

BY-LAWS:**MANAGEMENT OF THE MCILVAINE TOWN FOREST:**

(Parcels: 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 multiple uses including recreation, wildlife habitat, soil and water conservation as well as 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 these By-Laws, which are 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 for a period of no more than one continuous week.
 - 1. Follow the "Leave No Trace" guidelines for waste disposal.
 - 2. Camp fires are not permitted.
- 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.
- D. 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. Damage or removal of historic sites, walls, or artifacts is prohibited.

- G. Collection or removal of firewood by the public is prohibited.
- H. Smoking is prohibited.
- I. Parking is prohibited except where required for Forest management purposes.
- J. Camping beyond allowed time frame.

SECTION IV: VIOLATIONS

Violations of these By-Laws 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. Damage or removal of historic artifacts: \$100.00
- G. Collection or removal of firewood: \$250.00
- H. Smoking: \$100.00
- I. Parking: \$50.00

It will be the policy of the Town in such appropriate cases to seek restitution through a conditional discharge sentence under RSA 651:2 (VI-a) to repair all damages to Town owned land or property caused by any person violating these By-Laws.

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.