

OFFICIAL ORDINANCE 2018-55

SOO LINE TRAIL RULES AND SAFETY REGULATIONS

PINE COUNTY, MN

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

The Pine County Regional Railroad Authority ordains:

WHEREAS, Pine County Regional Railroad Authority 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 operated by the Pine County Regional Railroad Authority 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 uses thereof.

NOW THEREFORE, The Pine County Regional Railroad Authority does ordain as follows:

SECTION I. SHORT TITLE

This Ordinance shall be known as the Soo Line Trail Rules and Safety Regulations 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 Railroad Right-of-Way within this County in accordance with all existing Minnesota Statutes, Rules and Regulations.

SECTION III. JURISDICTION

The rules and regulations herein governing the management and safety of the Soo Line Railway Railroad Right-of-Way shall apply to all of the 100 foot right-of-way within Pine County, Minnesota.

SECTION IV. DEFINITION OF WORDS AND PHRASES

- A. **MOTORIZED RECREATIONAL VEHICLES:** Off-highway motorcycles (OHM), snowmobiles, and all-terrain vehicles (ATV), as defined by Minnesota Statutes 84.787, 84.81, 84.94, and others that may apply.
- 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.

D. SHORT-TERM SPECIAL PERMIT: Permit issued for one year or less.

E. LONG-TERM SPECIAL PERMIT: Permit issued for longer than one year.

SECTION V. AUTHORIZED USES WITHOUT PERMIT

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

- A. Recreation trail for pedestrians, non-motorized bicycles, horse drawn vehicles, and for motorized recreational 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.

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 Pine County Regional Railroad Authority upon proper application.
- E. Access road for maintenance work on public drainage systems.
- F. Emergency alternate temporary public roadway
- G. Roadway or farm crossings, when property on both sides of the right-of-way is owned or leased by the same owner, corporate of individual and fenced or gated to prevent animals from accessing the trail and posing a safety hazard.

Roadway or farm crossings in existence prior to February 10, 1992, and which have had a special use permit applied for before December 31, 1992, will not require a deposit fee.

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 automobiles, trucks, dune buggies, or any other motorized vehicles not defined herein as motorized recreational vehicles in Section IV. A.
- G. By all-terrain vehicles (ATVs) and off-highway motorcycles (OHMs), as defined herein between November 30 and April 1.

SECTION VIII. SPECIAL PERMITS

Short-term special permits provided for above may be issued at the discretion of the County Land Commissioner following guidelines set by the Pine County Regional Railroad Authority. Long-term special permits provided for above may be issued at the discretion of the Pine County Regional Railroad Authority upon recommendation of the County Land Commissioner. The Land Commissioner may require a deposit, fee or use fee prior to issuance of a special use permit herein. The rate for the fee will be based on mileage of the right-of-way used. The rate for said deposit fee shall be reviewed annually by the Pine County Regional Railroad Authority.

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 to the area upon the right-of-way which may be utilized by the special permittee so that multiple 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/her agents or any law enforcement officer or his/her agents, a special permittee shall be required to display the special permit. Failure to do so upon reasonable request shall be considered to be a violation of this Ordinance.

SECTION IX. TRAIL PLOWING

At least four 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 Northern Pine Riders Club 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 Land Commissioner and further provided that said signs do not in any way adversely affect primary uses of the right-of-way.

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 landowner.

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 whatever is reasonable and prudent under existing weather and trail conditions provided it does not exceed 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 by not limited to, dog sled races, bicycle races, etc.

SECTION XV. CLOSURE

The Land Commissioner, at his/her discretion, may close all or part of this trail and must notify the Northern Pine Riders Association within 24 hours of his/her action.

SECTION XVI. ENFORCEMENT

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

SECTION XVII. 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 law. These penalty provisions are in addition to any other remedy or action available in law or as a matter of right to Pine County.

SECTION XVIII. 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 XIX. EFFECTIVE DATE

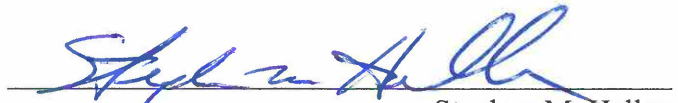
This Ordinance shall take effect and be enforced upon passage and publication.

SECTION XX. AMENDMENTS

This Ordinance may be altered, amended, or repealed by a majority of the entire Pine County Regional Railroad Authority at a regular or special meeting of the Pine County Regional Railroad Authority after providing thirty (30) days official written notice to all members, Birch Creek Township, Sturgeon Lake Township and the City of Denham.

PASSED, APPROVED AND ADOPTED by the Pine County Regional Railroad Authority on the 18th day of December, 2018.

PINE COUNTY REGIONAL RAILROAD AUTHORITY


Stephen M. Hallan
Chairman

ATTEST:


David J. Minke
Pine County Administrator

Notice of Public Hearing Published: December 6, 2018
Public Hearing: December 18, 2018
Adopted by County Board: December 18, 2018
Publication of Ordinance: December 27, 2018
Filed with County Recorder: December 28, 2018

Drafted By:
Pine County Land Department
130 Oriole Street East
Sandstone, MN 55072

PINE COUNTY ORDINANCE 2018-55 SUMMARY

An ordinance adopted pursuant to amend Sections IV, V, VII, and XIV of the Pine Soo Line Trail Rules and Safety Regulations Ordinance as follows:

- Updates the definition of Vehicles in Section IV to Motorized Recreational Vehicles including Off-highway motorcycles (OHM), snowmobiles, and all-terrain vehicles (ATV) as defined by Minnesota Statutes.
- Updates the Authorized uses of the trail to include horse drawn vehicles and motorized recreational vehicles without a permit in Section V.
- Updates the unauthorized uses listed in Section VII to reflect that OHMs and ATVS as defined by Minnesota Statutes are allowed.
- Removes snowmobile races from allowable special events in Section XIV.

Passed and approved this 27th day of December, 2018, by the Pine County Board of Commissioners.

Stephen M. Hallan, Chair, Board of Commissioners
David J. Minke, Administrator, Clerk to the County Board

A full text document of the ordinance is available at www.co.pine.mn.us

Published December 27, 2018

*****Invoice and affidavit to: Pine County Planning and Zoning, 635 Northridge Dr NW, Suite 250, MN 55063*