

Cathedral City Municipal Code

Chapter 11.52 OFF-HIGHWAY MOTOR VEHICLES

Note:

* Editor's note: Ch. 11.52 was formerly titled "Off-Road Use of Motor Vehicles" and was derived for Ord. 15 adopted in 1982.

11.52.010 Definitions.

Words and phrases not specifically defined in this section shall be construed according to the context and approved usage of the language. As used in this chapter:

- A. "Motor vehicle" has the same meaning set forth in Section 415 of the California Vehicle Code.
- B. "Off-highway motor vehicle" has the same meaning set forth in Section 38006 of the California Vehicle Code.
- C. "Private lands" means any real property, including, but not limited to, unimproved rural property, vacant property, residential property and commercial property which are owned, leased, or rented by persons other than a governmental unit of the state of California, or units of any county or city, or units of the United States of America.
- D. "Public lands" means any real property, including, but not limited to, unimproved rural property and vacant property which are owned, leased, or rented by persons other than a governmental unit of the state of California, or units of any county or city, or units of the United States of America. (Ord. 620 § 1 (part), 2006)

11.52.020 Applicability of chapter.

- A. There shall be exempted from the prohibitions of this chapter the otherwise proper and legal operation of an off-highway motor vehicle on or within any area, trail or route specifically designed or authorized by local, state or federal government agency for use by off-highway motor vehicles.
- B. There shall be exempted from the prohibitions of this chapter the operation of an off-highway motor vehicle on private lands for purposes of servicing or repairing such off-highway motor vehicle; provided, however, no such operation shall include racing, competition, exhibitions of speed, demonstrations of stunts, or entertainment.
- C. Owners of real property, and their legal agents, operating an off-highway motor vehicle to conduct lawful business upon such real property shall be exempt from the provisions of this chapter.
- D. On-duty city of Cathedral City law enforcement personnel, other personnel performing lawful rescue or emergency work, and the emergency personnel of any other public entity shall be exempt from the provisions of this chapter. (Ord. 620 § 1 (part), 2006)

11.52.030 Illegal operation on private and public lands.

No person shall operate any off-highway motor vehicle on private or public lands within the jurisdictional boundaries of the city. (Ord. 620 § 1 (part), 2006)

11.52.040 Penalties.

A. **Public Nuisance.** A violation of Section 11.52.030 by any person responsible for committing, causing or maintaining such violation shall constitute a public nuisance which shall be subject to the provisions of Chapters 13.80 and 13.90.

B. **Infraction Violation.** A violation of Section 11.52.030 by any person responsible for committing, causing or maintaining such violation shall constitute an infraction violation and the violator shall be subject to the provisions set forth in Chapter 13.65, including but not limited to the imposition of any and all criminal penalties set forth therein.

C. **Civil Fines.** Any person convicted of a violation of Section 11.52.030, for each separate violation, will be subject to: (a) a fine in an amount not to exceed two hundred fifty dollars for a first conviction of an offense; (b) a fine in an amount not to exceed five hundred dollars for a second conviction of the same offense within a twelve-month period from the date of the first offense; and (c) a fine in an amount not to exceed seven hundred fifty dollars for the third conviction of the same offense within a twelve-month period from the date of the first offense. The fine for a fourth and any subsequent convictions of the same offense within a twelve-month period from the date of the first offense shall be one thousand dollars.

D. **Administrative Citation.** In lieu of issuing an infraction citation for a violation of Section 11.52.030, the city may issue an administrative citation, pursuant to Chapter 13.58, to any person responsible for committing, causing or maintaining a violation of Section 11.52.030. Nothing in this paragraph shall preclude the city from also issuing an infraction citation upon the occurrence of the same offense on a separate day.

E. **Administrative Fine.** Any person issued an administrative citation for violating Section 11.52.030 shall, for each separate violation, be subject to: (a) an administrative fine in an amount not to exceed one hundred dollars for the first citation; (b) an administrative fine in an amount not to exceed two hundred fifty dollars for a second citation issued for the same offense within a twelve-month period from the date of the first offense; and (c) a fine in an amount not to exceed five hundred dollars for a third and any subsequent citation issued for the same offense within a twelve-month period from the date of the first offense.

F. Nothing in this section shall preclude the city from also pursuing any other remedies provided by law such as those remedies set forth in the Cathedral City Municipal Code at Chapter 13.140 including, but not limited to, injunctive relief. (Ord. 620 § 1 (part), 2006)

11.52.050 Nuisance vehicles—Forfeiture and seizure.

Any off-highway motor vehicle used in violation of this chapter shall be deemed to be a nuisance vehicle pursuant to Section 13.80.230 and shall be subject to the forfeiture and seizure provisions contained therein. (Ord. 620 § 1 (part), 2006)