

**SOO PITS RULES AND SAFETY REGULATIONS
ORDINANCE #35
CARLTON COUNTY, MINNESOTA**

AN ORDINANCE PROVIDING FOR THE USE OF THE SOO LINE RAILROAD PITS WITHIN THE BOUNDARIES OF CARLTON COUNTY, MINNESOTA.

WHEREAS, Carlton County has purchased from the Soo Line Railway Company abandoned railway gravel pits and manages Tax-Forfeited lands within boundaries over and across premises described in Appendix A and B attached hereto; and

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

WHEREAS, it deemed advisable that all traffic of every kind of nature on said rights of way owned and operated by the County of Carlton as aforesaid should be regulated and managed to ensure the safety of the users of the said rights 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 County Board of Commissioners of Carlton County, Minnesota, does ordain as follows:

SECTION I. SHORT TITLE

This Ordinance shall be known as the Soo Pits Rules and Safety Regulations, Ordinance #35 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 Gravel Pits within this County in accordance with all existing Minnesota Statutes, Rules and regulations.

SECTION III. JURISDICTION

The files and regulations herein governing the management and safety of the Soo Line Railway Right of Way Trails shall apply to all of the 100 foot rights of way within Carlton County, Minnesota, except those sections of former right-of-way now designated as public roadways by action of the Carlton County Engineer and the Carlton County Board of Commissioners. (Amended 7-13-93)

SECTION IV. DEFINITION OF WORDS AND PHRASES

- A. **VEHICLE:** All-terrain vehicles as described by Minnesota Statutes, snowmobiles as described by Minnesota statutes, off-highway motorcycles 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 rights of way.
- C. **SERVICE, MAINTENANCE AND CONSTRUCTION EQUIPMENT:** Approved equipment normally operated for the construction, repair and maintenance of said rights of way.

SECTION V. AUTHORIZED USES WITHOUT PERMIT

The said right of way and gravel pit trails may be used in the following manners without special permits from the County:

- A. Recreational trail for pedestrians and for vehicles as defined herein between the hours of 9 AM and 8 PM local time, unless otherwise restricted by this Ordinance.
- B. Access 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 PERMITS REQUIRED

The said rights of way and gravel pit 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. 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 or individual.

SECTION VII. UNAUTHORIZED USES

Under no circumstances should the rights of way or pits area 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. (Repealed).
- G. By automobiles, trucks, dune buggies or other motorized vehicles not defined in Section IV (A)
- H (Repealed – Minnesota Statutes 169A “Open Container Law” is enforced)
- I During the Minnesota Big Game Firearms season outside permitted hours
- J Motorized travel off designated trails or outside Open Riding area (See Appendix B)

SECTION VIII. SPECIAL PERMITS

Special permits provided for in Section VI above for uses described in said Section VI, Subsections A, C, F and G for periods not to exceed five (5) years shall be issued at the discretion of the Carlton County Land Commissioner. Any Request for a special permit which is denied by the County Land Commissioner may be appealed to the County Board for its consideration. (Amended 4-14-92)

Other special permits shall be issued at the discretion of the County Board upon the recommendation of the County Land Commissioner. The Land Commissioner may at his discretion require a deposit, fee or use fee prior to issuance of a special use permit provided 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 be 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 or 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 for 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 canceled 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.
(Amended 3-7-89).

SECTION IX. TRAIL PLOWING

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

SECTION X. FIREARMS

No hunting or discharge of any firearm is permitted upon or across or over the rights of way.

SECTION XI. TRAIL SIGNS

The County Land Commissioner shall be responsible for the placement of signs upon the trails and their rights of way. In addition to directional and instructional signing there may exist on the Trails advertisement signs for businesses along the rights 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 rights of way.

SECTION XII. FENCES

Owners of land adjacent to the rights of way may construct and maintain fences along the rights of way lines provided that said fences do not encroach upon the rights 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 to the rights of way; however, the County reserves the right to provide for more limited and stringent safety and traffic regulations upon the rights of way as it may deem in the public interest and safety. Unless otherwise posted, the maximum speed limit on the rights of way shall be 50 miles per hour.

SECTION XIV. SPECIAL EVENTS

Upon application and written permission granted by the County Land Commissioner the rights 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, etc.

SECTION XV. ENFORCEMENT

It shall be the duty of the Carlton County Land Commissioner to monitor the uses of the rights of way to ensure compliance with this ordinance. The Carlton County Sheriff’s Office shall enforce all State laws and regulations and the terms of this ordinance upon said rights 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 the law or as a matter of right to Carlton 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 This Ordinance shall be in full force and effect on August 17, 2020 after its passage and publication according to law.

Approved and adopted by the Board of Commissioners of Carlton County this 27th day of July, 2020.

/s/ Marvin Bodie _____
Chairperson, Carlton County Board of Commissioners

ATTEST:
/s/ Kathryn Kortuem _____
Kathryn Kortuem, County Auditor/Treasurer

Public Hearing held at the Carlton County Transportation Department on the 22nd day of June, 2020 at 4:30 p.m.

Legal notice published in the Star Gazette on the 11th day of June 2020.

Ordinance published in the Star Gazette on the XXth day of August 2020.

Ordinance drafted by Land Commissioner

APPENDIX A

The Soo Pits are defined as those County Fee and Tax Forfeit lands identified lying within:
Township 46 North, Range 19 West

Section 15:

NE1/4 SE1/4 EX INTER 35 R/W DOCKET 202585NW1/4 SE1/4 DOCKET 202585
SW1/4 SE1/4 DOCKET 202585
SE1/4 SE1/4 EX INTER 35 R/W DOCKET 202585
PT OF NE1/4 SW1/4 DOCKET 281274
NW1/4 OF SW1/4 E OF MOOSE RIVER EX N 150 FT DOCKET 281274
SW1/4 SW1/4 DOCKET 281274
SE1/4 SW1/4 DOCKET 281274

Section 16:

SE1/4 SE1/4 EX BEG AT NE COR TH SW TO PT ON W LINE WHICH IS 720 FT S OF NW COR TH N ON W
LINE TO HY 61 TH NE ALG HY 61 TO N LINE TH E TO BEG EX RY & SUBJ TO HWY 61 EASE DOCKET
281274

Section 21:

PT OF SE1/4 NE1/4 LYING BETWEEN HIDDEN ACRES PLAT AND THE MAINLIN OF THE SOO LINE RR

Section 22:

NW1/4 NW1/4 BK 1 PG 29
PT OF SW1/4 NW1/4 AND NW1/4 OF SW1/4 N & E OF RR R OF W EXCPT MINERAL INTEREST & A
STRIP OF LAND 100 FT IN WIDTH BEING FORMER SOO LN RR RUN ACROSS SW1/4 OF NW1/4 AND
THE NW1/4 OF SW1/4
THAT PART OF NE1/4 OF SW1/4 LYING NORTHERLY OF SOUTH R/W LINE OF FORMER SOO LINE RR
EXCEPT MINERAL INTEREST DOCKET 281274

APPENDIX B

