

ORDINANCE NO. _____

**AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS,
STATE OF CALIFORNIA, ADDING CHAPTER 10.18 TO THE NAPA
COUNTY CODE PROHIBITING OPERATION OF MOTORIZED
VEHICLES ON THE VINE TRAIL**

WHEREAS, in November and December of 2020, the Board of Supervisors approved a series of trail easement agreements with property owners between the City of Calistoga and the Town of Yountville for the Vine Trail to cross their properties; and

WHEREAS, a condition of the trail easement agreements is that motorized vehicles be prohibited from using the Vine Trail, except for electric bicycles which may be allowed in accordance with state law and local ordinance; and

WHEREAS, the Vine Trail between the City of Calistoga and the City of St. Helena is currently under construction and not yet open to the public; and

WHEREAS, construction of the Vine Trail between the City of St. Helena and the Town of Yountville has not been approved; and

WHEREAS, California Vehicle Code Section 23127 prohibits unauthorized motor vehicles from using bicycle paths; and

WHEREAS, California Vehicle Code Section 21968 already prohibits the operation of motorized skateboards on any bikeway, bicycle path or trail; and

WHEREAS, California Vehicle Code Section 21225 allows the County to regulate the operation of motorized scooters on pedestrian and bicycle facilities and County streets and highways, if such regulations are not in conflict with the California Vehicle Code; and

WHEREAS, California Vehicle Code Section 21207.5 gives the County authority to allow or prohibit the operation of motorized bicycles (e.g. mopeds) on bicycle paths or trails; and

WHEREAS, effective January 1, 2023, Assembly Bill 1909 repeals the County’s authority to prohibit the operation of electric bicycles on bicycle paths or trails that is currently found in Vehicle Code Section 21207.5; and

WHEREAS, California Vehicle Code Section 21282 allows the County to regulate or prohibit the operation of electric personal assistive mobility devices (e.g. Segways) on bike paths; and

WHEREAS, California Vehicle Code Section 21266 allows the County to restrict or prohibit the use of low speed vehicles;

NOW, THEREFORE, the Napa County Board of Supervisors, State of California, ordains as follows:

SECTION 1. Chapter 10.18 (Prohibition of Motorized Vehicles on the Vine Trail) of Title 10 (Vehicles and Traffic) of the Napa County Code is added to read in full as follows:

Chapter 10.18 – PROHIBITION OF MOTORIZED VEHICLES ON THE VINE TRAIL

10.18.010 – Purpose.

The purpose of this chapter is to ensure a safe and enjoyable experience for users of the Vine Trail and to comply with the terms of easements granted by adjacent property owners, by limiting uses to bicycles and pedestrians to the extent the county is authorized to do so by state law, and with limited exceptions as expressly set forth in this chapter.

10.18.020 – Definitions.

As used in this chapter:

“Electric bicycle” has the same meaning as in Vehicle Code Section 312.5.

“Electric personal assistive mobility device” or “EPAMD” has the same meaning as in Vehicle Code Section 313.

“Motor vehicle” has the same meaning as in Vehicle Code Section 415, including but not limited to an all-terrain vehicle as defined in Vehicle Code Section 111, a golf cart as defined in Vehicle Code Section 345, a low-speed vehicle as defined in Vehicle Code Section 385.5, a

motorcycle as defined in Vehicle Code Section 400, and a motor-driven cycle as defined in Vehicle Code Section 405.

“Motorized bicycle” has the same meaning as in Vehicle Code Section 406.

“Motorized quadricycle” and “motorized tricycle” have the same meanings as in Vehicle Code Section 407.

“Motorized scooter” has the same meaning as in Vehicle Code Section 407.5.

10.18.030 – Unlawful operation of motorized vehicles.

It is unlawful for any person to operate a motor vehicle, an EPAMD, a motorized scooter, or a motorized bicycle on the Vine Trail in the unincorporated area of the county between the city of Calistoga and the town of Yountville, except to cross the Vine Trail at roadways or driveways, or as otherwise provided in this chapter.

10.18.040 – Exceptions to prohibition of motorized vehicles.

Notwithstanding Section 10.18.030, operation of the following motorized vehicles or devices is allowed on the Vine Trail in the unincorporated area of the county between the city of Calistoga and the town of Yountville:

- A. Electric bicycles.
- B. Law enforcement or emergency vehicles.
- C. County vehicles.
- D. Public utility or municipal utility vehicles, when inspecting, repairing, or maintaining utility infrastructure.
- E. Vehicles owned or operated at the direction of the adjacent property owner, but only on the portion of the Vine Trail abutting their property.
- F. A self-propelled wheelchair, a motorized tricycle, or a motorized quadricycle, by a person who, by reason of a physical disability, is otherwise unable to move about as a pedestrian pursuant to California Vehicle Code Section 467(b).
- G. An EPAMD, by a person who provides a credible assurance that it is required because of the person’s physical disability pursuant to Title 28 of the Code of Federal Regulations, Section 35.137(c)(2).

10.18.050 – Violations.

Any violation of the provisions of this chapter is an infraction, punishable by a fine as

set forth in Section 1.20.150(A) of this code.

SECTION 2. The Board of Supervisors finds that the Board has met its obligation as a Responsible Agency under CEQA by considering the Initial Study and Mitigated Negative Declaration prepared by the Napa Valley Transportation Authority (NVTA) for the section of the Vine Trail between the City of Calistoga and the City of St. Helena, reaching its own conclusions on whether to approve this ordinance, and finding that none of the triggers for subsequent or supplemental CEQA review have occurred since NVTA's approval of the project and CEQA documents on August 19, 2020, or since the Board's approval of the trail easement agreements on November 10 and December 15 of 2020.

For the section of the Vine Trail between the City of St. Helena and the Town of Yountville, approval of this ordinance is not subject to CEQA pursuant to State CEQA Guidelines Sections 15060(c) and 15378 because this ordinance does not authorize construction of this section of the Vine Trail, and therefore will not result in a direct or reasonably foreseeable indirect physical change in the environment.

SECTION 3. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Napa County Board of Supervisors hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 4. This ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 5. A summary of this ordinance shall be published at least once five (5) days

before adoption and at least once before the expiration of fifteen (15) days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

The foregoing ordinance was introduced at a regular meeting of the Napa County Board of Supervisors, State of California, held on the 29th day of November, 2022, and passed at a regular meeting of the Napa County Board of Supervisors, State of California, held on the ____ day of _____, 2022, by the following vote:

AYES: SUPERVISORS _____

 NOES: SUPERVISORS _____

 ABSENT: SUPERVISORS _____

NAPA COUNTY, a political subdivision of the State of California

 RYAN GREGORY, Chair of the Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Thomas C. Zeleny</u> Interim County Counsel</p> <p>By: <u>Meredith Trueblood</u> Code Services</p> <p>Date: <u>November 4, 2022</u></p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____ Processed By: _____ Deputy Clerk of the Board</p>	<p>ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors</p> <p>By: _____</p>
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I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET, ROOM 310, NAPA, CALIFORNIA ON _____.

_____, DEPUTY
 NEHA HOSKINS, CLERK OF THE BOARD