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## **PAINT CREEK TRAILWAYS COMMISSION** **TRAILWAYS PROPERTY ENCROACHMENT POLICY**

### **Purpose and Intent**

The Paint Creek Trailways Commission ("PCTC") passed a resolution adopting the Trailways Property Encroachment Policy (the "Policy"). The purpose and intent of the Policy is to protect and preserve all real property owned by the PCTC ("Trailways Property") from unauthorized land use and/or development, remove any encroachments upon Trailways Property and restore Trailways Property to the satisfaction of the PCTC at the expense of the encroaching party, address public health and safety concerns, and to protect the general welfare of the Paint Creek Trail and all trail users.

### **Policy**

The PCTC prohibits the unauthorized placement of manmade or natural materials on or within Trailways Property, the unauthorized construction or placement of any structures or other "improvements" on or within Trailways Property, and the unauthorized alteration of Trailways Property in any way (hereinafter referred to as "Encroachment").

Examples of Encroachment include, but are not limited to, the following:

- Placing grass clippings, tree clippings, stumps, yard waste, animal waste, or other similar natural materials on or within Trailways Property;
- Placing trash or other refuse on or within Trailways Property;
- Erecting buildings, structures, fences, walls, pathways, or bridges, on or within Trailways Property;
- Planting any vegetation, including trees, bushes, flowers, or vegetables on or within Trailways Property;
- Placing or erecting any type of play field on or within Trailways Property;
- Landscaping on or within Trailways Property;
- Irrigating or placing any irrigation devices or "improvements" on or within Trailways Property;
- Placing pipes or trenches that provide drainage onto Trailways Property from downspouts, sump pumps, or common detention ponds;
- Mowing grass, tree trimming, and removing, trimming, or cutting vegetation on or within Trailways Property;
- Removing or altering the location of fences, walks, paths, signage, or irrigation systems on or within Trailways Property; and/or
- Any nuisance affecting Trailways Property or trespass upon Trailways Property.

The PCTC and its designees (including but not limited to the Trail Manager, representatives of the PCTC member communities, and/or contractors) may correct any Encroachment according to the Trailways Property Encroachment Removal Procedures adopted by the PCTC.

This Policy does not apply to authorized uses such as uses approved by the PCTC pursuant to a license, easement, or permit.