

FERRY COUNTY ORDINANCE NO. 2017-03
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 77.12 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, the Ferry County Board of Commissioners believe that it is imperative that basic mandated rules of law be put in place to allow an appropriate law enforcement presence on the trail, and

WHEREAS, on April 17, 2009 the Ferry County Board of Commissioners established the Ferry County Rail Trail Committee to assist Ferry County in future planning & management of the Rail Corridor & Ferry County Rail Trail Committee bylaws;

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 U.S./Canadian border as multi-use non-motorized, and

WHEREAS, Ferry County Ordinance No. 2009-06, Rail Corridor Interim Management Plan, adopted August 17, 2009, expired after 120 days and adoption of Ferry County Ordinance No. 2010-04, Rail Corridor Interim Management Plan, was adopted August 23, 2010.

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

WHEREAS, the Rail Corridor Committee was appointed by the Ferry County Board of Commissioners to develop and advise on the adoption of a permanent Trail Management Plan, and the first step of said Plan, known as the Ferry County Rail-Trail Concept Plan was adopted under Resolution No. 2012-09, and

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

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

NOW THEREFORE, BE IT ORDAINED that the Ferry County Board of Commissioners hereby adopts the Rail Corridor Management Plan, as hereinafter described on attached "Exhibit A" and by this reference made a part of said Ordinance. This plan replaces all previous versions 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:

Amanda Rowton, Clerk of the Board

FERRY COUNTY ORDINANCE NO. 2017-_____

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 and those Other Power-Driven Mobility Devices meeting the requirements of Ferry County Ordinance No. 2011-06 or by permit 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.
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 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. Public must stay on the rail-bed.
4. Pets must be leashed and owner must pick up pet waste.
5. Public Access to Curlew Lake, Curlew Creek and the Kettle River is limited to designated areas.
6. Non-equestrian users shall yield to equestrian users.
7. Cyclists and Other Power-Driven Mobility Devices shall yield to pedestrians.
8. Trail users shall yield to traffic at all road crossings.
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. Other Power-Driven Mobility Devices shall not exceed 63 inches in width and vehicle weight is not to exceed 1,500 pounds.
 - b. A State issued disability parking placard shall be visible as credible assurance that the use of the Other Power-Driven Mobility Devices is for the individual's mobility disability.
 - c. The State issued disability parking placard shall only be used by the person to whom it is issued.
 - d. In the event that individuals with mobility disabilities are unable to operate the Other Power-Driven Mobility Device, a driver will be allowed to accompany them.

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

“No Unauthorized Vehicles” signs and “Yield” signs applicable to Trail Users, shall be placed at all intersections of the Trail and Public Roads.

The enforcement of any part of Ordinance 2017- shall fall under the jurisdiction of the Sheriff of Ferry County.

Any person violating any part of the Ordinance, unless otherwise specified, rules shall be guilty of a misdemeanor and shall be fined a sum not to exceed \$500.00 and shall be imprisoned for a term not to exceed sixty (60) days, or both such fine and imprisonment.

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.

FERRY COUNTY ORDINANCE NO. 2017- ____ APPROVED this ____ day of _____, 2016.