



AN ORDINANCE REGULATING USE OF THE THERMAL BELT RAIL TRAIL ON THOSE PORTIONS LEASED BY RUTHERFORD COUNTY

WHEREAS, Rutherford Railroad Development Corporation (“RRDC”) owns a certain tract of land comprising a railroad corridor in Rutherford County, North Carolina, portions of said corridor being located outside the corporate limits of any municipality, to wit: the Towns of Forest City, Spindale, Rutherfordton or Ruth; and

WHEREAS, Rutherford County (“County”) and RRDC have entered into a Lease Agreement for those portions of the Rail Corridor outside the corporate limits of any municipality; and

WHEREAS, the purpose of the Lease Agreement is to preserve the Rail Corridor for future railroad use, to encourage economic development in Rutherford County, and to “railbank” the Rail Corridor under 16 U.S.C. §1247 for the benefit of the residents of Rutherford County; and

WHEREAS, in furtherance of the above stated purpose, the Town of Spindale, Town of Ruth, Town of Forest City, Town of Rutherfordton, and Rutherford County (“Trail Partners”) have constructed a twelve-foot-wide paved trail which traverses the entire 13.36 miles of the Rail Corridor from Forrest Hunt Elementary School to Gilkey (“Thermal Belt Rail Trail”); and

WHEREAS, the Trail Partners have entered into an Interlocal Agreement concerning the usage, design, and maintenance of the Thermal Belt Rail Trail and have expressed an intent to regulate the usage of Thermal Belt Rail Trail within each jurisdiction.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Rutherford County that the Rutherford County Code is hereby amended by amending and replacing in its entirety the language of Chapter 13, Article III, Rails to Trails, with the following language, which includes the following rules and regulations and shall be enforced within the County concerning usage of the Thermal Belt Rail Trail as follows:

ARTICLE III. THERMAL BELT RAIL TRAIL

Section 13-36. Hours of Operation.

- (a) The Thermal Belt Rail Trail shall remain open from dawn until dusk.

County Commissioners

Bryan A. King, *Chairman*
Alan Toney, *Vice Chairman*
Michael Benfield

Eddie Holland
Greg Lovelace

Steve Garrison, *County Manager*
Hazel S. Haynes, *Clerk to the Board*
Richard Williams, *County Attorney*

Section 13-37. Safety

- (a) The speed limit on the Thermal Belt Rail Trail shall be fifteen (15) miles per hour. Any usage of the trail in excess of said speed is prohibited.
- (b) Any child under the age of sixteen (16) riding a bicycle on the Thermal Belt Rail Trail shall wear a helmet as required by N.C.G.S Section 20-171.
- (c) All users of the Thermal Belt Rail Trail shall stop at all street crossings.

Section 13-38. Pets

- (a) Pets other than dogs and cats are prohibited on the Thermal Belt Rail Trail.
- (b) Dogs and cats traveling on the trail shall be supervised at all times by their owner and shall be the sole responsibility of their owner.
- (c) Dogs and cats must be on a leash no longer than six (6) feet in length.
- (d) The owner of any dog or cat traveling on the trail shall be responsible for bagging and removing any waste caused by the dog or cat.

Section 13-39. Prohibited Activities

- (a) Hunting of any kind is prohibited on the Thermal Belt Rail Trail.
- (b) Firearms and other weapons are prohibited on the Thermal Belt Rail Trail except that those with a proper permit may possess a concealed handgun under the requirements of N.C. G.S. 14-415.11.
- (c) No horses or other animals are allowed on the Thermal Belt Rail Trail excepted as provided herein.
- (d) No motorized vehicles are allowed on the Thermal Belt Rail Trail except for motorized wheelchairs, electric, pedal-assisted bikes that meet the provisions of federal electric bicycle law HR727, electric scooters, and other small recreational devices. A motorized vehicle shall be defined as every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power. Examples of items which shall not be allowed on the trail include, but are not limited to, the following: all-terrain vehicles (ATVs), four-wheelers, three-wheelers, utility task vehicles (UTVs), side-by-sides (SxS), xtreme terrain vehicles (XTVs), golf carts, tractors, lawnmowers, motorcycles, cars, trucks, farm equipment, grading equipment, landscaping equipment, or any other device or vehicle which could pose a danger to the safety of other lawful users of the trail. This subsection shall not apply to any Trail Partner vehicle which is being used or operated upon the Thermal Belt Rail Trail for the purpose of maintenance or construction, nor shall it apply to any independent contractor in the course and scope of a contract on behalf of any Trail Partner pertaining to the maintenance and construction of the Thermal Belt Rail Trail.
- (e) No loitering shall be allowed on the Thermal Belt Rail Trail. Loitering is defined as remaining on the trail for a protracted period of time for non-recreational purposes.
- (f) The posting of signs along the Thermal Belt Rail Trail shall be prohibited without express permission of the Trail Partners. Examples of items which shall not be allowed on the trail include, but are not limited to, the following: commercial signs, political signs, yard sale signs, or any other unapproved signage.

This the 6th day of May, 2019.

Bryan A. King, Chairman

ATTEST:

APPROVED AS TO FORM:

Clerk to the Board

Richard Williams, County Attorney