

**TOWN OF HAMPDEN, MAINE  
CONSERVATION ORDINANCE**

ENACTED DATE: March 21, 2005  
EFFECTIVE DATE: April 20, 2005

EXTENDED BY TOWN COUNCIL: March 19, 2007  
EFFECTIVE DATE: April 20, 2009

AMENDED BY TOWN COUNCIL: April 6, 2009  
EFFECTIVE DATE: May 6, 2009

CERTIFIED BY: \_\_\_\_\_  
Name

\_\_\_\_\_  
Title Affix Seal

**CONSERVATION ORDINANCE  
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**ARTICLE 1  
GENERAL ADMINISTRATION**

**1.1 Intent And Purpose.** This shall be known and shall be cited as the Conservation Ordinance of the Town of Hampden, Maine. This ordinance is established to protect, conserve and enhance the natural resources of the Town of Hampden. To achieve these objectives it is intended to establish a Conservation Commission which will act in an advisory capacity to the Hampden Town Council. The Conservation Commission will provide oversight for the conservation of Town owned lands, or easements, be they forests, meadows, or wetlands. The Commission shall coordinate, and act as a point of contact for, the efforts of State and Federal agencies as well as Hampden residents undertaking natural resource projects or other significant projects which may impact natural resources in the Town.

**1.2 Authority.** Pursuant to the provisions Title 30-A 3261 MRSA and the Charter of the Town of Hampden. Article II, Section 212, and Article III, Section 302, THE TOWN OF HAMPDEN HEREBY ORDAINS that there is established a Conservation Commission, to be organized, administered and governed in accordance with the following provisions:

**ARTICLE 2  
ESTABLISHMENT OF CONSERVATION COMMISSION**

**2.1. Establishment.** The Hampden Conservation Commission is hereby established as a board of the town, which shall serve as the appointed body to carry out the duties and functions specified below. It shall be administered consistent with its role as a board.

**ARTICLE 3  
ORGANIZATION AND ADMINISTRATION**

**3.1. Membership.** The Conservation Commission shall consist of seven (7) persons, appointed by the Town Council. The members shall serve staggered three (3) year terms.

**3.2. Town Planner.** The Town Planner shall be an ex-officio member of the Commission. The Commission may make recommendations to the Town Council as to nominations for future membership on the Commission.

**3.3. Honorary Membership.** The Town Council may name various persons to the Commission as honorary members as it deems appropriate, on recommendation of the Commission. Such honorary membership may be conferred on individuals in recognition of their contribution to conservation in Hampden, or as a means to bring special training, skills and perspective to the work of the Commission. Honorary members may participate in meetings of the Commission but may not vote nor otherwise exercise the authority which is hereby granted to the full Commission members.

**ARTICLE 4  
DUTIES OF THE COMMISSION**

**4.1. Duties of the Commission.** The following shall be the duties of the Conservation Commission.

**4.1.1. Meetings.** The Commission shall conduct its business at open meetings, such meetings to be posted at public locations as to time and place.

**4.1.2. Minutes.** The Commission shall keep a record of its meetings and decisions, available to the public at the municipal building during normal business hours.

4.1.3. *Research.* The Commission shall conduct research, in conjunction with the planning board, if any, into the local land areas.

4.1.4. *Coordination with other conservation bodies.* The Commission shall seek to coordinate the activities of conservation bodies organized for similar purposes.

4.1.5. *Annual Report.* The Commission shall, at least once a year, or at the request of the Town Manager file a report with the Town Council containing information as to the activities of in the past year and an outline of the program anticipated in the coming year.

4.1.6. *Assistance.* At the request of other Town departments and boards the Commission shall provide assistance on environmental and conservation issues.

4.1.7. *Land index.* The Commission shall keep an index of all open areas within the municipality, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The commission may recommend to the municipal officers or any municipal body or board, or any body politic or public agency of the State, a program for the better protection, development or use of those areas, which may include the acquisition of conservation easements.

4.1.7.1. Any body politic or public agency of the State conducting planning operations with respect to open areas within a municipality having a conservation commission shall notify that conservation commission of all plans and planning operations at least 30 days before implementing any action under that plan.

4.1.8. *Notification of land acquisition or sale affecting natural resources or public lands.* The Conservation Commission shall be notified by the Town Planner Office of any project, acquisition, or sale by Municipal State or Federal agencies which may impact the Town's natural resources or public lands. The Commission shall be given adequate opportunity to present its findings relative to such actions.

## ARTICLE 5 POWERS OF THE COMMISSION

**5.1. Powers of the Commission.** The following shall be the powers of the Conservation Commission.

5.1.1. *Acquisition of lands.* With the approval of the Town Council or by referendum the Commission may acquire land or any interest therein in the name of the municipality for any purpose set forth in Title 30-A, Section 3264 M.R.S.A., as amended, and may accept gifts of land, money or easements for conservation.

5.1.2. *Tree planting program.* The Commission may develop and undertake an annual tree planting program within funding constraints of the Town budgeting process.

5.1.3. *Hampden Conservation Award.* The Commission may maintain and review nominations for a Hampden Conservation Award in conjunction with the Town Council.

5.1.4. *Natural resources inventory.* The Commission may, in association with the Comprehensive Planning Committee, develop an inventory of Natural Resources in the Town, to include: brooks,

streams woodlands, wetlands, wildlife habitats, and other unique natural areas, to identify conservation opportunities.

*5.1.6. Strategic Plan.* The Commission may, in association with the Recreation Committee, develop strategic plans for the use and development of public parks, trails and. access to outdoor recreation opportunities.

*5.1.7. Coordinate and implement conservation on municipal lands.* The Commission may coordinate and implement conservation on municipal lands subject to the approval of the Town Council and direct expenditure of all money appropriated for conservation projects on municipal lands.

*5.1.8. Distribution of maps and literature.* The Commission may prepare, print and distribute maps, plans and literature as needed to promote conservation and the initiatives of the Commission.

*5.1.9. Local Energy Conservation Efforts.* The Commission may provide leadership and direction for local energy conservation and recycling education.

*5.1.10. Coordination with other conservation bodies.* The Commission may coordinate efforts with those of other local, regional and state organizations.

*5.1.11. Coordination with other bodies for the purpose of fund raising and other resources.* The Commission may coordinate efforts with other public and private organizations to secure funding and other resources for local conservation, energy conservation, and recycling projects.

*5.1.12. Other activities not listed.* The Commission may undertake other conservation related activities not listed here subject to Town Council approval.

## **ARTICLE 6 VALIDITY, REPEALER AND EFFECTIVE DATE**

### ***6.1. Validity; Conflict of Laws; Effective Date***

*6.1.1. Validity.* Should any section or provisions of this ordinance be declared by a court of competent jurisdiction to be invalid, such determination shall not invalidate or affect any other section or provision of this ordinance, and to that end the provisions of this ordinance are declared to be severable.

*6.1.2. Repealer.* All ordinances, resolutions orders and votes of the Town of Hampden, by whatever governing body enacted. and which relate to the Conservation Commission are hereby repealed to the extent they are inconsistent with this Ordinance.

*6.1.3. Effective Date.* The effective date of this ordinance shall be thirty (30) days after adoption by the Town Council.

*6.1.4. Deleted. (Amended 04-06-2009)*