

**FERRY COUNTY ORDINANCE NO. 2017-03
FERRY COUNTY RAIL CORRIDOR MANAGEMENT PLAN**

WHEREAS, a portion of the Kettle Falls International Railway, LLC, San Poil Subdivision from milepost 48.779, near Danville, and milepost 77.14 at San Poil, a distance of 28.361 miles, in Ferry County, WA, was rail banked in December of 2008; and

WHEREAS, the 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, Ferry County Board of Commissioners has assumed full responsibility for management, legal liability and for the payment of any and all taxes levied or assessed against the right-of-way; and

WHEREAS, the Ferry County Board of Commissioners believe that it is imperative that an appropriate law enforcement presence on the trail shall be allowed; and

Whereas Resolution 2009-06 adopted Feb 15th 2009, set up a special advisory committee; and

Whereas Resolution 2009-26 adopted April 27th, 2009 established bylaws for the advisory committee; and

Whereas Ferry County Ordinance No. 2009-06 adopted August 17th, 2009 established the Rail Corridor Interim Management Plan with a sunset clause of 120 days after adoption; and

WHEREAS, on December 28, 2009, the Ferry County Board of Commissioners meeting minutes has designated the Rail Trail from Herron Creek Road north to the Danville Bridge as multi-use non-motorized; and

WHEREAS, Ferry County Resolution No. 2010-01 on February 1st, 2010 amended Resolution 2009-06 to amend the name of the Ferry County Recreational Trails Committee to be the Ferry County Rail Corridor Committee, and required that the Ferry County Rail Corridor Committee make recommendations to the Board of Ferry County Commissioner's regarding the future management of the trail; and

WHEREAS, Ferry County Resolution 2010-03 was adopted on March 1, 2010, adopting bylaw changes; and

WHEREAS Ferry County Ordinance No. 2010-04, adopted August 23, 2010 established a new Rail Corridor Interim Management Plan; and

WHEREAS, Ferry County Resolution No. 2012-09 adopted on April 23rd, 2012 endorsing the Ferry County Rail-Trail Concept Plan; and

WHEREAS, Ferry County Ordinance No. 2011-06, was adopted November 21, 2011 establishing Trail ADA Rules and Regulations for Non-motorized Trails in Ferry County; and

WHEREAS, the Ferry County Board of Commissioners held Public Hearings on September 25th 2017 and October 17th 2017, for public comment; and

Whereas, Ferry County, in keeping with its obligation with the Americans with Disabilities Act is committed to keeping the trail accessible to all individuals regarding disability; and

Whereas, the Ferry County Board of Commissioners, realize it is necessary to consolidate all previous resolutions and ordinances; and

Whereas, the Ferry County Board of Commissioners, in order to reopen the trestle and tunnel must adopt a new Ferry County Rail Trail Management Plan; and

Whereas, the Ferry County Board of County Commissioners recognize the need to for the current by-laws to be revised for clarification of committee purpose and requirements.

Now, Therefore, be it ordained, that the Ferry County Board of Commissioners hereby adopts the Ferry County Rail Corridor Management Plan, as hereinafter described on attached "Exhibit A" and by this reference made a part of said Ordinance; and

Now, Therefore, be it further ordained, the Ferry County Board of County Commissioners reserve the right to close and reopen the trail in whole or in part to protect public safety; and

Now, Therefore, be it further ordained, all decision making regarding signs, advertisement/promotion or management and concept plans will, of necessity, be formally approved by the Ferry County Board of Commissioners ; and

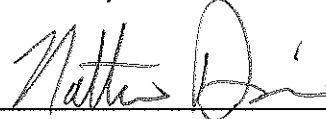
Now, Therefore, be it further ordained that appropriate law enforcement presence on the trail shall be allowed and that all applicable county and state laws shall be in effect in regard to the usage of the trail; and

Now, Therefore, be it further ordained that individuals with disabilities shall have the right to utilize the trail as per Ordinance 2011-06; and

Now, Therefore, be it further ordained that this ordinance hereby repeals Ferry County Ordinance No. 2009-06, Ferry County Ordinance. No. 2010-04, Ferry County Resolution No. 2009-06, Ferry County Resolution 2009-26, Ferry County Resolution No. 2010-03, of the Rail Corridor Management Plan area milepost 48.779 to milepost 77.14.

APPROVED this 6th day of November, 2017.

BOARD OF FERRY COUNTY COMMISSIONERS
FERRY COUNTY, WASHINGTON



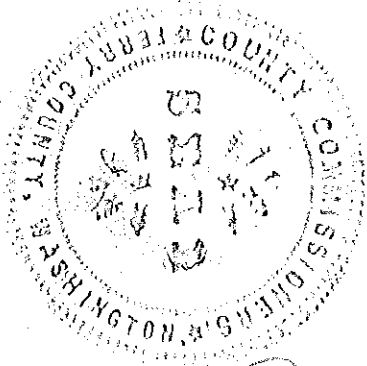
NATHAN DAVIS, Chairman



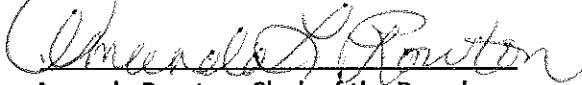
MIKE BLANKENSHIP, Vice-Chairman



JOHNNA EXNER, Member



ATTEST:



Amanda Rowton, Clerk of the Board

The purpose of the Ferry County Rail Corridor Management Plan is for the management of the portions of the areas subject to long-term compliance obligations within the right of way of that portion of the Kettle Falls International Railway, LLC San Poil Subdivision from milepost 48.779 near Danville and milepost 77.14 San Poil, a distance of 28.361 miles, in Ferry County, WA.

FERRY COUNTY ORDINANCE NO. 2017-03
Ferry County Rail Corridor Management Plan
EXHIBIT "A"

PROHIBITED USES

1. No motorized vehicles, including snowmobiles, are permitted on the rail corridor without a written permit provided by the Board of County Commissioners, except for emergency vehicles, Public Works vehicles and Other Power-Driven Mobility Devices, operated in accordance with ADA requirements and permitted uses (below).
2. No hunting, or shooting from the corridor or right-of-way.
3. No camping except in designated areas.
4. No fires except in designated camping areas subject to local laws/restrictions or burn bans.
5. No littering.
6. No blocking of the rail corridor by fences or other obstructions to the use of the corridor.
7. No private signs within the rail corridor or right-of-way.
8. No damage to or removal of corridor material including wood, ballast, signs, vegetation or rocks.
9. No trespass onto adjoining Private Property.
10. Bridges and Trestles are subject to Ferry County Ordinance 2014-06.

PERMITTED USES:

1. Non-motorized recreation including, but not limited to, pedestrian, cycling, skiing and equestrian use is permitted.
2. Trail use is permitted only during day-light hours
3. Trail users shall yield to traffic at all road crossings.
4. Trail users shall stay on the trail.
5. Pets must be leashed and owner must pick up pet waste.
6. Public Access to Curlew Lake, Curlew Creek and the Kettle River is limited to designated areas.
7. Non-equestrian users shall yield to equestrian users.
8. Cyclists and Power-Driven Mobility Devices shall yield to pedestrians.
9. A 10 mph speed limit shall apply to all users of the trail.
10. Other Power-Driven Mobility Devices shall comply with the following rules:

- a. A State issued disability placard is recommended as credible assurance that the person to whom it is issued is either the driver or an occupant of the other power driven mobility device.
- b. The Other Power-Driven Mobility Devices shall not exceed 52" in width.

Enforcement:

- 1.** The enforcement of any part of Ordinance 2017-03 shall fall under the jurisdiction of the Sheriff of Ferry County or any law enforcement officers commissioned by the sheriff of Ferry County.
- 2.** The Public may report suspected violations of the Ordinance rules, but shall not confront violators.
- 3.** Any person violating any part of the Ordinance rules, unless otherwise specified, rules may be guilty of a misdemeanor and may be fined a sum not to exceed \$500.00 and may be imprisoned for a term not to exceed sixty (60) days, or both such fine and imprisonment.
- 4.** "No Unauthorized Vehicles" signs and "Yield" signs applicable to Trail Users, shall be placed at all intersections of the Trail and Public Roads. 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.

Definitions: For purposes of this ordinance, the following terms mean:

Right of way – portion of the Kettle Falls International Railway, LLC, San Poil Subdivision from milepost 48.779, near Danville, and milepost 77.14 at San Poil, a distance of 28.361 miles, in Ferry County Washington deeded to Ferry County, Washington December 15th, 2008 pursuant to Section 8(d) of the National Trails System Act, 16 U.S.C. * 1247(d)

Rail Trail – The area – within the right of way - that is subject to long-term compliance obligations which includes the developed 8' wide trail surface along with 2' shoulders on each side of the trail, for a total 12-foot wide trail. Also known as the Rail Bed.

Rail Corridor - Additional areas – within the right of way - subject to long-term obligations which include the developed parking areas, restrooms, pull-outs, benches, and other trailside amenities

FERRY COUNTY ORDINANCE NO. 2017-03 APPROVED this 6th day of November, 2017.