

ORDINANCE NO. _____

**AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS,
STATE OF CALIFORNIA, AMENDING CHAPTER 10.04 OF THE NAPA
COUNTY CODE TO ALLOW SPEED LIMITS TO BE ESTABLISHED
BY RESOLUTION**

WHEREAS, the California Vehicle Code regulates vehicles and traffic uniformly throughout California pursuant to Vehicle Code Section 21, prohibiting counties and cities from enacting laws regarding matters covered by the Vehicle Code unless specifically authorized by State law; and

WHEREAS, Chapter 7 of Division 11 of the Vehicle Code establishes prima facie (default) speed limits applicable to various types or locations of roadways, but authorizes local agencies to establish different speed limits, in five mile-per-hour increments, at whichever speed limits are found most appropriate to facilitate the orderly movement of traffic and are reasonable and safe, and which are supported by engineering and traffic surveys (with some exceptions); and

WHEREAS, local agencies may “determine and declare” speed limits by ordinance or resolution, pursuant to Vehicle Code Section 32, and Vehicle Code Sections 22357 through 22360; and

WHEREAS, some speed limits in Napa County have been adopted by ordinance, codified in Chapter 10.04 of the Napa County Code, while other speed limits have been adopted by resolution; and

WHEREAS, for consistency, and to streamline the process for adopting speed limits, the Board of Supervisors desires to have all speed limits adopted by resolution; and

WHEREAS, Napa County recently completed a comprehensive Engineering and Traffic

Survey, and is prepared to present speed limits for County roads for adoption by resolution;

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

SECTION 1. Chapter 10.04 (Speed Limits) of Title 10 (Vehicles and Traffic) of the Napa County Code is amended to read in full as follows:

10.04.010 – Definitions.

For purposes of this chapter, “prima facie speed limits” means the default speed limits for streets and highways as set forth in Chapter 7 of Division 11 of the California Vehicle Code.

10.04.020 – Increase of prima facie speed limits.

The Board of Supervisors may determine and declare speed limits higher than the prima facie speed limits for any particular county road or roadway segment if the Board of Supervisors determines by resolution that a speed greater than the prima facie speed limit is most appropriate to facilitate the orderly movement of vehicular traffic and is reasonable and safe.

10.04.030 – Decrease of prima facie speed limits.

The Board of Supervisors may determine and declare speed limits lower than the prima facie speed limits for any particular county road or roadway segment if the Board of Supervisors determines by resolution that the prima facie speed limit is more than is reasonable or safe, and that a lower speed is most appropriate to facilitate the orderly movement of traffic, and is reasonable and safe.

10.04.040 – Engineering and traffic surveys.

A speed limit established pursuant to this chapter shall be determined upon the basis of an engineering and traffic survey unless:

- A. An engineering and traffic survey is not required by the Vehicle Code; or
- B. A deviation from the speed limit determined by an engineering and traffic survey is authorized by the Vehicle Code.

10.04.050 – Signs.

The county roads commissioner is authorized to post speed limit signs whenever the Board of Supervisors adopts new or changed speed limits.

SECTION 2. This Ordinance shall not affect the validity or enforceability of speed limits established by the Board of Supervisors prior to the effective date of this Ordinance.

SECTION 3. The Board of Supervisors finds that adoption of this Ordinance is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(5), as an organizational or administrative activity that will not result in direct or indirect physical changes in the environment, and therefore CEQA is not applicable.

SECTION 4. 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 5. This Ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 6. 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 and read at a regular meeting of the Napa County Board of Supervisors, State of California, held on the ____ day of _____, 2023, and passed at a regular meeting of the Napa County Board of Supervisors, State of California, held on the ____ day of _____, 2023, by the following vote:

AYES: SUPERVISORS _____

 NOES: SUPERVISORS _____

 ABSTAIN: SUPERVISORS _____

 ABSENT: SUPERVISORS _____

NAPA COUNTY, a political subdivision of the State of California

 BELIA RAMOS, Chair of the Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Thomas C. Zeleny</u> Chief Deputy County Counsel</p> <p>By: <u>Meredith Trueblood</u> Code Services</p> <p>Date: <u>February 17, 2023</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