

# DRAFT.

ORDINANCE NO. \_\_\_\_\_

## AN ORDINANCE AMENDING CHAPTER 9.41. & CHAPTER 9.42. SKAGIT COUNTY CODE

**WHEREAS**, SCC 9.41. and SCC 9.42. establish general provisions, rules, and regulations regarding the use of parks and trails, including, but not limited to, the use of non-motorized vehicles in Skagit County public parks and trails, as provided therein; and

**WHEREAS**, the Skagit County Parks Department has experienced a significant increase in interest and inquiries concerning the use electrically assisted pedaled bicycle (herein “e-bike”) use in Skagit County public parks and trails; and

**WHEREAS**, provisions of SCC 9.41.030, SCC 9.41.120, SCC 9.41.130, and SCC 9.42.010 define and restrict the use of use of non-motorized vehicles in Skagit County public parks and trails, and such terms and provisions do not currently acknowledge or accommodate the use of e-bikes in Skagit County parks and trails; and

**WHEREAS**, the Skagit County Parks Department, in consultation with the Skagit County Parks and Recreation Advisory Board (and upon conducting a review of the current Skagit County Code and research concerning the policies of other local jurisdictions concerning e-bike use), recognizes the utility and benefit of specifically acknowledging and authorizing the use of e-bikes in Skagit County parks and trails (including, but not limited to, increasing accessibility), subject to certain conditions; and

**WHEREAS**, the Skagit County Parks Department, in consultation with the Skagit County Parks and Recreation Advisory Board, has recommended amending SCC 9.41.030, SCC 9.41.120, SCC 9.41.130, and SCC 9.42.010 accordingly, to accommodate and allow for the use of e-bikes on Skagit County parks and trails; and

**WHEREAS**, in order to revise SCC 9.04, it was necessary to hold a Public Hearing in accordance with RCW 36.32.120, and pursuant to Resolution # **R2022**\_\_\_\_\_, a public hearing was held at the Commissioners’ Hearing Room, 1800 Continental Place, Mount Vernon, Washington 98273, on \_\_\_\_\_, at the hour of \_\_\_\_\_ a.m., or as soon thereafter as possible, for oral and written comments to be received for or against the requested Ordinance, and the Board has considered such comments.

**NOW, THEREFORE, BE IT ORDAINED** that the Board of County Commissioners hereby adopts amendments to Chapter 9.41. and Chapter 9.42. Skagit County Code, as shown in **Exhibit 1** attached hereto and incorporated by reference, effective immediately.

IN TESTIMONY WHEREOF, we hereunto set our hands and affix the official seal of our office.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

\_\_\_\_\_  
Peter Browning, Chair

\_\_\_\_\_  
Ron Wesen, Commissioner

\_\_\_\_\_  
Lisa Janicki, Commissioner

Attest:

\_\_\_\_\_  
Clerk of the Board

Approved as to form:

Approved as to Content:

\_\_\_\_\_  
Civil Deputy Prosecuting Attorney

\_\_\_\_\_  
Department Head

## EXHIBIT 1

### Chapter 9.41 PARKS AND RECREATION CODE

The following sections of SCC 9.41.030(27), SCC 9.41.120, and SCC 9.41.130 shall be revised and amended to read as follows (with all other terms and sections of SCC 9.41. to remain unrevised and unchanged):

#### **9.41.030 Definitions.**

Whenever used in this title the following items shall be defined as indicated in this Section:

(27) "Nonmotorized vehicle" shall be defined as every device capable of transporting an individual that is not powered by a mechanical device including, but not limited to, unicycles, bicycles, electrically assisted pedaled bicycles (herein "e-bikes"), tricycles, quadcycles, scooters, roller blades and skateboards, with the exception of wheelchairs.

(Ord. 2022 \_\_\_\_\_; Ord. 17255 Exh. A (part), 1998)

#### **9.41.120 Nonmotorized vehicles in County parks.**

(1) Operation of nonmotorized cycles or similar devices including electrically assisted pedaled bicycles ("e-bikes"), shall be permitted upon roads and trails in County parks, except:

- (a) Upon designated special use trails such as interpretive or exercise trails;
- (b) Upon docks, piers, floats and connecting ramps;
- (c) Where posted with prohibitory signing.

(2) Persons operating nonmotorized vehicles in County parks shall:

- (a) Only operate them during park hours;
- (b) Restrict speed and manner of operation to reasonable and prudent practices relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety and the safety of all park visitors;
- (c) Yield the right-of-way to pedestrians and equestrians;
- (d) Dismount and walk in congested areas and posted walk zones;

(e) Slow down, make presence known well in advance, and use courtesy and caution when approaching or overtaking other persons or animals;

(f) Use caution when approaching turns or areas of limited sight distance;

(g) Not disturb or harass wildlife;

(h) Operate bicycles and e-bikes as closely to the right-hand curb or right-hand side of the path, trail, or roadway as conditions will permit, and not more than two (2) bicycles and/or e-bikes shall be operated abreast;

(i) Not travel on a trail in such a manner as to endanger or be likely to endanger persons, property or animals.

(j) All bicycles and all electrically assisted pedaled bicycles ("e-bikes") shall not exceed a speed limit of fifteen miles per hour (15 MPH).

(3) This Section shall not apply to wheelchairs.

(Ord. 2022 \_\_\_\_\_; Ord. 17255 Exh. A (part), 1998)

#### **9.41.130 County parks trail policies.**

(1) Regional trails, local trail corridors, and paved pathways are open to all nonmotorized users unless otherwise designated and posted. Pedestrians, bicyclists, electrically assisted pedaled bicycles ("e-bikes"), and equestrians are permitted on all maintained soft or hard surface trails unless otherwise posted and designated. Trail use designations will be based on the master plan, resource conservation, trail user conflicts, maintenance issues, and safety hazards.

(2) Persons traveling on a trail shall obey the instructions of any official signage. For the purposes of this Section "travel" shall be construed to include all forms of nonmotorized movement or transportation on a trail by foot, bicycle, electrically assisted pedaled bicycles ("e-bikes"), horse, skateboard, roller blades and roller skates.

(3) It shall be unlawful to move or operate a motor vehicle on or over any County trail or designated trail system, unless authorized by the Department.

(4) All bicycles and all electrically assisted pedaled bicycles ("e-bikes") shall not exceed a speed limit of fifteen miles per hour (15 MPH).

(Ord. 2022 \_\_\_\_\_; Ord. 17255 Exh. A (part), 1998)

**Chapter 9.42**  
**PARKS AND PUBLIC TRAILS**

The following section of SCC 9.42.010 shall be revised and amended to read as follows (with all other terms and sections of SCC 9.42. to remain unrevised and unchanged):

**9.42.010 Motor vehicles on the Cascade Trail.**

It shall be unlawful to move or operate a motor vehicle on or over the trail corridor of the railbanked Burlington Northern right-of-way now known as the Cascade Trail.

For purposes of this section, “motor vehicle” means any self-propelled device capable of being moved upon a road or trail and transporting persons or property, and includes, but is not limited to: automobiles, mopeds, motorbikes, motorcycles, off-road vehicles, snowmobiles, and any motor vehicle as defined by RCW [46.04.320](#).

**For purposes of this section, electrically assisted pedaled bicycles (“e-bikes”) are not “motor vehicles” or motorized vehicles, and are defined per SCC 9.41.030(27).**

This section shall not apply to wheelchairs powered by electric motor, law enforcement vehicles, and maintenance and emergency vehicles and equipment (including tow trucks) authorized by Skagit County. It shall also not apply to vehicles and equipment operated by persons who have a private roadway and utility crossing easement recorded with the Skagit County Auditor’s office when such vehicles and equipment are being transported onto or crossing the trail in order to access or depart the person’s property and/or residence. This section shall also not apply to vehicles or equipment operated by persons in the course of evacuating their property and/or residences adjacent to the trail due to flood waters or other government-declared emergencies when no other reasonable means of evacuation exists and there is prior authorization by Skagit County.

Operating a motor vehicle in violation of this section shall be an infraction, punishable by a \$60 fine.

(Ord. 2022 \_\_\_\_\_; Ord. 17100 (part), 1998)