

**BY-LAWS:**

**MANAGEMENT OF THE MCILVAINE TOWN FOREST:**

**(Parcels Lots 25-R-103, 25-R-6500, 25-R-6000A, 25-R-7010, 25-R-7025, 25-R-8000)**

**SECTION I: PURPOSE:**

In order to promote the multiple uses including recreation, wildlife habitat, soil and water conservation and sound long term sustainable timber management of the McIlvaine Town Forest, the Windham Town Meeting adopts the following use regulations for the area pursuant to the authority granted to the Town by RSA 31:39.

**SECTION II: PERMITTED USES WITHIN THE MCILVAINE TOWN FOREST**

- A. Passive recreational activities such as hiking, bicycling, dog walking, cross country skiing, snowshoeing, carry-in and carry-out picnics, wildlife watching, and other uses that are consistent with the purpose of this By-Law, which is to protect the natural resources of this area.
  - 1. Dogs are allowed and subject to the same restrictions as specified under; Regulations: Dogs on Town Property # WIN 2:06:21:04.
- B. Overnight camping is allowed in designated areas, for a period of no more than one continuous week.
  - 1. Some guidelines for waste disposal may apply.
- C. Hunting is allowed, but subject to the same New Hampshire Fish and Game regulations as specified for state owned or state managed lands.
  - 1. Permanent hunting stands are illegal. Portable stands or blinds may only be erected between August 1 and January 31, and must be removed by January 31.
  - 2. Discharge of firearms for target shooting is permitted during hunting season.

**SECTION III: PROHIBITED USES WITHIN THE MCILVAINE TOWN FOREST**

- A. Discharge of firearms for target shooting outside of hunting season.
- B. The use of all motorized vehicles is prohibited, subject to the following exceptions:
  - 1. Motorized vehicles may be permitted for any maintenance or construction work needed to implement the management plans for the Forest.
  - 2. Law enforcement vehicles/emergency vehicles may be permitted within this area at any time.
  - 3. Wheeled devices typically designed and intended for use by, and operated by the handicapped which were not originally manufactured as motor vehicles will be allowed.

- C. Disposal of yard waste, garbage, vehicles, or any other trash is prohibited.
- D. Cutting, digging up or otherwise willfully damaging trees, shrubs or plants, is prohibited, except as needed to implement the management plans for the Forest.
- E. Building of fires is strictly prohibited.
- F. Public intoxication and/or disorderly conduct is prohibited.
- G. Damage or removal of historic sites, walls, or artifacts is prohibited.
- H. Collection or removal of firewood by the public is prohibited.
- I. Smoking of any type is prohibited.
- J. Parking on town forest property is prohibited except where required for Forest management purposes by authorized personnel.
- K. Camping outside of designated areas or beyond allowed time frame.

#### **SECTION IV: VIOLATIONS**

Violations of this by-law shall be punishable by assessment of the following fines:

- |  |          |
|--|----------|
| A. Firearms target shooting outside of hunting season:   | \$100.00 |
| B. Unapproved use of motor vehicles:                     | \$100.00 |
| C. Disposing of yard waste, garbage, vehicles, or trash: | \$100.00 |
| D. Damaging trees, shrubs or plants:                     | \$100.00 |
| E. Building fires for any reason:                        | \$50.00  |
| F. Public intoxication and/or disorderly conduct:        | \$50.00  |
| G. Damage or removal of historic artifacts:              | \$100.00 |
| H. Collection or removal of firewood:                    | \$250.00 |
| I. Smoking:  | \$100.00 |
| J. Parking:  | \$50.00  |

K. Camping outside designated area or allowed time frame: \$100.00

#### **SECTION V: DISPOSITION OF FINES**

All fines collected shall be turned over to the Town Treasurer and deposited to the General Fund of the Town.

#### **SECTION VI: ENFORCEMENT**

This ordinance shall be enforced by the Windham Police Department.

#### **SECTION VII: WAIVERS**

The Windham Forestry Committee is authorized to make exceptions or grant waivers regarding the permitted/prohibited uses within such areas for limited (in time) specific events or activities for good cause shown provided such activity is not inconsistent with the purposes for which such land was acquired as set forth in RSA 31:111.

#### **SECTION VIII: SEVERABILITY**

If any section, clause, provision, portion or phrase of these By-Laws shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of these By-Laws.