

Town Council of the Town of Rutherfordton

Rutherford County, North Carolina

Ordinance No. 11-19

AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF
ORDINANCES OF THE TOWN OF RUTHERFORDTON.

WHEREAS, Rutherford Railroad Development Corporation ("RRDC") owns a certain tract of land comprising a railroad corridor in Rutherford County, North Carolina, a portion of said corridor being located within the corporate limits of the Town of Rutherfordton ("Town"); and

WHEREAS, the Town and RRDC have entered into a Lease Agreement for the portion of the Rail Corridor within the corporate limits of the Town; 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 the Town of Rutherfordton, North Carolina that the following rules and regulations shall be enforced within the Town concerning usage of the Thermal Belt Rail Trail & the Purple Martin Greenway:

Part I. Chapter 26 of the Code of Ordinances is revised to add Article VIII, "Thermal Belt Rail Trail" is added as follows:

Section 1. Hours of Operation.

- 1.1 The Thermal Belt Rail Trail shall remain open from dawn until dusk.

Section 2. Safety

- 2.1 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.
- 2.2 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.
- 2.3 All users of the Thermal Belt Rail Trail shall stop at all street crossings.

Section 3. Pets

- 3.1 Pets other than dogs and cats are prohibited on the Thermal Belt Rail Trail.
- 3.2 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.
- 3.3 Dogs and cats must be on a leash no longer than six (6) feet in length.
- 3.4 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 4. Prohibited Activities

- 4.1 Hunting of any kind is prohibited on the Thermal Belt Rail Trail.
- 4.2 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.
- 4.3 No horses or other animals are allowed on the Thermal Belt Rail Trail excepted as provided herein.
- 4.4 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.

- 4.5 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.
- 4.6 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.

Part II. Chapter 26 of the Code of Ordinances is revised to add Article IX, "Purple Martin Greenway", is added as follows:

Section 1. Hours of Operation.

- 1.2 The Purple Martin Greenway shall remain open from dawn until dusk.

Section 2. Safety

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

Section 3. Pets

- 3.1 Pets other than dogs and cats are prohibited on the Purple Martin Greenway
- 3.2 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.
- 3.3 Dogs and cats must be on a leash no longer than six (6) feet in length.
- 3.4 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 4. Prohibited Activities

- 4.1 Hunting of any kind is prohibited on the Purple Martin Greenway
- 4.2 Firearms and other weapons are prohibited on the Purple Martin Greenway except that those with a proper permit may possess a concealed handgun under the requirements of N.C. G.S. 14-415.11.
- 4.3 No horses or other animals are allowed on the Purple Martin Greenway excepted as provided herein.
- 4.4 No motorized vehicles are allowed on the Purple Martin Greenway 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 Town owned vehicle which is being used or operated upon the Purple Martin Greenway 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 the Town pertaining to the maintenance and construction of the Purple Martin Greenway.
- 4.5 No loitering shall be allowed on the Purple Martin Greenway. Loitering is defined as remaining on the trail for a protracted period of time for non-recreational purposes.
- 4.6 The posting of signs along the Purple Martin Greenway shall be prohibited without express permission of the Town Manager. 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.

Part III. All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

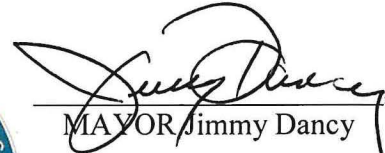
Part IV. This Ordinance shall become effective upon its adoption.

ADOPTED this 1st day of May 2019 by the Town Council of the Town of Rutherfordton, North Carolina.


ATTEST:


Mara Short, Town Clerk




MAYOR Jimmy Dancy

APPROVED AS TO FORM:


Elizabeth T. Miller, Town Attorney

