

# City of Marshfield Policies and Procedures

## Chapter 6: Parks and Recreation

SUBJECT: Trail System Management

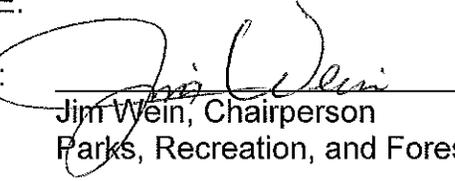
POLICY NUMBER: 6.350

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EFFECTIVE DATE: 12/18/02

REVISION DATE:

APPROVED BY:

  
Jim Wein, Chairperson  
Parks, Recreation, and Forestry Committee

### History and Jurisdiction:

Various agencies have regulatory responsibilities in the City of Marshfield trail system.

1. Parks and Recreation Department is responsible for maintaining trails, directing improvements, and responding to violations of encroachments and improper uses of trails.
2. Parks, Recreation and Forestry Committee reviews and recommends changes to policy, approves encroachment permits, and hears initial appeals.
3. Common Council is the political body responsible for final adoption of policy changes.
4. Public Works Department is responsible for maintaining the interconnectivity of the trail system with the road and sidewalk system and for review of trail design plans and specifications.
5. Board of Public Works is responsible for approval of trail design plans and specifications.
6. Planning and Economic Development Department is responsible for overall system planning and development assistance.

Objectives: The primary objective of this policy is the proper management of all trails within the City of Marshfield, including the removal of all private encroachments within the City-owned portions of said trails.

This document grants the City of Marshfield Common Council, with the Parks and Recreation Department as its agent, the authority to supervise, control and manage City trails.

### **General Policies**

1. The City will endeavor to provide a variety of satisfying trail use opportunities. More specifically, the City will endeavor to:
  - a. Provide multiple use on individual trails where such use is consistent with the balance of these policies.
  - b. Protect the opportunity for tranquil nature study and observation, especially in those areas identified as providing a unique wilderness experience.
2. The City will designate appropriate use(s) for each trail. Uses will be allowed that are consistent with the City's objectives for sound resource management and safe and compatible use. More specifically, the City will:
  - a. Allow trail use appropriate to the nature of the land and consistent with the protection of the natural, scenic and aesthetic values of open space.
  - b. Within budgetary and staffing constraints, make reasonable efforts to provide safe conditions for trail users.
  - c. Evaluate trail user needs, concerns, quality of experience, impacts, and the compatibility of various uses.

- d. Ensure that all City trails will be accessible to walking. When consistent with this policy, if a non-walking use adversely impacts user safety, the use may be restricted or redirected. The intention is not to restrict access by any individual, but rather to limit incompatible uses and means of travel.
3. The City will endeavor to provide trail access for a variety of physical capabilities and user needs (including persons with physical limitations) in a manner consistent with resource protection goals, budgetary constraints, and state and federal regulations.
4. The City will monitor trail use conditions on a regular basis. The purpose of a monitoring program will be to evaluate current conditions and to determine whether or not trail management programs, including maintenance, reconstruction, education and use regulations are effective in addressing user conflicts and environmental impacts, and to recommend changes if necessary.
5. The City will include implementation costs in determining the feasibility of trail use designations and regulations.
6. The City recognizes that existing trail use characteristics such as the types of use, conflicts, and impacts may change over time so that certain policies may no longer be appropriate or a new policy may be required. Hence, these policies will be subject to review and revision as deemed necessary by the Common Council, following recommendations by the Parks, Recreation and Forestry Committee.

### **Approved Uses and Apparatuses**

Uses and apparatuses not specifically listed below shall be prohibited within the City of Marshfield trail system:

- Pedestrian foot traffic (walking, running)
- Non-motorized bicycles and tricycles
- Wheelchairs (non-motorized and motorized)
- Inline skates and roller skates
- Skateboards
- Non-motorized scooters
- Cross-country skiing
- "Roller" skiing
- Bicycle trailers (less than five feet in width, with a rigid connection and safety strap)
- Other non-motorized transportation, such as strollers or hand-pulled wagons

### **Hours of Operation**

All trails, including all parking lots and accesses therein, shall remain open at all times except when closed by the Parks and Recreation Department to perform maintenance work, and the Parks and Recreation Director, or his/her designee, is authorized to post appropriate signs giving notice thereof.

### **Signs**

Signage placed within any City trail right-of-way must conform to the City of Marshfield "Trail Design Standards for Off-Road Two-Way Shared Use Paths" and the City of Marshfield Municipal Code, Section 17.15 (Sign Ordinance).

### **Trail Design Standards**

The City of Marshfield shall strive for consistency and continuity in the design and construction of pedestrian/bicycle trails. The City of Marshfield Engineering Division of the Public Works Department shall develop and maintain the "Trail Design Standards for Off-Road Two-Way Shared Use Paths" that shall serve as a basis for all future City of Marshfield pedestrian/bicycle trail designs. The Engineering Division shall review all trail construction specifications prior to being released for bid to identify any non-conforming design issues and to make suggested modifications to the specifications.

The latest approved edition of the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities, the Manual on Uniform Traffic Control Devices (MUTCD, Part 9-Traffic Controls for Bicycle Facilities), the Wisconsin Bicycle Facility Design Handbook (WBFDH), and the Americans with Disabilities Act (ADA) shall be utilized by the Public Works Division in the development and maintenance of the "Trail Design Standards for Off-Road Two-way Shared Use Paths."

### **Encroachments**

Definition: An encroachment is any unauthorized use of City of Marshfield trails, where such use, either totally or partially, extends one foot or more into the trail right-of-way.

Identification: Identification and classification of encroachments shall be the responsibility of the Parks and Recreation Department. In situations where complications arise, the Parks and Recreation Director shall have the discretion of consulting the Parks, Recreation and Forestry Committee. In all cases, suspected encroachments shall be verified by field inspection. In situations where the survey corners of the City property are either lost or destroyed, the corners shall be reset and visibly marked.

### **Encroachment Classifications**

Encroachments shall be categorized according to the following criteria.

- Category 1A: Any encroachment which may potentially impede the flow and/or increase the volume of storm water within the trail right-of-way.  
1B: Any encroachment which may potentially hinder public access to and travel upon the trail.
- Category 2: Spraying of pesticides (e.g., herbicides and insecticides) and deposition of any toxic or hazardous material, including fertilizers.
- Category 3: Permanent structures.  
Definition: Permanent structures are those which utilize a durable and complete foundation.  
Examples: Buildings, concrete swimming pools, concrete patios, paved parking areas, decks with concrete foundations, masonry walls, sheds and rip-rap.
- Category 4: Non-permanent structures.  
Definition: Non-permanent structures are those without a durable and complete foundation.  
Examples: Fences, walkways, pavers, earthen berms, earth fill, unpaved parking areas, tree houses, buildings without permanent foundations, wooden platforms.
- Category 5: Dumping of any non-toxic and non-hazardous material, including green waste and sump pump discharge.  
Example: Composting of leaves and brush, disposal of lawn clippings.
- Category 6A: Gardens and other intentional plantings.  
6B: Unintentional plantings, escaping from private property through propagation by root, tube, vine or other non wind-borne means.  
Example: Ivy covering a fence must be maintained by the property owner in such a manner that it does not spread onto City trails.
- Category 7: Clearing and modification of City trail rights-of-way, including trimming, pruning and grading, and removing of vegetation, soil, rock, and other natural materials.

Note: Signs as encroachments are regulated through Section 17.15 of the Municipal Code.

### **Policies for Removal of Encroachments**

Encroachments shall be removed by category according to the following time lines, subject to the applicable appeal process as defined below.

Categories 1-2: Shall be removed immediately following notification.

Category 3: Shall be removed or have an approved plan for removal within 180 days of the date of notification or the City shall arrange for removal and restoration and bill the responsible party.

Categories 4-7: Shall be removed and/or restored within 60 days of the date of notification.

If upon receipt of notification of an encroachment the notified party believes extenuating circumstances exist, he/she may communicate directly to the Parks and Recreation Director evidence disputing the encroachment. Possible compelling or extenuating circumstances include but are not limited to:

- prior permission to encroach;
- adverse possession which predates the City of Marshfield deed;
- errors in the controlling record of survey;
- conflicts between an adjoining property deed and the controlling record of survey; and

The Parks and Recreation Director shall verify the accuracy of the dispute and may make justifiable modifications to the classification of the encroachment and/or the removal and restoration plan for this individual case.

In situations where restoration is required, the party responsible for the encroachment shall submit a Restoration Plan, to be approved by the Parks and Recreation Director prior to any restoration being conducted. The Restoration Plan shall specify the character and scope of the required restoration, a deadline for completion of the work, and a time period for monitoring of any plantings required.

Encroachments shall be removed and the trail and right-of-way restored at the expense of the responsible party. In situations where the encroachment is not removed within the stated time line, the City shall arrange removal and restoration and shall bill the responsible party for the cost.

#### **Exception for Categories 6 and 7**

Encroachments of Categories 6 and 7 shall be allowed by permit, at the discretion of the Parks, Recreation and Forestry Committee. The City assumes no liability in granting such a permit, all such liability resting with the permittee. The permit shall specify the maximum size of the impacted area, the types of alterations allowed, and the duration of the allowed encroachment. Under no circumstances shall such use include alteration or obstruction of the trail (e.g., barriers, improved walkways, borders, drainageways), planting of invasive species, or destruction of native vegetation, other than the incidental removal of grasses or other annuals in the immediate vicinity of spot plantings. Under no circumstances shall such authorized use imply private ownership or restricted use and access of a portion of the trail right-of-way. No pesticide, herbicide or fertilizer use shall be allowed. Upon expiration of the permit, the permittee shall restore the trail right-of-way to a natural condition.

This exception is an interim policy only. Upon further review of this document by the Parks, Recreation and Forestry Committee and the Board of Public Works, this provision may be modified or removed. If the policy is modified or removed, previously permitted gardens shall be required to conform to the new policy.

#### **Appeals**

Following determination and notification of an encroachment by the Parks and Recreation Director, any member of the public, including the party responsible for the encroachment, may appeal through the normal process (City of Marshfield Municipal Code, Section 17.19). An appeal shall first be made to the Parks, Recreation and Forestry Committee, which will rule on the merits of the appeal and determine necessary actions. If dissatisfied with the Committee's decision, the appellant(s) may appeal to the Board of Public Works. When an appeal is filed, the deadline for removal of the encroachment will be automatically extended. If the appeal is denied, the normal time line for removal and restoration will begin immediately upon denial of the appeal.

#### **Exception for Categories 1 and 2**

Encroachments of Categories 1 and 2 shall be removed or corrected immediately upon notification. Should the encroachment not be removed immediately by the responsible party, the Parks and Recreation Department shall remove or correct the encroachment and invoice the responsible party for such costs. In the event the appeal is approved, the City of Marshfield shall reimburse the responsible party for the amount paid.

#### **Exemptions for Fire Protection, Flood Control, and Trail Access**

Certain and specific exemptions to these policies may be allowed at the discretion of the City and other responsible public agencies for the purposes of fire protection, flood control, and trail access. Such exemptions shall require explicit and documented approval by the controlling authority or agency. All such exemptions shall be reviewed by the Parks, Recreation and Forestry Committee and Board of Public Works prior to implementation of the exemption.

#### **Exemptions for Community Service**

No part of this document shall prevent individuals or groups from performing community service activities in the City of Marshfield trail system, including removal of invasive plants (as defined in Municipal Code, Section 10.19), planting of "beautification" plants and native plants, and construction of trails. However, such activities shall require prior approval of the Parks and Recreation Director.

#### **Penalties**

Any person, firm, association, or corporation who shall violate any of the provisions of this document shall, upon judgment or conviction thereof, forfeit not more than \$500 and not less than \$50 and the costs of prosecution to the City. In default of payment of such forfeiture and such costs of prosecution shall be imprisoned in the County Jail of Wood County until such forfeitures and such costs are paid but for not more than 30 days. Each day that a violation is

permitted to exist shall constitute a separate offense. In any such action, the fact that a permit shall have been issued by any City official or department shall not constitute a defense, nor shall any oversight on the part of any public official, board or department constitute a defense.

### **Enforcement**

Upon finding that any of the provisions of this policy are being violated or upon finding a condition which may lead to a violation, the Parks and Recreation Director, or his/her designee, shall notify in writing the person responsible for such violation or condition, ordering the action necessary to correct such condition or violation. The Director or designee may order discontinuance of illegal use of structures and land and order removal of illegal structures or additions, or the Director or designee may order discontinuance of illegal work being done. Further, the Director or designee may take any other action authorized by this chapter to ensure compliance with or to prevent violations of this chapter, including, but not limited to, calling upon the City Attorney to institute legal proceedings and calling upon the Police Department for assistance.