

July 11, 2003

Vice Mayor Robert Bird
City of Tusculum
145 Alexander Street
P.O. Box 5014, Tusculum Station
Greeneville, Tennessee 37743

Dear Vice Mayor Bird,

I have reviewed all of the documents you sent regarding the enforcement of animals and skateboards at the Tusculum Linear Park Trail project. You want to know if the City can prohibit animals and skateboards from using the trail, and if so if signs can be placed along the trail informing citizens of these prohibitions.

Based on what I have read I believe the answer to both questions is “yes”. The City can prohibit animals and skateboards from using the trail and in fact should place signs on the trail informing residents of these prohibitions. MTAS Attorney Dennis Huffer concurs with this review but believes that you should pass an ordinance in order to do so. I have attached such an ordinance for your consideration.

There may be a Federal requirement attached to this project, of which I am unaware, that requires the Trail to be open to skateboards and/or animals. But I could not find one. I noticed in one of the contracts that there seems to be three types of trails: a bike trail, a walking trail, or a bike and walking trail. I don’t know which of these describes the Tusculum project and there may be different operating requirements for each (one of which may require the Trail to be open to animals or skateboards). But again, I did not find any.

I also spoke with Ann Marshall, who is a specialist with the *Tennessee Department of Environment and Conservation Parks and Recreation Technical Advisory Service*. Ann knows a lot about recreation and parks related grants. She was not aware of anything that would prevent the City from applying animal and skateboard restrictions to the Trail. In fact Ann told me that prohibiting these is quite common on trails of this type.

Your *Municipal Code* authorizes the City to regulate “sidewalks”. But Dennis does not believe that this type of trail would be considered a “sidewalk” and thus an ordinance is needed.

After the ordinance is passed you will need to place signs to inform the public of these restrictions.

I hope I have helped to answer your question. If not, or if I can be of any further assistance please feel free to call.

Sincerely,

Patrick Hardy
Municipal Management Consultant

enc: Ordinance

cc: Dennis Huffer