

SOO LINE TRAIL RULES AND SAFETY REGULATIONS

ORDINANCE #88-3

CASS COUNTY, MINNESOTA

AN ORDINANCE PROVIDING FOR THE USE OF THE ABANDONED SOO LINE RAILROAD RIGHT OF WAY WITHIN THE BOUNDARIES OF CASS COUNTY, MINNESOTA.

WHEREAS, Cass County has purchased from the Soo Line Railway Company an abandoned railway right of way within its boundaries over and across premises described in Appendix A attached hereto; and

WHEREAS, at least 100 feet of width of said right of way, being 50 feet on each side of the center line of the former rail line, is deemed to be necessary for the continued operation by the County of a recreational and commercial right of way facility; and

WHEREAS, it is deemed advisable that all traffic of every kind and nature on said right of way owned and operate by the County of Cass as aforesaid should be regulated and managed to ensure the safety of the users of the said right of way and of the general public and to protect and benefit the people, economy and natural resources of the County, allowing the most possible use thereof.

NOW THEREFORE, the County Board of Commissioners of Cass County, Minnesota does ordain as follows:

SECTION I. SHORT TITLE

This Ordinance shall be known as the Soo Line Trail Rules and Safety Regulations, Ordinance # , and will be referred herein as "this Ordinance".

SECTION II. AUTHORITY

It is the intent and purpose of this Ordinance to establish certain rules and regulations for the operation, management and safety of the said abandoned Soo Line Railway Right of Way within this County in accordance with all existing Minnesota Statutes, Rules and Regulation.

SECTION III. JURISDICTION

The rules and regulations herein governing the management and safety of the Soo Line Railway

Right of Way Trail shall apply to all of 100 feet right of way within Cass County, Minnesota. A portion of the right of way trail within Cass County is situated in the Chippewa National Forest and as such is managed and directed by the United States Forest Service. This Ordinance is herewith submitted to the United States Forest Service so that it may adopt its terms as it may deem appropriate in its management and operation of the Chippewa National Forest.

SECTION IV. DEFINITION OF WORDS AND PHRASES

- A. VEHICLE: All-terrain vehicles as described by Minnesota Statutes, snowmobiles as described by Minnesota Statutes, bicycles and horse drawn vehicles.
- B. EMERGENCY EQUIPMENT: Crash, fire, rescue or police motor vehicles or such other equipment as the County Land Commissioner may designate as necessary to safeguard and maintain the said right of way.
- C. SERVICE, MAINTENANCE AND CONSTRUCTION EQUIPMENT: Approved equipment normally operated for the construction, repair and maintenance of said right of way.

SECTION V. AUTHORIZED USE WITHOUT PERMIT

The said right of way trail may be used in the following manners without special permits from the County:

- A. Recreational trail for pedestrians and for vehicles as defined herein, unless otherwise restricted by this ordinance.
- B. Access road to County lands for management purposes.
- C. Access road for fire protection and prevention.
- D. Access road for law enforcement and emergency purposes.
- E. Access road for maintenance work on public drainage systems.
- F. Emergency alternate temporary public roadway.

SECTION VI. AUTHORIZED USES, SPECIAL PERMIT REQUIRED

The said right of way may be used in the following manners upon special permit only, which application and issuance is hereinafter provided for in this Ordinance:

- A. Access road for the harvesting, use and management of natural resources, such as timber, gravel, peat, minerals and other natural resources.
- B. Installation and maintenance of utilities, such as electric transmission lines, telephone communication lines, gas, oil and other transmission lines.
- C. Special events as are hereinafter described.
- D. For such other uses as may be subsequently approved by the County Board upon proper application.
- E. Roadway or farm crossings, when property on both side of the right of way is owned or leased by the same owner, corporate or individual.

SECTION VII. UNAUTHORIZED USES

Under no circumstances should the right of way governed by this Ordinance be used in the following manners:

- A. As a permanent public transportation route for normal highway traffic.
- B. As a permanent driveway or access to non-county administered lands.
- C. As a log landing or storage area.
- D. As a gravel, peat or mineral storage or processing area.
- E. As a dumping area for garbage, refuse, debris, equipment, slash, spoils, or other refuse of any kind, at any time.
- F. By two-wheel motorized vehicles.

- G. By automobiles, trucks, dune buggys or other motorized vehicles with engine displacement of 800 cubic centimeters or more and total dry weight of 600 pounds or more unless allowed by special permit or emergency or County vehicles.
- H. By all-terrain vehicles as defined herein between November 30 and April 1.

SECTION VIII. SPECIAL PERMITS

The special permits provided for above shall be issued by the Cass Count Land Commissioner. The Land Commissioner may at this discretion require a deposit, fee or use fee prior to issuance of a special use permit herein:

Said deposit or use fee may be utilized to assist in the defrayment of cost of repair of any damage to the right of way caused by the use thereof by the special permittee, it being specifically provided that damages in excess of the amount of the damage deposit fee may be recovered by the County against the damaging user in appropriate civil litigation, injunctively and otherwise. The said special use permit may also set forth special restrictions or conditions as to the time constraints for the utilization thereof or regular seasonal restrictions. Said permit may also set forth special restrictions as the area upon the right of way which may be utilized by the special permittee so that miltiple use of the trail may be continuously accomplished. Said permit may also set forth restrictions as to the size, type and weight of equipment to be driven or hauled upon the right of way. Said permit may also require temporary uses of signs by the permittee warning of the special use of the right of way for the protection of the regular recreational users. In the event that any of the conditions imposed by the special permit or if any of the regulations imposed by this Ordinance are not followed and complied with by a user, the special permit to use the same may be immediately cancelled and revoked upon written notice from the Land Commissioner to the permittee, and further use of the right of way after receipt of said notice

by the permittee shall be considered to be in violation of this Ordinance. Upon reasonable request of the Land Commissioner or any of his agents or any law enforcement officer or his agents, a special permittee shall be required to display the special permit. Failure to do so upon such reasonable request shall be considered to be a violation of this Ordinance.

SECTION IX. TRAIL PLOWING

At least three inches of snow must be left upon the surface of the right of way of the trail after plowing between December 1 and April 1 of each winter.

SECTION X. FIREARMS

No discharge of any firearm or bow is permitted upon or across the right of way.

SECTION XI. TRAIL SIGNS

The County Land Commissioner shall be responsible for the placement of signs upon the trail and its right of way. In addition to directional and instructional signing there may exist on the trail advertisement signs for businesses along the right of way, provided that written permission is first obtained from the County Land Commissioner for the placement of the said sign and further provided that said signs are designed, constructed, placed and maintained in a uniform manner as provided by the County Land Commissioner and further provided that said signs do not in any way adversely affect primary uses of the right of way. The Cass County Board of Commissioners may set a fee for the placement of advertisements along the roadway.

SECTION XII. FENCES

Owners of land adjacent to the right of way may construct and maintain fences along the right of way lines provided that said fences do not encroach upon the right of way and provided that said fencing shall be at the sole expense of the adjacent land owner.

SECTION XIII. SAFETY

All traffic regulations applicable to highways and streets and trails within the State of Minnesota shall be applicable to the utilization of the right of way; however, the County reserves the right to provide for more limited and stringent safety and traffic regulations upon the right of way as it may deem in the public interest and safety. Unless otherwise posted, the maximum speed limit on the right of way shall be 50 miles per hour.

SECTION XIV. SPECIAL EVENTS

Upon application and written permission granted by the County Land Commissioner the right of way may be used for special events pursuant to special conditions and time constraints provided in the permit for events such as, including but not limited to, snowmobile races, dog sled races, bicycle races, foot races, etc.

SECTION XV. ENFORCEMENT

It shall be the duty of the Cass County Land Commissioner to monitor the uses of the right of way to ensure compliance with this Ordinance. The Cass County Sheriff's Department shall enforce all State laws and regulations and the terms of this Ordinance upon said right of way.

SECTION XVI. VIOLATION AND PENALTY

Any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$700 and/or by imprisonment of not to exceed 90 days. These penalty provisions are in addition to any other remedy or action available in law or as a matter of right to Cass County.

SECTION XVII. VALIDITY

Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION XVIII. EFFECTIVE DATE

This Ordinance shall take effect and be enforced upon passage and publication.

PASSED, APPROVED AND ADOPTED by the Board of Commissioners of the County of Cass on the 2nd day of August, 1988.

CASS COUNTY BOARD OF COMMISSIONERS

Dated: August 2, 1988

Kenneth Johnson
Chairman

ATTESTED:

Sharon K. Williams

PUBLISHED ON: _____