

CHAPTER 302
LAND BANK ORDINANCE
TOWN OF GRAY MAINE
Adopted September 6, 1988

PURPOSE

The Commission shall recommend to the Town Council the purchase of acquisition of land and interest in land, in order to maintain and manage it in a manner which allows public use and enjoyment consistent with the natural, historic and scenic resources of the land.

SECTION 1 – DEFINITIONS

As used in this ordinance, unless the context indicates otherwise, the following terms have the following meanings:

Commission: “Commission” means the land bank commission established pursuant to section 2.

Fund: “Fund” means the land bank fund established under section 7.

Land Bank: “Land Bank” means the municipal land bank established pursuant to section 2.

Municipality: “Municipality” means the Town of Gray.

SECTION 2 – COMMISSION ESTABLISHED

A municipal land bank under the direction of the Town Council is hereby established and shall be administered by a Commission consisting of seven (7) persons appointed by the Council for staggered 3-year terms. Members must be legal residents of the municipality and shall serve without compensation. The Council must consider appointments from conservation committee, planning board, park and recreation, economic development committee, council and a member at large. The Commission shall elect a chairman and a secretary-treasurer from among its members and shall adopt reasonable rules for the conduct of its affairs and the management of its holdings. The decisions of the Commission shall be by majority vote of the majority of those present and voting, and no business may be transacted without a majority of the members present. The Commission shall establish its own-by-laws. The Commission shall keep accurate records of its meetings and actions and shall file an annual report with the Town Manager.

SECTION 3 – POWERS AND DUTIES

INTENT

It is the intent of this Ordinance to establish a partnership between the Land Bank Commission and the Gray Town Council to affirm the common goals as indicated in the Land Bank Ordinance.

For this reason, all purchase/acquisition of land, acceptance of gifts of real property interests (to include fee simple interests or lesser interests such as conservation restrictions, development rights, easements), or of funds to further the purpose of the Land Bank, or disposition of real property entrusted to the Land Bank shall require the majority vote of both the Land Bank Commission and the Gray Town Council.

All acquired land or accepted gifts of real property, intended for the management of the Commission, must contain a deed provision of the partnership noted above between the Land Bank Commission and the Town Council.

THE COMMISSION

- A. The Commission may hire such staff and obtain such professional services as are necessary in order to perform its duties, including development and updating of the Commission's open space plan within the constraints of the Land Bank fund:
- B. The Commission may maintain, manage and improve land and interests in land held by it in a manner which allows public use and enjoyment consistent with the natural, historic and scenic resources of the land, including planting, pruning and cutting of trees and shrubs to manage and enhance natural systems and constructing nature trails, bird nest boxes and nature identification signs, provided that the use of Land Bank funds within any single municipal fiscal year shall be subject to the following limitations:
 - 1. Expenditure of Land Bank funds for maintenance, management and limited capital improvement of municipally owned conservation lands purchased with Land Bank funds shall not exceed 10% of the total Land Bank funds.
 - 2. Expenditure of land bank funds for maintenance, management and limited capital improvement of municipally owned conservation or park lands not purchased with Land Bank funds shall not exceed 10% of the total Land Bank funds.
 - 3. Expenditure of Land Bank funds for administrative cases incidental to implementation of the Land Bank program shall not exceed 10% of the total Land Bank funds.

These restrictions may be removed by a majority vote of the entire Town Council.

SECTION 4 – TYPES OF LAND WHICH MAY BE ACQUIRED

Land, interests in land and other real property interests to be acquired and held as part of the Land Bank must be situated within the boundaries of the municipality. Any purchase or acquisitions must be consistent with the Commission's open-space plan. Prior to purchase or acceptance of land or interest in land, an investigation will be performed to determine any potential liability to the Town. (e.g. toxic or chemical waste).

- A. River, stream, lake or pond frontage and adjoining backlands;
- B. Marshes, flood plains and adjoining uplands;
- C. Islands;
- D. Land for future active or passive public outdoor recreational use, including hiking trails, bicycle paths, screen belts, high elevations with a view and parks;
- E. Aquifer, aquifer recharge areas and other ecologically fragile or significant property;
- F. Properties with unique historical, or geological characteristics or otherwise important to the community's cultural welfares;
- G. Woods or forestland suitable for a town forest or useable by deer as a wintering yard;
- H. Farmland or wildlife habitat;
- I. Open spaces which help to shape the settlement pattern of the community by promoting the village concept and discouraging sprawl;

- J. Vacant parcels of land, vacant buildings and properties or buildings and properties in significant disrepair which may be reclaimed for the purpose of establishing natural areas for open space or park land;
- K. Lands or interests in lands determined to be important to the Town's welfare.

SECTION 5 – MAINTENANCE OF REAL PROPERTY

The Commission shall maintain the real property interests acquired hereunder and pursuant to this Ordinance, predominantly in its natural, scenic or open condition, except as otherwise provided in this ordinance. Except upon the approval of the Town Council with the advice of the Commission, and where appropriate, subject to the constitution of Maine or State law, the Commission shall not allow:

- A. Construction or placing of buildings; roads, other than paths for pedestrian or bicycle use; signs; billboards; or other advertising utilities or other structures on or above the surface, except in furtherance of the purposes of this ordinance;
- B. Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste or unsightly or offensive material;
- C. Removal or destruction of trees, shrubs or other vegetation, except where necessary for management purposes and to enhance natural systems or open-space uses;
- D. Excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such manner as to affect the surface, except limited grading to enhance the open space uses of the land;
- E. Surface use except for purposes permitting the land or water area to remain predominately in its natural, scenic or open condition;
- F. Activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation; or
- G. Other acts or uses detrimental to the natural, scenic or open condition of the land or water areas.

SECTION 6 – FILING OF PLAN

The Commission shall file with the Town Manager an open-space, public access and outdoor-recreation plan, developed by members of the Commission, Parks and Recreation Committee, Conservation Commission and other persons designated by the Town Council, which shall be as far as possible, consistent with the Town's Comprehensive Plan and with any regional planning relating to the area. The Commission may, from time to time, amend the plan. The Commission shall actively seek comments from the Planning Board, Conservation Commission, Town Council and the general public at a public hearing before adopting a plan or revisions to a plan. The plan must show all real property interests then currently held by the Commission, a description of the use of those interests, all potential open space being considered for purchase, and priorities for these purchases.

SECTION 7 – LAND BANK FUND

The Commission shall meet its financial obligations by drawing upon a municipal land bank fund to be set up as a separate revolving or sinking account within the Town. Deposits into the fund shall include:

- A. Funds appropriated to be deposited into the fund by vote of the Town Council;
- B. Voluntary contributions of money or other liquid assets to the fund;
- C. Interest from deposits and investments; and

D. Proceeds from disposal of real property interests.

All expenses lawfully incurred in carrying out this ordinance must be evidenced by proper vouchers and shall be paid by the Town only upon submission of warrants duly approved by the Commission. The Town shall prudently invest available assets of the fund, and all income from any investment shall accrue to the fund.

SECTION 8 – RECORDS: ANNUAL REPORT

The Commission shall keep a full and accurate account of its actions, including a record as to when, from or to whom and on what account money has been paid or received relative to this ordinance, and as to when, from or to whom and for what consideration real property interests have been acquired, improved or disposed of. These records and accounts shall be subject to examination by the Town Council. The Commission shall file annually with the Town Manager a report of all acquisitions, improvements, or dispositions of real property interests during the preceding year and a summary of disbursements from the land bank fund.