



Council Agenda Item 26-017-O

MEETING DATE: May 26, 2026

SUBJECT/TITLE: AN ORDINANCE AMENDING CHAPTER 35 OF THE DULUTH CITY CODE TO REGULATE PRIVATE EGRESS ACROSS THE MARTEN TRAIL

SUBMITTED BY: Erik Birkeland - Director, Property, Parks, & Libraries

RECOMMENDATION: Approve

BOARD/COMMISSION/COMMITTEE RECOMMENDATION:

PREVIOUS COUNCIL ACTION: None

BACKGROUND:

City staff from Parks and Recreation, Planning, Public Works, and the City Attorney's Office have been addressing long-standing issues involving private use of City owned park lands along Waabizheshikana: The Marten Trail and the Saint Louis River estuary. Over the past several years, residents have installed private docks, informal access paths, stairways, yard extensions, and other improvements on public property without authorization. Staff have also documented vegetation clearing, tree cutting to improve private views, and incremental encroachments within the protected shoreland setback. These activities raise environmental, legal, and public-access concerns and have resulted in inconsistent enforcement across the corridor.

The need for a formal regulatory framework has become more urgent as the City prepares for the reconstruction of the Marten Trail in 2026. Field assessments identified numerous unauthorized docks and access routes located on City property. Some of these installations must be removed to allow construction to proceed and to restore public lands. Staff have also identified sensitive shoreland areas along the trail that require revegetation and stabilization to prevent erosion and bank failures. In several locations, the bank between the trail and the shoreline is narrow, and further loss of land could compromise City-built trail infrastructure.

In response to these challenges, staff conducted a comprehensive review of how private residents access the shoreline across publicly owned property along with a robust public engagement process. This work included on site field evaluations off all the impacted properties along the existing segments of the Waabizheshikana: The Marten Trail and the Saint Louis River estuary, evaluating permitting mechanisms, insurance requirements, fee structures, existing shoreland ordinance standards, and the City's liability of having private infrastructure on public lands. Staff determined that existing tools such as Concurrent Use Permits cannot authorize private structures or private access routes on park property. Granting easements was also evaluated but determined not feasible due to restrictions set by the grant funding source used to acquire the property. Public engagement began back in October of 2025 with a letter to residents informing them of City intentions and an invitation to a public meeting to discuss their concerns. Following the October public meeting staff meet with residents at their properties to hear additional concerns the fall and early winter of 2025 to gather ideas

and hear additional concerns. Staff spent the winter developing a process to allow permit egress across City property to the trail and the shoreland. Letters were again sent April 2026 for a follow-up public meeting to discuss the process developed by City staff and hear additional public concerns and comments. Staff continue to meet with residents at their property to evaluate how best to cross public land. For residents that were unable to attend the public meeting emails were sent out in April and May, laying out the proposed schedule for City Council adoption and making a direct and clear line of communication to share additional comments and concerns with staff.

The City currently lacks a clear, enforceable process for regulating private egress for dock placement. To address this and the aforementioned issues, the proposed ordinance establishes **Article V of Chapter 35**, creating a new regulatory framework governing private egress across publicly owned property along the Marten Trail for the purpose of placing or removing private docks in public waters. The ordinance:

- **Requires a permit** for any private trail, pathway, or access route across City-owned land for dock placement or removal.
- **Allows the City to designate specific dock sites** along the Marten Trail where private egress may be permitted.
- **Establishes application requirements**, including proof of property ownership, compliance with shoreland regulations, a site plan, and evidence of adequate liability insurance.
- **Creates an annual, non-transferable permit**, with fees set under Section 31-6(a) of the City Code.
- **Prohibits permanent improvements** on publicly owned property, including decking, stairs, boardwalks, retaining walls, and similar structures.
- **Requires compliance with all shoreland regulations**, including limits on clearing, grading, and vegetation removal.
- **Requires removal of docks** prior to transfer of property ownership and authorizes the City to remove abandoned docks.
- **Prohibits motorized vehicles** on public land for dock placement or removal.
- **Requires erosion-prevention measures** and clear marking of private docks with signage by applicant.
- **Requires indemnification of the City** as a condition of permit issuance.
- **Provides enforcement authority**, including permit revocation and appeal procedures.

By establishing a clear permitting process and designated locations for dock access, the ordinance prevents permanent and incremental encroachment on publicly owned property, protects sensitive shoreland resources, and ensures that the Marten Trail corridor remains stable, vegetated, and publicly accessible. The ordinance also supports the City's broader goals for shoreline restoration and trail reconstruction by clarifying responsibilities, reducing environmental impacts, and providing a consistent, enforceable framework for private dock access across City lands.

BUDGET/FISCAL IMPACT: None

OPTIONS:

NECESSARY ACTION: Approve.

ATTACHMENTS: Map of Permittable Dock Locations