



ORDINANCE NO. 22-01

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Laura Sanderlin 09/27/22
Laura M. Sanderlin
NVTA Board Secretary

AN ORDINANCE OF THE NAPA VALLEY TRANSPORTATION AUTHORITY (NVTA) REGULATING PARKING, CAMPING AND SMOKING AT TRANSIT FACILITIES AND PARKING AREAS

The Board of Directors ("Board") of the Napa Valley Transportation Authority (NVTA) ordains as follows:

SECTION 1. Chapter 2 (Parking Regulations) of the Napa Valley Transportation Authority is amended to read in full as follows:

Chapter 2

PARKING RULES AND REGULATIONS

Sections:

- 2.1 Legislative Intent
- 2.2 Definitions
- 2.3 Rules and Regulations
- 2.4 Smoking Prohibited
- 2.5 Posting of Notices
- 2.6 General

Section 2.1: Legislative Intent

Section 2.1.1: Authority

California Vehicle Code section 21113 expressly prohibits any person from driving, stopping, parking, or leaving standing any vehicle, whether attended or unattended, on the parking facilities and bus loading zones of a transit district, except with the permission of, and upon and subject to any condition or regulation which may be imposed by the governing board. The Board is authorized to adopt all ordinances and make all rules and regulations proper or necessary to regulate the use, operation and maintenance of its property and facilities.

Section 2.1.2: Findings

A. The Board finds and determines that ensuring adequate parking in NVTA's parking lots for vehicles driving by Transit Patrons and Transit Personnel and authorized visitors is necessary in order to facilitate and encourage the use of public transit facilities and services, and that the unregulated use of NVTA Parking Lots is detrimental to the interests of NVTA and the public.

B. Except when specifically posted as a shared public parking facility, NVTAs Parking Lots are for use by Transit Patrons and Transit Personnel and authorized visitors only, and are not open to the general public.

C. The Board further finds and determines that bus loading zones are necessary for the safe loading and alighting of transit patrons and should be restricted for the exclusive use of transit vehicles.

D. Except when specifically permitted bus loading zones and transfer stations are for the exclusive use of NVTAs (Vine) transit use.

E. The Board adopts the California State Legislatures findings pursuant to California Health and Safety Code section 118920, including that regulation of smoking in public places is necessary to protect the health, safety, welfare, comfort, and environment of nonsmokers.

F. The Board therefore adopts this Ordinance establishing conditions and regulations applicable to vehicle parking and traffic in NVTAs Parking Lots.

Section 2.2: Definitions

The following definitions shall apply to this chapter:

- A. "Bus Loading Zone" refers to designated area used as a stop or transfer point for loading and alighting transit patrons.
- B. "Bus Transfer Stations" refers to areas where passengers transfer from one bus to another or where multiple buses congregate at any one time.
- C. "Camp" means any of the following: (1) to pitch or occupy camp facilities; (2) to use camp paraphernalia; (3) to sleep in, on or under any parked vehicle, including an automobile, bus, truck, camper, trailer, mobile home or recreational vehicle.
- D. "Camp facilities" includes, but are not limited to, tents, huts, or temporary shelters. When parked and used for the purpose of sleeping, automobiles, buses, trucks, campers, trailers, mobile homes and recreational vehicles shall be deemed as "camp facilities."
- E. "Camp paraphernalia" includes, but is not limited to, tarpaulins, bedding, cots, beds, sleeping bags, hammocks or non-city designated cooking facilities and similar equipment
- F. "NVTAs Parking Lot" means parking lots, driveways and other Transit Facilities owned by NVTAs or designated specifically for NVTAs including NVTAs VINE transit use, including entrances and exits to and from any such Transit Facilities, which are accessible by Vehicle.

- G. "NVTA Security Officer" means NVTA staff or contractors hired for the purpose of facilities security and/or parking enforcement.
- H. "Park and Ride Lots" means parking lots and driveways, including entrances and exits to and from, for transit users and commuters use for temporary parking of vehicles while the vehicle driver is using NVTA Vine or carpooling.
- I. "Peace Officer" shall mean any law enforcement officer of the State of California, Napa County, or any agency in Napa County.
- J. "Private Security Officer" means any private security officer hired by NVTA to safeguard its grounds and/or provide parking facility services.
- K. "Smoking" means inhaling, exhaling, burning, or carrying any lighted pipe, cigar or cigarette of any kind, or any other combustible substance.
- L. "Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- M. "Transit Facility" or "Facility" means any property owned and maintained by NVTA.
- N. "Transit Patron" is defined as a person who parks a vehicle on a NVTA Parking Lot for the purpose of using public transit, or person having business with NVTA.
- O. "Transit Personnel" means any Board member, employee, committee member, or contractor of NVTA or another transit provider whose place of employment is within the Soscot Gateway Transit Center.
- P. "Vehicle" shall have the same meaning as defined in Section 670 of the California Vehicle Code.
- Q. "Vine" the transit service operated by NVTA to provide public transportation to serve Napa County.

Section 2.3: Parking Rules and Regulations

Section 2.3.1: Compliance with Law: No person shall drive, stop, park, or leave standing on any NVTA Parking Lot, Bus Loading Zone, Bus Transit Stations, or Park and Ride Lot, any Vehicle, except in full compliance with the traffic laws of the State of California and the conditions and regulations adopted herein.

Section 2.3.2: Patron Parking: Parking of Vehicles in NVTa Parking Lots is for Transit Patrons or Transit Personnel only, unless the Parking Lot is otherwise posted as a shared public parking facility. Parking in Park and Ride Lots is for transit users and commuters using NVTa VINE or carpooling, unless the Park and Ride Lot is otherwise posted as a shared public parking facility.

Section 2.3.3: Parking Limit:

A, Parking of Vehicles in any NVTa Parking Lot shall be limited to one of the following, as posted:

- i. Transit Patrons, Transit Personnel only
- ii. Vehicles using the Charging Stations only
- iii.. Otherwise, as posted.

B. Parking of Vehicles in any Park and Ride Lot shall be limited to one of the following, as posted:

- i. Transit Patrons,
- ii. Commuters temporarily parking a vehicle in the Park and Ride Lot,
- ii. Vehicles using the Charging Stations only
- iii.. Otherwise, as posted.

Section 2.3.4: Designated Spaces: Vehicles shall be parked in NVTa Parking Lots or Park and Ride Lots only within areas posted and dedicated for parking, and shall be parked in an orderly manner within the lines indicating a single space. Vehicles shall not be parked within NVTa Parking Lots or Park and Ride Lots within any driveway, in any unlined area, in any yellow or red painted area, in any pedestrian walkway, in any bus loading zones, or in any areas so prohibited by control signs.

Section 2.3.5: Spaces Designated for Persons with Disabilities: No person may park a Vehicle in designated accessible spaces in NVTa Parking Lots or Park and Ride Lots without displaying placards or special license plates issued by the State of California for persons with disabilities.

Section 2.3.6: Abandoned Vehicles: No person shall abandon any Vehicle in any NVTa Parking Lot or Park and Ride Lots. Vehicles reasonably believed to be abandoned may be removed from a NVTa Parking Lot only after a written report identifying the vehicle and its location has been mailed or delivered to the office of the Department of the California Highway Patrol located nearest to the Vehicle. In addition, at least ten (10) days' notice of intention to remove an abandoned Vehicle shall be mailed, by registered or certified mail, to the last registered owners of record of the Vehicle, unless NVTa is unable to determine ownership. The notice shall include a statement that the owner may request a hearing before the NVTa Executive Director. If no hearing has been requested within ten (10) days of the mailing of the notice, the Vehicle may be removed without

further notice. Within five (5) days after the date of removal, notice shall be given to the California Department of Motor Vehicles identifying the Vehicle or part thereof, and any evidence of registration available. NVTA shall not be responsible for any damage caused by the removal of any Vehicle.

Section 2.3.7: Maximum Speed Limit: No person shall at any time drive any Vehicle in any NVTA Parking Lot or Park and Ride Lot at a speed in excess of fifteen (15) miles per hour.

Section 2.3.8: Maximum Vehicle Dimensions: No person shall drive, park, or leave standing in any NVTA Parking Lot or Park and Ride Lot any vehicle or combination of vehicles which exceeds three (3) tons in total aggregate weight or exceeds six and one-half (6 1/2) feet in width or nineteen (19) feet in length. The foregoing prohibition shall not apply to Vehicles owned or operated by or on behalf of NVTA, public transit buses doing business at the Soscot Gateway Transit Center, or vehicles making deliveries to NVTA or making repairs under contract with or otherwise on behalf of NVTA.

Section 2.3.9: Fees for Parking: The Board of Directors of NVTA may establish by resolution fees to be imposed for entrance to or use of any one or more NVTA Parking Lots. Such fees shall constitute charges imposed for entrance to or use of local government property. Fees shall be reasonable and, to the extent necessary in light of the findings set forth in this Ordinance, may be lower for Transit Patrons utilizing NVTA transit facilities than for other Transit Patrons or members of the public. Payment of fees so established is an express condition upon which Vehicles may be parked in NVTA Parking Lots.

Section 2.3.10: Fees for Parking Violations: The Board of Directors of NVTA may establish by resolution fees for parking in violation of this Ordinance.

Section 2.3.11: Additional Use by Special Permit: Notwithstanding the provisions of this Section 2.3, the NVTA Executive Director may issue permits for private use of NVTA Parking Lots for public events if not inconsistent with this Ordinance.

Section 2.3.12: Issuance of Warnings: NVTA Security Officers and Private Security Officers so authorized by the NVTA Executive Director or designee may issue written warnings whenever a Vehicle is driving or parked within a NVTA Parking Lot or Park and Ride Lot in violation of the conditions and regulations set forth in this Ordinance, except as prohibited under State Law.

Section 2.4: Camping:

Section 2.4.1. Findings. Publicly accessible sidewalks, driveways, accessways, and parking areas, including but not limited to, Bus Loading Zones, Bus Transfer Stations, Park and Ride Lots, NVTA Parking Lots, and Transit Facilities should be readily accessible and available to residents, the public at large, and NVTA maintenance and emergency crews. The use of these areas for camping purposes or storage of personal

property interferes with the rights of others to use the areas for which they were intended, and also subjects those persons using such areas to substantial health and safety risks. Many persons, including families with young children, have been camping in automobiles and other public places in these areas in unsafe conditions, with no running water, toilets, cooking or sanitation facilities, even though accommodations in shelters are available to them, resulting in increased disease, illness and crime. The purpose of this chapter is to maintain public areas controlled, maintained, or accessed by NVTa in a clean and accessible condition and to diminish problems such as disease, illness and crime by encouraging the use of appropriate shelter facilities.

Section 2.4.2. Unlawful camping. Except as expressly indicated, it is prohibited and it is unlawful for any person to camp, occupy camp facilities or use camp paraphernalia in the following areas, except as otherwise provided:

A. Any Bus Loading Zones, Bus Transfer Stations, Park and Ride Lots, NVTa Parking Lots, and Transit Facilities.

B. Any NVTa public parking lot or public area, improved or unimproved, enclosed or open.

Section 2.4.3. Storage of personal property in public places. It is prohibited and it is unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following areas, except as otherwise provided by the Executive Director.

A. Any Bus Loading Zones, Bus Transfer Stations, Park and Ride Lots, NVTa Parking Lots, and Transit Facilities.

B. Any NVTa public parking lot or public area, improved or unimproved, enclosed or open.

Section 2.5: Smoking Prohibited

Smoking shall be prohibited on the grounds of the Transit Facility.

Section 2.6: Posting of Notices

The Executive Director or designee shall cause appropriate signs giving notice of the special conditions or regulations imposed under this Ordinance to be erected within the NVTa Facilities. NVTa shall prepare and keep at its principal administrative office a written statement of all special conditions and regulations imposed under this Ordinance.

Section 2.7: General

Section 2.7.1: Construction: In the interpretation of this Ordinance, provisions shall be construed as follows:

- A. The present tense includes the past and future tenses, and the future the present.
- B. References to gender include masculine, feminine and neuter.
- C. The singular number includes the plural, and the plural the singular.
- D. "Shall" is mandatory and "may" is permissive.
- E. These rules are in addition to and supplement all applicable laws or ordinances. Nothing herein shall limit or otherwise infringe on the authority of authorized Peace Officers or others to enforce the provisions of this or other laws.

SECTION 2. 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 Board of Directors of the Napa Valley Transportation Authority 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 3. This Ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 4. A summary of this Ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in the County of Napa, 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 Board of Directors of the Napa Valley Transportation Authority, held on the 20th day of July, 2022, and passed at a regular meeting of the Board of Directors of the Napa Valley Transportation Authority, held on the 21st day of September, 2022, by the following vote:


Liz Alessio, NVTA Chair

Ayes Garcia(2), Joseph(2),
Canning(1), Kraus(1),
Alessio(5), Sedgley(5),
Pedroza(2), Ramos(2),
Dohring(1), Ellsworth(1),
Tagliaboschi(1), Dunbar(1)

Nays: None

Absent: None

ATTEST:



Laura Sanderlin, NVTA Board Secretary

APPROVED AS TO FORM:



DeeAnne Gillick, NVTA Legal Counsel