

FERRY COUNTY ORDINANCE NO. 2010-04
"RAIL CORRIDOR INTERIM MANAGEMENT PLAN"

WHEREAS, a portion of the Kettle Falls International Railway, LLC, San Poil Subdivision from milepost 48.779, near Danville, and milepost 77.12 at San Poil, a distance of 28.361 miles, in Ferry County, Washington was rail banked in December of 2008; and

WHEREAS, rail banking law as it is part of the National Trails Act, does not allow for extensive closure of a rail banked public use trail; and

WHEREAS, the Ferry County Board of Commissioners believe that it is imperative that basic emergency mandated rules of law be put in place to allow an appropriate law enforcement presence on the trail; and

X WHEREAS, the Ferry County Board of Commissioners have designated the Rail Trail from Herron Creek Road south to the Golden Tiger Pathway as a multi-use motorized trail and from Herron Creek Road north to the U.S./Canadian border as multi-use non-motorized on December 28, 2009; and

WHEREAS, Ferry County Ordinance No. 2009-06, "Rail Corridor Interim Management Plan", adopted on August 17, 2009, expired after 120 days of adoption; and

WHEREAS, Ferry County Resolution No. 2010-01 amended the name of the "Ferry County Recreational Trail Committee" to be the "Ferry County Rail Corridor Committee"; and

☆ X WHEREAS, Ferry County Resolution No. 2010-01 designates the portion of the Rail Corridor from Herron Creek north to the Danville bridge as multi-use non-motorized; and

WHEREAS, the Rail Corridor Committee has been appointed by the Ferry County Board of Commissioners to develop and advise on the adoption of a permanent "Trail Management Plan"; and

WHEREAS, a Trail Management Plan has not yet been developed, the following rules shall apply to the portion of the rail corridor from Herron Creek north as follows:

1. Prohibited Uses:

- a. No Public access is permitted to all trestles and tunnels
- b. The section from the Danville bridge to the U.S./Canadian border is closed to any Public Access, excepting Law Enforcement and Emergency Services
- c. No motorized vehicles, including snowmobiles, are permitted on the rail corridor, except for emergency vehicles and pre-authorized vehicles as per No. 6 of this Ordinance
- d. No Hunting or Shooting from the railroad right-of-way
- e. No camping
- f. No fires
- g. No littering

- h. No blocking of the rail corridor by Fences or other Obstructions to the use of the rail bed
- i. No private signs within the railroad right-of-way
- j. No removal of wood, ballast, signs, vegetation or other materials from the railroad right-of-way
- k. No Trespass on to adjoining Private Property

2. Permitted Uses:

- a. Non-motorized recreation including, but not limited to, pedestrian, cycling, and equestrian use is permitted
- b. Trail use is permitted only during daylight hours
- c. Public must stay on the rail bed
- d. Pets must be leashed
- e. Public Access to the Kettle River is limited to designated areas
- f. Non-equestrian users shall yield to Equestrian users
- g. ADA Compliant transportation (wheelchairs powered by electric motors)

3. The Public may report violations of this ordinance, but shall not confront violators.

4. Trail users shall yield to traffic at all road crossings.

5. Violations may be reported to the Ferry County Sheriff's office and may be subject to fines

6. Special use permits may be applied for through the County Commissioners' office

WHEREAS, "No Public Access" signs shall be placed at the entrance to all tunnels and trestles, and "No Unauthorized Vehicles" signs and "Yield" signs applicable to Trail Users, shall be placed at all intersections of the Trail and Public Roads; and

WHEREAS, the enforcement of this Ordinance shall fall under the jurisdiction of the Sheriff of Ferry County; and

WHEREAS, any act prohibited by this Ordinance shall be designated as an infraction and shall be subject to the applicable Justice Court Rules and bail schedules. Any person found guilty of committing an infraction shall be assessed a monetary penalty not to exceed \$500.00; and

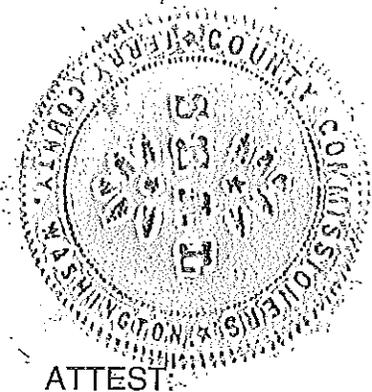
WHEREAS, violations of this Ordinance shall constitute an infraction and may be punishable up to the maximum penalty for an infraction as provided by state law, including the cost of prosecution; and

WHEREAS, Severability. If any portion of this Ordinance shall be found unconstitutional or otherwise invalid by a court of proper jurisdiction, all remaining provisions shall remain in effect and shall not be affected by the ruling on the invalid section.

NOW THEREFORE BE IT ORDAINED, the Ferry County Board of Commissioners hereby adopts this "Rail Corridor Interim Management Plan" to be effective immediately and shall remain in effect until the adoption of a permanent "Rail Corridor Management Plan".

ADOPTED this 23rd day of August 2010.

BOARD OF FERRY COUNTY COMMISSIONERS,
FERRY COUNTY WASHINGTON.



Ronald J. Bond

RONALD "JOE" BOND, Chairman

Brad L. Miller

BRAD L. MILLER, Vice Chairman

Robert L. Heath

ROBERT L. "BOB" HEATH, Member

ATTEST:

Teri Kinney

601 Debbie Bechtol, Clerk of the Board

Mike Sandona

Mike Sandona, Ferry County Prosecutor