DAL:jr
5-2-2016

ORDINANCE NO. 5038

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

ORDINANCE AMENDING THE EL DORADO COUNTY ORDINANCE CODE Title 10 – VEHICLES AND TRAFFIC ADDING CHAPTER 10.32. - VEHICLE REGULATIONS ON TRAIL FACILITIES

Sections added:

10.32.010. Definitions.
10.32.020. Exemptions.
10.32.030. Appeal procedure.
10.32.040. Tow away.
10.32.050. Public nuisance prohibited.
10.32.060. Penalty for violation.
10.32.070. Cumulative remedies.
10.32.080. Signage

Section 1. El Dorado County Ordinance Code Title 10 – VEHICLES AND TRAFFIC, Chapter 10.32.- VEHICLE REGULATIONS ON TRAIL FACILITES, sections 10.32.010. through 10.32.080. are hereby added to provide regulations for the use of motorized vehicles on the county trail facilities as follows:

CHAPTER 10.32. – VEHICLE REGULATIONS ON TRAIL FACILITIES

Sec. 10.32.010. - Definitions.

A. Motorized Vehicle.

As used in this chapter the term "motorized vehicle" means any self-propelled device in or upon which any person or property may be moved (inclusive of a "motor vehicle" as defined in California Vehicle Code section 415), excepting a device moved by human power or used exclusively upon stationary rails or tracks. Motorized vehicles include, but are not limited to, motorized bicycles / mopeds (as defined in California Vehicle Code section 406), motorized scooters (as defined in California Vehicle Code section 407.5), electric personal assistive mobility devices (as defined in California Vehicle Code section 313), automobiles, trucks, recreational vehicles, motor homes, motorcycles, motorbikes, motor-driven cycles, all-terrain vehicles (ATV's), and dirt bikes.

B. Electric Bicycle (E-bike).

As used in this chapter the term "electric bicycle (e-bike) means a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts as defined in California Vehicle Code section 312.5

C. Trail Facility.

As used in this chapter, the term "trail facility" or "trail facilities" means any Class I trail, natural trail, or horseback riding trail owned, maintained, and/or operated by El Dorado County. For purposes of this chapter, "trail facility" shall also include that portion of the Sacramento Placerville Transportation Corridor (SPTC) that is located within El Dorado County.

Sec. 10.32.020. – Prohibited Conduct.

No person shall operate or cause to be operated a motorized vehicle within the boundaries of a trail facility.

Sec. 10.32.030. - Exemptions.

This chapter does not apply to the following:

A. Authorized construction or maintenance activities approved by El Dorado County.
B. Authorized emergency vehicles.
C. Motorized quadricycles, motorized tricycles, and electric wheelchairs as defined in California Vehicle Code section 407 and/or the Americans with Disabilities Act ("ADA"), which are utilized by a person who by reason of physical disability is otherwise unable to move about as a pedestrian or by a senior citizen as defined in California Vehicle Code section 13000.
D. Electric bicycles – class 1 and 2 (Vehicle Code section 312.5).
E. Motorized vehicles owned or leased by the County, or other governmental body or agency, and operated by an employee of the County, or other governmental body or agency, who is acting within the scope of employment.
F. Motorized vehicles operated by or under contract with a utility, whether privately or publicly owned.

Sec. 10.32.040. - Tow away.

Any vehicle parked or abandoned upon any non-motorized trail will be towed at the owner's expense.

Sec. 10.32.050. - Public nuisance prohibited.

Nothing in this chapter shall be interpreted to authorize the maintenance of a public nuisance.

Sec. 10.32.060. - Penalty for violation.

Any person violating the provisions of this chapter is guilty of an infraction and shall be punishable by (1) a fine not exceeding twenty five dollars for a first violation; (2) a fine not exceeding

one hundred dollars for a second violation within one year; (3) a fine not exceeding two hundred fifty dollars for each additional violation within one year.

Sec. 10.32.070. - Cumulative remedies.

The remedies provided herein are cumulative to all other remedies now or hereafter available to abate or otherwise regulate the conduct described herein.

Sec. 10.32.080. – Signage.

Appropriate signage indicating that motorized vehicles are prohibited on trail facilities shall be posted at each entrance and exit to the trail facility. However, lack of such signage shall not constitute a defense to violation of this chapter.

Section 2. If any provision of this ordinance or the application thereof to any person or circumstance, is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. The provisions of this ordinance are severable and the Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof regardless of whether any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases are held invalid or unenforceable.

Section 3. This ordinance shall take effect and shall become effective thirty (30) days following the adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 7th day of June, 2016 by the following vote of said Board:

Ayes:Veerkamp,Ranalli,Mikulaco,Frentzen,Novasel

Noes:None
Absent:None

Ron Mikulaco, Chair, Board of Supervisors

ATTEST
JAMES S. MITRISIN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM
MICHAEL J. CICCOZZI, County Counsel

By _____
David A. Livingston, Sr. Deputy County Counsel