



ORDINANCE NO.	<u>2020-13</u>
INTRODUCED	<u>12/14/2020</u>
PUBLIC HEARING	<u>01/11/2021</u>
ENACTED	<u>01/11/2021</u>
EFFECTIVE	<u>02/10/2021</u>

ORDINANCE TO AMEND ARTICLE I, “PUBLIC NUISANCES, MORALS AND CONDUCT” TO: RENUMBER SECTION 14 AS SECTION 13, RENUMBER SECTION 13 AS SECTION 17, ADD REVISED SECTION 14 USE AND ENJOYMENT OF THE WOODS AND ANY TOWN PARK OR LAND,” SECTION 15 “REMOVAL OF ARCHEOLOGICAL OR CULTURAL ARTIFACTS OR FOSSILS AND SECTION 16 “INJURY TO OR REMOVAL OF TREES, PLANTS OR MINERALS IN THE WOODS”

WHEREAS, The preservation of the East and West Woods, and other wooded portions of the Town (“The Woods”) as both a natural habitat for native wildlife that buffers the town and as areas of sanctuary for residents to walk is an important objective of the “Town Within a Forest”; and

WHEREAS, The Woods are situated within, and contribute to the historic significance of the recently expanded and updated Washington Grove Historic District; and

WHEREAS, Humans have lived in, worked and traversed The Woods for thousands of years, and may have left behind fragile and unique archaeological sites as evidence of their past activities, such sites consisting of both physical features and cultural artifacts which are the property of the Town; and

WHEREAS, The Woods may contain plant or animal fossils produced over the millions of years that life has existed on this continent, which fossils are the property of the Town; and

WHEREAS, The Woods consist of a broad variety of trees and plants that are Town property and which are interdependent and essential to the preservation of the Woods; and

WHEREAS, The Woods may contain deposits of valuable minerals that are town property and the removal of such minerals would likely cause serious damage to The Woods and well as deprive the Town of its property rights in said minerals; and

WHEREAS, the Town Charter empowers the Town Council to adopt ordinances it deems necessary for, *inter alia*, the protection and preservation of the Town’s property rights and privileges; for the protection of peace and good order, and the promotion of the health, safety, comfort, convenience, welfare and happiness of the residents and visitors to the town; and

WHEREAS, It is in the public interest to empower the Town Council to adopt rules and regulations governing the use of the The Woods as well as any Town park or land; to prohibit the disturbance of archeological or paleontological sites and removal of the cultural artifacts or fossils they may contain except in accordance with a permit issued by the Town; to prohibit the

damage or removal of plants and trees in The Woods; and to prohibit the removal of minerals from the Woods except upon permit issued by the Town.

NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town, Article I is hereby amended to: move Section 13 and renumber it as Section 17, renumber current Section 14 as Section 13, add new Section 14, 15 and 16 to read as follows:

SECTION 14. Use and enjoyment of the Woods and any Town park or land

Use and enjoyment of the Woods and any Town park or land and the established trails therein within the Town of Washington Grove, are subject to such rules and regulations as the Council may adopt by resolution.

SECTION 15. Removal of Archeological or Cultural Artifacts or Fossils

No person shall search for, whether or not disturbing the ground, or remove from the Woods or any Town park or land, any archeological or cultural artifacts, , except in accordance with a permit issued by the Mayor following review by the Historic Preservation Commission and upon authorization of the Council. The permit shall require that all recovered artifacts,~~once analyzed,~~ be submitted to the Town and the Historic Preservation Commission.

No person shall search for, whether or not disturbing the ground , or remove from the Woods, or any Town park or land, any fossil except in accordance with a permit issued by the Mayor following review by the Historic Preservation Commission and upon authorization of the Council. The permit shall require that all such artifacts or fossils be submitted to the Town accompanied by a list thereof.

This Section shall not apply to ordinary maintenance by persons authorized by the Mayor, or to construction work described in Article III, Section 14 “Construction in Public Ways and on Town Property”.

SECTION 16. Injury to or Removal of Trees, Plants or Minerals in The Woods, Parks or other Town Land

No person, other than Town employees or contractors, shall injure, destroy, remove or interfere in any way with any trees, plants or minerals; nor install or allow to grow any plant or landscaping material in the Woods, or any Town park or land without the express permission of the Town. This section shall not apply to: (1) ordinary grass maintenance and leaf raking on Town land between a resident’s property and a street or walkway; (2) actions authorized by the Town for removal of invasive species, trail maintenance, or actions necessary to protect safety of persons or property.

EFFECTIVE DATE: This Ordinance shall become effective thirty (30) days from the date of enactment hereof in the absence of a petition by qualified voters as set forth in Section 15 of the Charter of the Town.

ADOPTED THIS xx DAY OF XXXXXXXXXXX, 2020.

TOWN OF WASHINGTON GROVE

John Compton, Mayor

ATTEST:

Kathryn L. Lehman, Clerk Date