

FERRY COUNTY DRAFT ORDINANCE NO. 2017-____
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, therefore, 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

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 that all applicable county and state laws shall be in effect with regard to the usage of the trail, and

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

WHEREAS, Ferry County Resolution No. 2010-01 on February 1st, 2010 amended the name of the Ferry County Recreational Trails Committee to be the Ferry County Rail Corridor Committee, and

WHEREAS, on December 28, 2009, 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 Danville Bridge as multi-use non-motorized, and

WHEREAS, Ferry County Resolution 2010-01 on February 1st, 2010 amended Resolution 2009-06 to require 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 Ordinance No. 2010-04, Rail Corridor Interim Management Plan was adopted August 23, 2010, and

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

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

WHEREAS, Ferry County Ordinance No. 2014-06, was adopted on September 15, Restricting Jumping, Climbing, Diving, or other Mischief on Trestles or Bridges, and

WHEREAS, the county, in keeping with its obligation with the Americans with Disabilities Act is committed to keeping the trail accessible to all individuals, therefore, "People with disabilities have the right to choose whatever mobility device best suits their needs."

SS 36.311,

WHEREAS, 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.

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. This plan supersedes all previous ordinances and resolutions of the Rail Corridor Management Plan.

APPROVED this ____ day of _____, 2017.

BOARD OF FERRY COUNTY COMMISSIONERS
FERRY COUNTY, WASHINGTON

NATHAN DAVIS, Chairman

MIKE BLANKENSHIP, Vice-Chairman

JOHNNA EXNER, Member

ATTEST:

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

PROHIBITED USES:

1. The section of the Rail Corridor from the Danville Bridge to the U.S./Canadian border is closed to any Public Access, excepting Law Enforcement and Emergency Services.
2. No motorized vehicles, including snowmobiles, are permitted on the rail corridor, except for emergency vehicles, Public Works vehicles and those Other Power-Driven Mobility Devices meeting the requirements of Ferry County Ordinance No. 2017- or by written land use license by the Board of County Commissioners.
3. No hunting, or shooting from the corridor right-of-way.
4. No camping except in designated areas.
5. No fires except in designated camping areas subject to local laws/restrictions or burn bans.
6. No littering.
7. No blocking of the rail corridor by fences or other obstructions to the use of the corridor.
8. No private signs within the rail corridor right-of-way.
9. No damage to or removal of corridor material.
10. No trespass onto adjoining Private Property.
11. 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 15 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.

Enforcement:

1. The enforcement of any part of Ordinance 2017- shall fall under the jurisdiction of the Sheriff of Ferry County or any law enforcement officer 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.
5. 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:

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

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2016.