

## **CHAPTER 4: OFF-HIGHWAY MOTOR VEHICLE USE**

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### **§ 28.0401 Definitions.**

For purposes of this Chapter, the following words and terms shall have the definitions and meanings set forth below:

**HIGHWAY.** Any road, street, way, or place, publicly maintained and open to use by the public for purposes of vehicular travel. For purposes of this Chapter, the term **HIGHWAY** does not include fire trails, logging roads, service roads regardless of surface composition, any dedicated roadway or easement for road purposes that has not been accepted into the road system of the appropriate governmental jurisdiction, or other roughly graded trails and roads upon which vehicular travel by the public is permitted.

**MOTOR VEHICLE.** The meaning set forth in Vehicle Code § 415.

**OFF-HIGHWAY MOTOR VEHICLE.** The meaning set forth in Vehicle Code § 38006.

**STAGING.** A formal or informal assembly or gathering of off-highway vehicles, or other vehicles and equipment accessory thereto, including any related camping or establishment of temporary accommodations, on private or public property for purposes of coordinating the use and operation of such off-highway vehicles on such property or the surrounding areas.

### **§ 28.0402 Applicability.**

Except for § 28.0405, this Chapter shall not apply to the proper and legal operation of an off-highway motor vehicle on a highway or within any area, trail or route specifically designated or authorized by a local, State, or Federal government agency for use by off-highway motor vehicles.

### **§ 28.0403 Operating Without Permission on Private or Public Property Prohibited.**

Every person who operates an off-highway motor vehicle upon the private property of another or upon any public property, except a highway, at all times while so operating shall maintain in his or her possession written permission from the person or entity that is in possession of the property or that owns the property granting permission to operate off-highway motor vehicles thereon; except that if the same document grants permission to two or more persons, a person named in such document need not have such document in his or her possession while another person named in the same document, riding in the same group, and not more than 300 feet from such person, has such document in his or her possession. This Section shall not apply to the proper and legal operation of an off-highway motor vehicle by a property owner on a dedicated roadway or easement for road purposes (whether or not accepted into the road system of the appropriate governmental jurisdiction), if such dedicated roadway or easement is for access to and from the property owner's property.

### **§ 28.0404 Staging.**

Staging shall be permitted on private property of no less than two and one-half acres in size, consistent with the provisions of this Chapter and for no longer than six days in a 30-day period.

(Am. Ord. 4103, passed - -2010)

### **§ 28.0405 Noise Limits.**

No off-highway motor vehicle shall exceed the noise standards established in California Vehicle Code applicable to off-highway motor vehicles.

### **§ 28.0406 Disturbing the Peace and Quiet Prohibited.**

Notwithstanding any other provision in this Chapter, no person shall operate any motor vehicle (including any off-highway motor vehicle), or the motor thereof, nor shall any person organize, conduct, or participate in staging (as defined herein), in a manner that disturbs the peace or quiet of any neighborhood or person by noise, dust, smoke, or fumes caused by such motor vehicle or staging activity. The Code Enforcement Division of Land Use Services Department shall establish procedures for the investigation and enforcement of this Section, which shall be substantially similar to those contained in § 32.0119 of the County Code, except that if the offending activity occurs in the presence of a code enforcement officer or peace officer, the officer shall have the authority to issue a citation to the offending party pursuant to applicable provisions of this Code.

### **§ 28.0407 Criminal Penalty.**

(a) Except as provided in subdivisions (b), (c) and (d), a violation of this Chapter is an infraction punishable by a fine of not more than \$200.00.

(b) A second violation of this Chapter that is committed within three years after a prior violation for which there was a conviction is an infraction, punishable by a fine of not more than \$400.00.

(c) A third violation of this Chapter that is committed within three years after two violations for which there were convictions is an infraction, punishable by a fine of not more than \$500.00.

(d) A fourth or subsequent violation of this Chapter that is committed within three years after three or more prior violations for which there were convictions is a misdemeanor, punishable by a fine of not more than \$1,000.00 or by imprisonment in County jail for not more than 90 days, or by both fine and imprisonment.

(Ord. 1590, passed --1970; Am. Ord. 3096, passed --1986; Am. Ord. 3973, passed --2006; Am. Ord. 4103, passed - -2010)

### **§ 28.0408 Civil Actions.**

All violations of this Chapter may be subject to enforcement through the initiation of a civil action in accordance with this Section and in the same manner and under the same authority as provided at § 11.0207 of the San Bernardino County Code.

(Ord. 4103, passed - -2010)

### **§ 28.0409 Administrative Citations and Penalties.**

As an alternative to the criminal or civil enforcement of this Chapter, all violations of this Chapter may be subject to enforcement through the use of administrative citations in accordance with Government Code § 53069.4 and this Section, and in the same manner and under the same authority as provided at § 11.0208 of the San Bernardino County Code.

(Ord. 4103, passed - -2010)