

February 24, 2022

ORDINANCE NO. 1548

BY Julie Dachtler
DEPUTY CLERK OF THE BOARD

**AN ORDINANCE OF THE YOLO COUNTY BOARD OF SUPERVISORS
PROHIBITING THE OPERATION OF OFF-HIGHWAY VEHICLES WITHIN CACHE
CREEK**

The Board of Supervisors of the County of Yolo, hereby ordains as follows:

SECTION 1. PURPOSE

The purpose of this Ordinance is to prohibit the operation of motor vehicles, including but not limited to off-highway vehicles, in Cache Creek. Currently, the use of off-highway vehicles within Cache Creek causes a public nuisance because of noise, trespass, crime, and littering, and is increasingly impacting land, wildlife habitat, and other natural resources. The County has received many complaints regarding trespassing and unnecessary damage to both public and private property caused by the unauthorized operation of off-highway vehicles. The County’s prior efforts to address these issues have largely been unsuccessful.

Under Article XI, Section 7, of the Constitution of the State of California, the County is authorized to adopt and enforce regulations for the public health, safety, and welfare that are not in conflict with the general laws of the State. Further, Section 38301 of the California Vehicle Code authorizes the County to adopt special regulations relating to the operation of vehicles on public lands. The intent of this Ordinance is to prohibit the operation of off-highway vehicles and motor vehicles on both public and private lands in Cache Creek to abate the public nuisances and to ensure the protection of sensitive resource areas and private property.

**SECTION 2. AMENDMENTS TO TITLE 10, CHAPTER 12
OF THE COUNTY CODE**

Title 10, Chapter 12 is hereby amended to read as follows:

Sec. 10-12.101. Definitions.

For the purposes of this chapter, the following words and terms shall have the definitions and meanings set forth below (whether the term is capitalized or not):

- (a) "Highway" shall have the meaning set forth in section 360 of the California Highway Code, and shall include any road, street, way, or place, including the entire width of the right-of-way of any County road, upon which vehicular travel by the public is permitted.
- (b) "Off-Highway Vehicle" shall have the meaning set forth in section 38006 of the California Vehicle Code, and shall include motorcycles designed for off-road use, sand buggies, dune buggies, all-terrain vehicles (ATVs), jeeps, go-carts, and other similar vehicles.
- (c) "Motor Vehicle" shall have the meaning set forth in section 415 of the California Vehicle Code.
- (d) "Cache Creek" shall refer to the bed and banks of the waterway from the Lake/Yolo County line to the Creek’s terminus in the Cache Creek Settling Basin.

(e) "Public Land" shall refer to areas, other than a highway, that are open and accessible to the public, except private lands under the immediate control of the owner or his or her agent where permission is required and has been granted to operate a motor vehicle.

Sec. 10-12.102. Applicability.

This chapter shall not apply to the proper and legal operation of an off-highway vehicle on a highway or within any area, trail, or route specifically designated or authorized by a state or federal government agency for use by off-highway vehicles.

Sec. 10-12.103. Activities on the banks and bed of Cache Creek.

- (a) Except as may be authorized pursuant to sections 10-12.104(b), no person shall operate a motor vehicle or off-highway vehicle on the banks or bed of Cache Creek. Notice of this prohibition shall be posted at legal public access points to Cache Creek.
- (b) The prohibition of subsection (a) shall not apply to the operation of a motor vehicle for the purpose of launching watercraft in appropriately designated areas, to the reasonable use of motor vehicles or off-highway vehicles by rafting concessionaires authorized by the County to operate along Cache Creek, or to ingress and egress in response to emergency medical, fire, riparian restoration conducted with a valid permit from the California Department of Fish and Wildlife under the direction of the County, or other law enforcement, health, and safety situations that require the use of motor vehicles or off-highway vehicles.
- (c) No person may possess or consume alcoholic beverages on the banks or bed of Cache Creek.

Sec. 10-12.104. Prohibition of operation on County property.

- (a) Subjection to the exceptions in subsection (b), no motor vehicle or off-highway vehicle shall be operated on any non-highway property owned by the County, unless otherwise posted or authorized in writing by the County.
- (b) The prohibition of subsection (a) shall not apply to the operation of a motor vehicle for the purpose of launching watercraft in appropriately designated areas, to the reasonable use of motor vehicles or off-highway vehicles by rafting concessionaires authorized by the County to operate along Cache Creek, or to ingress and egress in response to emergency medical, fire, riparian restoration conducted with a valid permit from the California Department of Fish and Wildlife under the direction of the County, or other law enforcement, health, and safety situations that require the use of motor vehicles or off-highway vehicles.

Sec. 10-12.105. Restriction on operation on private property.

No person shall drive an off-highway vehicle upon the private property of another without the prior written permission of the person or entity that owns the property. The operator shall maintain any such written permission on his or her person at all times while on such property, except that if the same document grants permission to two or more persons, a person named in the document need not have such document in his or her possession while with another person named in the document, riding not more than 300 feet away, who has such document in his or her possession.

Sec. 10-12.106. Safety.

- (a) **Helmets.** A person shall not operate, ride, or be otherwise propelled on an Off-Highway Vehicle on any highway or public land unless the person wears a safety helmet meeting requirements established for motorcycles and motorized bicycles, pursuant to California Vehicle Code Section 27802.
- (b) **Whip and flag.** Any Off-Highway Vehicle operating on any highway or public land shall have a whip and flag securely attached to it. Each whip shall extend at least eight feet from the surface of the ground and have at least one safety flag attached to it. This safety flag shall be a solid red or orange color and be attached within ten inches of the top of the whip. The safety flag shall be a minimum size of six inches by twelve inches and may be a pennant, triangle, square, or rectangular shape. Any additional flags may be attached to the whip but must be mounted below the safety flag.

Sec. 10-12.107. Penalties.

- (a) Except as provided in subsections (b), (c), and (d), below, a violation of this chapter is an infraction punishable by a fine of not more than \$100.00.
- (b) A second violation of this chapter that is committed within one year of a prior violation is an infraction, punishable by a fine of not more than \$200.00.
- (c) A third violation of this chapter that is committed within one year after two violations 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 violations is a misdemeanor, punishable by a fine of not more than \$1,000.00 or by imprisonment in the County jail for not more than ninety (90) days, or by both fine and imprisonment.

SECTION 3. SEVERABILITY

If any section, sub-section, sentence, clause, or phrase of this Ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance, and each section, sub-section, sentence, clause, and phrase hereof, irrespective of the fact that one or more sections, sub-sections, sentences, clauses, and phrases be declared invalid.

SECTION 4. EFFECTIVE DATE

This Ordinance shall take effect and be in force 30 days after passage. Prior to expiration of fifteen days after its passage of this Ordinance, it shall be published by title and summary only in the Davis Enterprise or other newspaper of general circulation together with the names of members of the Board of Supervisors voting for and against the same.

I HEREBY CERTIFY that the foregoing Ordinance was introduced before the Board of Supervisors of the County of Yolo on February 8, 2022 and said Board adopted this Ordinance on the 22nd day of February, 2022 by the following vote:

AYES: Villegas, Saylor, Sandy, Provenza, Barajas.

NOES: None.

ABSENT: None.

ABSTAIN: None.



Angel Barajas, Chair
Yolo County Board of Supervisors

ATTEST:
Julie Dachtler, Senior Deputy Clerk
Board of Supervisors

APPROVED AS TO FORM:
Philip J. Pogledich
County Counsel

By 

Senior Deputy (Seal)



By 

Eric May, Senior Deputy