

Chapter 9.20  
**PROVIDE INDEMNIFICATION FOR THE LANDOWNERS WHOSE  
PROPERTY IS ENCUMERED BY RECREATIONAL TRAILS**

**Sections:**

**9.20.010 Purpose.**

**9.20.020 Trails Affected.**

**9.20.030 Indemnity.**

**9.20.040 Conditions.**

**9.20.010 Purpose.** The county of Tuolumne recognizes that the provision of adequate, accessible recreational trails is important to the social, psychological and physical well-being of its residents, affords economic opportunities for businesses and allows a low impact enjoyment of the County's natural environment. Providing indemnification for properly owners whose land is traversed by recreational trails recognizes the importance of these trails to the County's quality of life, to recognized and minimized the potential effects on the trails have on adjoining property, and to encourage trail dedication and use by alleviating property owner liability concerns. (Ord. 2234 § 1 {part}, 1998).

**9.20.020 Trails Affected.** The owner of any parcel of land on which a trail has been or is expressly dedicated for public use as an equestrian, pedestrian, or other type of non-motorized recreational right of way, by final or parcel map, or otherwise, and expressly accepted by the County of Tuolumne on behalf of the public, is eligible for the benefits of this chapter. (Ord. 2234 § 1 {part}, 1998).

**9.20.030 Indemnity.** The county of Tuolumne will indemnify an owner of a parcel, as described in this chapter, from all claims, demands or liability for injury to a person or property that occurs on the trail when used for any recreational purpose, excluding injury occurring in any of the following circumstances:

A. The owner's willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity;

B. Where permission for recreational use was granted for a consideration other than the benefit received at the time of dedication;

C. Where the person suffering injury was expressly invited by the owner to the use the trail for a recreational purpose rather than merely permitted to use it;

D. where the person summering injury is a member of the owner's household. (Ord. 2234 § 1 {part}, 1998).

**9.20.040 Conditions.** The indemnity granted by this chapter is conditioned on all of the following:

A. Submission to the Clerk of the Board of Supervisors, within 15 days, of any demand, claim, or complaint for damages received by the owner;

B. Permission for, and good faith cooperation in, any defense provided by the County;

C. No interference with public use of the trail for a recreational purpose, 9.20.040 Conditions.