

Open Space Ordinance as resolved by BoA Aug10, 2006, given a non-approval letter by Mayor, and then amended Sep14, 2006.

***BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF SHELTON THAT:***

The City of Shelton shall establish an Open Space Program and an Open Space Trust Account, and provide for the funding of such in accordance with the terms, limitations and conditions as follows:

**1. Open Space**

"Open Space" shall be defined as designated areas deemed necessary or desirable for the preservation of the City's natural resources. Such areas shall emphasize active and passive recreation sites, natural resource protection areas such as rare or endangered habitat, areas related to public health and safety including floodplain, wetlands, unbuildable areas or areas with limitations for development, and areas that shape community design such as greenbelts and buffer strips. Particular attention should be paid, but not limited, to farmlands, forestlands, riverfront lands, coastal area management zones, reservoirs and aquifers.

**2. Establishment of Trust Account**

The Finance Director shall establish an interest bearing account and insert a line item account in the budget to be used for the deposit of all appropriations mandated by this ordinance and any other funding the Conservation Commission may receive from additional sources. Use of the Trust Account shall be by recommendation of the Conservation Commission. Monies accrued in the Trust Account shall be used for Open Space needs such as the identification, determination of suitability, purchase of land, title searches, appraisals, title insurance, etc in conjunction with the Open Space Program. Funds may also be used for the development of plans regarding the desirability and use of lands designated Open Space. The Conservation Commission shall annually prepare a fiscal report on the Open Space Trust Account for the calendar year to be submitted to the Board of Aldermen no later than March 1.

**3. Appropriation of Funds**

Commencing with fiscal year 2007-2008 and each fiscal year thereafter, the Board of Aldermen shall allocate \$250,000.00 from the annual budget to the Open Space Trust Account which sum should be appropriated within forty-five (45) days of the commencement of the fiscal year. The Board of Aldermen shall allocate \$50,000.00 from the annual budget to the Open Space Trust Account for the fiscal year 2006-2007.

**4. Plan of Intent**

The Conservation Commission will assume the Open Space Committee functions regarding preparations and updating of an Open Space Plan to ensure continued success of the City Open Space Program. These functions should include, but not be limited to, identifying areas of need, intended or possible uses, estimated costs of acquisitions and the general costs of the types of lands desired, as well as an estimation of how much land the City would need to obtain, which, when combined with existing properties and areas designated as Open Space, would satisfy the need for a comprehensive open space and conservation program. This Open Space Plan should also incorporate a breakdown of the needs and possibilities in order to insure a fair distribution of the city's open space

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resources. The Conservation Commission is encouraged to avail themselves of the cooperation of any City board, commission or agency and to make full use of any and all studies, plans or information legally available from any source which may be pertinent to the formulation of this Open Space Plan.

**5. Grants and Matching Funds.**

The Conservation Commission shall actively seek and apply for any available grants, matching funds, gifts, bequests and any other possible sources of land and revenue in order to fulfill the goals of this ordinance. The Conservation Commission shall seek and identify possible sources of revenue which would be beneficial to the conservation and maintenance of the Open Space property.

**6. Expenditure of Funds.**

The Board of Aldermen shall have sole authority over the means of expenditures, including, but not limited to, any bonding or financing needed for the acquisition of property. No expenditure shall be made from the Open Space Trust Account established by this ordinance except by vote of the Board of Aldermen in accordance with section 4.3.2 of the City Charter. All property acquired by the City of Shelton pursuant to this ordinance shall be used whether for Open Space purposes or other municipal purposes as directed by the Board of Aldermen, with recommendation from the Conservation Commission.

**7. Duration of Ordinance Provisions.**

This ordinance shall expire when the City has designated as "Permanent Open Space" fifteen percent (15%) (Or such other larger goal as determined by the Board of Aldermen - BOA) of its total land area as "Open Space."

If land originally purchased and designated as "Permanent Open Space" is then utilized for purposes not defined as "Open Space," these properties will no longer be considered to fulfill the targeted fifteen percent (15%) and will be replaced with land of equal quality in the same geographical area, whenever possible.

Despite reaching its targeted "Permanent Open Space" acquisition goal, the BOA may continue this and any other pertinent "Open Space" ordinances, as well as all Commissions and Committees involved in the "Open Space" program and the Open Space Trust Account as it deems appropriate.

**8. Ordinance History.**

The above ordinance is compilation of Ordinance No. 249 adopted on August 11, 1975, Ordinance No. 631 adopted on November 14, 1991, Ordinance No. 638 adopted on April 9, 1992, Ordinance No. 700 adopted on June 13, 1996, Ordinance No. 727 adopted on November 12, 1998 and Ordinance No. 735 adopted on March 3, 1999. All monies currently held in trust for these ordinances shall become part of the Open Space Trust Account.