

NOTICE OF PUBLIC HEARINGS
ALPINE COUNTY BOARD OF SUPERVISORS

DATE: October 6, 2009
TIME: 10:00 a.m.
PLACE: 99 Water Street, Markleeville, CA, 96120 (Behind the Courthouse in the Board of Supervisors Chambers).

Notice is hereby given that the Alpine Board of Supervisors will hold a public hearing on the following item:

First reading and possible action to adopt a new ordinance amending and superseding Alpine County Code Section 10.21 (Operation of Motorized Vehicles on Common Areas in Bear Valley) and Section 10.24 (Snowmobiles). Taken together, the proposed amendments to Sections 10.21 and 10.24 address the manner of operation of snowmobiles and other oversnow vehicles in general, and more specifically within common areas and open space tracts in Bear Valley. Copies of the proposed amendments are available for public review in the following locations:

Alpine County Library – Bear Valley, 367 Creekside Drive, Bear Valley, CA
Alpine County Library – Markleeville, 270 Laramie Street, Markleeville, CA
Alpine County Clerk – 99 Water Street, Markleeville, CA
Alpine County Community Development Department – 50 Diamond Valley Road, Markleeville, CA
Alpine County Web Site – www.alpinecountyca.gov. (look under recently added documents)

Written comments may be submitted in advance of the public hearing to the Alpine County Board of Supervisors, P.O. Box 158, Markleeville, CA 96120, faxed to 530-694-2491, dropped off at the County Clerk's office in Markleeville (County Administration, 99 Water Street) during normal business hours or emailed to the County Clerk at coclerk@alpinecountyca.com.

AGENDA TRANSMITTAL



TO: Board of Supervisors

FROM: Brian Peters

DATE: October 6, 2009

PREPARED BY: Brian Peters

TITLE: First reading and possible action to adopt a new ordinance amending and superseding Alpine County Code Section 10.21 (Operation of Motorized Vehicles on Common Areas in Bear Valley) and Section 10.24 (Snowmobiles). Taken together, the proposed amendments to Sections 10.21 and 10.24 address the manner of operation of snowmobiles and other oversnow vehicles in general, and more specifically within common areas and open space tracts in Bear Valley. (Applicant: Alpine County).

SUMMARY: The proposed ordinance is presented to the Board for first reading.

RECOMMENDED ACTION: Waive the first reading and set the second reading and possible adoption of the ordinance for the Board's next meeting on October 20, 2009. .

ISSUE STATEMENT AND DISCUSSION: See attached staff memo. Attachment 1 to the memo is the proposed ordinance revision. Attachment 2 contains the current county code language.

FISCAL IMPACT:	<i>(Not Applicable)</i>	SOURCE	
1) Budgeted Current Fiscal Year	<u>\$0.00</u>	<input type="checkbox"/> Unanticipated	<u>\$0.00</u>
2) Total Anticipated Cost Current Year	<u>\$0.00</u>	<input type="checkbox"/> Revenue From Contingency	<u>\$0.00</u>
3) Total Anticipated Cost Annual Year	<u>\$0.00</u>	Other:	<u>\$0.00</u>

NOTATIONS / INSTRUCTIONS:

PERSONNEL IMPACT:

INSTRUCTIONS TO BOARD: Copy to: County Clerk



COUNTY OF ALPINE
Community Development

Brian Peters, Director

Memo

To: Board of Supervisors

From: Brian Peters

Date: 9/23/2009

Re: First reading and possible action to adopt a new ordinance amending and superseding Alpine County Code Section 10.21 (Operation of Motorized Vehicles on Common Areas in Bear Valley) and Section 10.24 (Snowmobiles).

Background

In September 2007, the staff conducted a workshop in Bear Valley in response to community concerns with a new snowmobile trail and snowmobile travel through open space and common areas in general. As a result of the workshop, a task force was formed and asked to make recommendations to the Board of Supervisors. The task force recommendations were presented to the Board in July 2008. The recommendation focused primarily on designation of a new snowmobile trail that would connect Bear Valley Road to Creekside Drive. The task force included a number of related recommendations, including better enforcement of the existing ordinances applicable to snowmobile use in common areas and open space in Bear Valley. County Counsel and Community Development staff identified the need to revise existing ordinance language to make it more enforceable, and to clearly recognize necessary travel through common areas and open space in Bear Valley that has been acceptable to the community.

The draft ordinance presented to the Board has been reviewed by the CSA Board and the Bear Valley Public Safety Officer. It has also been discussed at the Bear Valley Residents Inc. annual meeting held in September. Copies have also been sent directly to individuals that participated in the community workshops and task force meetings. A copy was also sent to the Bear Valley library for public review.

Ordinance Revisions

Attachment 1 to this memo contains the revised ordinance. Attachment 2 is the current County Code language. The substantive changes to the ordinance are summarized below.

10.21.030 Exemptions: The cross reference to Section 10.24.070 has been revised to be consistent with changes made to that section.

10.24.020 Definitions: A definition of oversnow vehicles (Subsection C) has been added, and subsequent definitions are renumbered. This definition is necessary to capture the full extent of vehicle types that travel over snow. Where applicable, the term “oversnow vehicle” has been inserted throughout the ordinance in place of “snowmobile”.

10.24.050 Hours of Operation: Language has been revised for clarity, better enforceability and to recognize that packing and grooming equipment needs to operate without time of day restrictions.

10.24.070 Unlawful Activities Designated

Subsection A.1: The maximum speed limit has been reduced from 20 mph to 15 mph.

Subsection C: This section includes the most important changes addressing travel through common areas and open space. Travel across these areas is limited to the shortest safe route (Subsection C.1), and on two designated trails that are described and shown on a map (Subsection C.2). Subsection 3 allows for packing and grooming on the Bear Valley Road to Creekside Drive trail, and within the common areas and open space for ski area operation and maintenance activities that have been approved by the County. The latter is necessary because new ski trails are anticipated to cross through common areas and open space to reach the base of the proposed new village lift that will connect Bear Valley to the ski area. The Monte Wolfe to Quaking Aspen short cut trail is too narrow for packing and grooming.

Subsection D: The language regarding Burnside Lake Road has been moved to a new section (10.24.120). Subsection D now includes additional restrictions for oversnow vehicle travel across common areas and open space in Bear Valley. The intent of D.1 is to prohibit recreational riding wholly within common areas and open space. This does not restrict riding across these areas to access recreation trails outside of Bear Valley.

Attachment 1

Revisions to Section 10.21 and 10.24

ORDINANCE OF THE BOARD OF SUPERVISORS)	
COUNTY OF ALPINE, STATE OF CALIFORNIA,)	ORDINANCE NO.
AMENDING ALPINE COUNTY CODE SECTIONS)	_____ -09
10.21 (OPERATION OF MOTORIZED VEHICLES)	
ON COMMON AREAS IN BEAR VALLEY) AND)	
10.24 (SNOWMOBILES))	
_____)	

SECTION I RECITALS

WHEREAS, Alpine County has enacted Alpine County Code Sections 10.21 (Operation of Motorized Vehicles in Common Areas in Bear Valley) and 10.24 (Snowmobiles); and,

WHEREAS, Adoption of the proposed ordinance to amend Sections 10.21 and 10.24 of the Alpine County Code is exempt from CEQA (CEQA Guidelines Section 15305):

15305. MINOR ALTERATIONS IN LAND USE LIMITATIONS

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density; and,

WHEREAS, on October 6, 2009 the Alpine County Board of Supervisors held a duly noticed public hearing pursuant to applicable law.

NOW, THEREFORE, BE IT ORDAINED, that the Board of Supervisors, County of Alpine, State of California, approves ordinance to amend the Alpine County Code Sections 10.21 and 10.24 as specifically described in Exhibit A attached hereto.

SECTION II ALL SECTIONS TO REMAIN IN EFFECT

All other portions of the Alpine County Code shall remain in full force and effect.

SECTION III CONSTITUTIONALITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that only one or more section, subsection, sentences clauses or phrases be declared invalid.

SECTION IV EFFECTIVE DATE

This ordinance, with the names of the members of the Board of Supervisors voting for or against the same, shall become effective and in full force and effect at 12:01 a.m. on the thirtieth (30th) day after passage; and, before expiration of fifteen (15) days after its passage, shall be posted in a prominent location at the Board of Supervisor's chambers and remain posted thereafter for at least one week.

PASSED AND ADOPTED this 20th day of October 2009 by the following vote:

AYES:

NOES:

ABSENT:

Phillip D. Bennett, Chair
Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Barbara Howard, County Clerk
and ex-officio Clerk of the
Board of Supervisors

Martin Fine, County Counsel

Board of Supervisors

Ordinance No. _____-09

Exhibit A

Chapter 10.21

OPERATION OF MOTORIZED VEHICLES ON COMMON AREAS IN BEAR VALLEY

Sections:

- [10.21.010](#) Operation of motorized vehicles on common areas prohibited.
- [10.21.020](#) Definition of motorized vehicle.
- [10.21.030](#) Exemptions.
- [10.21.040](#) Violation—Penalty.

10.21.010 Operation of motorized vehicles on common areas prohibited.

It is unlawful for any person to operate a motorized vehicle in the Bear Valley community on those areas known as common areas or open space. These areas include those shown as common areas, areas in common, or open spaces on the 1978 Bear Valley Master Plan Map and also shown on the following record maps of the county of Alpine as recorded:

Book	Map/ Page	Map Name
1	65-16	Bear Valley Tract #1 SM
1	65-17	Bear Valley Tract #2 SM
1	66-20	Bear Valley Tract #3 SM
1	67-22	Bear Valley Tract #4 SM
1	74-69	Bear Valley Tract #5 SM
1	80-114	Bear Valley Co. PM
1	82-136	Bear Valley Tract #6
4	94-10	Bear Paw Ridge SM

(Ord. 592 § 1, 1996)

10.21.020 Definition of motorized vehicle.

For the purpose of this chapter, a “motorized vehicle” is defined as any vehicle powered by a motor, including, but not limited to:

- A. Automobiles and trucks;
- B. Motorcycles or motor-driven cycles;
- C. Any vehicle considered as off-road or all-terrain vehicle. (Ord. 592 § 2, 1996)

10.21.030 Exemptions.

Vehicles exempt from chapter provisions include:

- A. Snowmobiles, when they are operated in accordance with Section [10.24.070](#)(C) and (D) of this code;
- B. Emergency vehicles when responding to an emergency situation;
- C. Vehicles which belong to any federal, state or local governmental entity when acting within the scope of such entity’s powers. (Ord. 592 § 3, 1996)

10.21.040 Violation—Penalty.

Any failure to comply with the provisions of this chapter is a misdemeanor punishable by a fine of three hundred dollars and/or imprisonment for a term of not more than three months. (Ord. 592 § 4, 1996)

Chapter 10.24 SNOWMOBILES AND OVERSNOW VEHICLES

Sections:

10.24.010	Title for citation.
10.24.020	Definitions.
10.24.030	Rules for operating on snowways.
10.24.040	Yielding right-of-way.
10.24.050	Hours of operation.
10.24.060	Operation on private property.
10.24.070	Unlawful activities designated—Conditions for use in common areas.
10.24.080	Attachment to other vehicles prohibited.
10.24.090	Parking and obstruction prohibited where.
10.24.100	Violation—Penalty—Exemptions.
10.24.110	Speed limits—Blue Lakes Road.

10.24.010 Title for citation.

This chapter shall be known and may be referred to as the “Alpine County Snowmobile Ordinance.” (Ord. 442 §1, 1984)

10.24.020 Definitions.

As used in this chapter, the following terms shall have the meanings indicated in this section, unless the context clearly requires that another meaning be intended.

A. “Operator” means and includes every person who operates or is in actual physical control of the operation of a snowmobile.

B. “Owner” means and includes every person, other than a lienholder or other person having a security interest only, holding record title to a snowmobile, and entitled to the use or possession thereof.

C. “Oversnow Vehicle” means any motor vehicle designed to travel over ice or snow including, but not limited to, snowmobiles and snow grooming equipment.

D. “Person” means and includes an individual, partnership, association, corporation, or any other body or group of persons.

E. “Roadway” means and includes those portions of any road, highway, street, lane, parking lot, improved, designed or ordinarily used for travel or parking of wheeled motor vehicles which is cleared and maintained by snow removal equipment.

F. “Snowmobile” means a motor vehicle designed to travel over ice or snow in whole or in part on skis, belts or cleats,.

G. “Snowway” means a roadway closed to wheeled vehicular traffic during winter snow conditions and specifically groomed and packed for the use of pedestrians, persons on skis, snowmobiles and other over-snow tracked vehicles, and, unless otherwise precluded by state law, three and four-wheeled all-terrain vehicles. (Ord. 532 §§ 1 (part), 2, 1991; Ord. 442 § 3, 1984)

10.24.030 Rules for operating on snowways.

Every person operating an oversnow vehicle upon a publicly maintained and packed snowway shall ride as near to the right-hand side of the snowway as practicable, exercising due care when passing a standing vehicle or vehicle proceeding in the same direction. Persons operating snowmobiles upon a snowway shall not ride more than single file, except on such paths as may be set aside for the exclusive use of snowmobiles. (Ord. 532 § 1 (part), 1991: Ord. 442 § 7, 1984)

10.24.040 Yielding right-of-way.

Oversnow vehicles entering any intersection shall yield the right-of-way to all pedestrians and persons proceeding by nonmotorized or motorized means, and when operating on a snowway shall yield the right-of-way to all such pedestrians. Pedestrians on snowways shall not proceed more than two abreast and shall stay as near the right side of the snowway as practical. It is unlawful for any pedestrian or motorized or nonmotorized vehicle to deliberately attempt to obstruct the normal traffic flow of automobiles or other over-the-snow vehicles upon a roadway. (Ord. 532 § 1 (part), 1991: Ord. 442 § 8, 1984)

10.24.050 Hours of operation.

Use of oversnow vehicles during the hours of ten p.m. and six a.m. shall be limited to the purpose of traveling from one specific destination to another. No oversnow vehicle may be operated between the hours of ten p.m. and six a.m. in a manner that repeats a route, involves excessive noise or extended trips. This limitation does not apply to packing and grooming of snowways and trails. (Ord. 532 § 1 (part), 1991: Ord. 442 § 6, 1984)

10.24.060 Operation on private property.

Oversnow vehicles may not be operated upon private property without the consent of the owner or tenant thereof. (Ord. 442 § 5, 1984)

10.24.070 Unlawful activities designated—Conditions for use in common areas.

A. It is unlawful for any person to operate an oversnow vehicle upon a snowway in any of the following ways:

1. At a speed greater than is reasonable and prudent, having due regard for weather, visibility, traffic on and the surface and width of the snowway, and in no event in excess of fifteen miles per hour within developed or congested areas;
2. In violation of California motor vehicle traffic laws, such as, but not necessarily limited to, right-of-way at intersections, direction of traffic, stopping at stop signs, yielding at intersections and to emergency vehicles, pedestrian right-of-way, and applicable manufacturer's equipment requirements;
3. In a careless, reckless or negligent manner so as to endanger a person or property;
4. On a roadway maintained by snow removal equipment, except to cross such highway at an angle of approximately ninety degrees to the direction of the roadway and at a place where no obstruction prevents a quick and safe crossing;
5. For the purpose of trespassing or of violating Section 602 of the Penal Code;
6. Without a lighted headlight and a lighted taillight between the hours of sunset to sunrise;
7. With any mechanical parts which violate any California or federal laws;

8. When such operator, because of age, immaturity, physical or mental condition or physical or mental disability, is incapable of operating a snowmobile safely.

B. Oversnow vehicles may not be operated on private property without the consent of the owner or tenant thereof.

C. Oversnow vehicles may use common areas and open space only as follows:

1. To directly travel to and from any specific location within Bear Valley and to connect to other areas, provided that such travel across common areas and/or open space shall be the shortest safe route to and from the closest groomed road;

2. On the established trails listed in a and b below that pass through open space and or common area specifically as shown on the attached map (Exhibit A-1). Oversnow vehicle travel on these trails is only permitted within the established trail and is not permitted off trail or in any area adjacent to the trail.

a. Trail connecting Bear Valley Road to Creekside Drive that passes through Parcel E – Open Space

b. Trail that passes through common area connecting the Monty Wolf (aka Monte Wolfe) Road to Quaking Aspen Road

3. For snowway and trail packing and grooming operations as follows:

a. On the trail connecting Bear Valley Road to Creekside Drive that passes through Parcel E – Open Space (see Exhibit A-1 as referenced in Section C.2)

b. On ski trails and for ski area operation and maintenance in areas that have been approved by the County for such use. County approval may be granted by a license, easement, agreement or other form as may be approved by the Board of Supervisors;

3. For emergency response purposes.

D. Except as specifically allowed in Section C above, oversnow vehicles are prohibited from using common areas and open space as follows:

1. For recreational purposes within the common areas and open space;

2. At speeds in excess of 15 miles per hour;

3. In a manner dangerous to any person or property;

4. If propelled in any manner by wheels or tires.

10.24.080 Attachment to other vehicles prohibited.

No person riding upon a snowmobile shall attach, or allow to be attached, to a snowmobile upon which he is riding, or to himself, any other vehicle or person. This shall not be construed to prohibit the attachment of properly constructed trailers or cabooses. (Ord. 442 § 9, 1984)

10.24.090 Parking and obstruction prohibited where.

A. No person shall park an oversnow vehicle or other vehicle on the packed portion of any snowway, except that snowmobiles may only be parked in the following designated areas in accordance with this section:

1. Along the designated edges of the groomed portions of Bear Valley Road from the seasonal road closure north of No Name Road to Orvis Road. Snowmobiles may only be parked in this location within ten feet of the edge of the groomed snowway and at no time shall any snowmobile be parked so as to block a twenty-foot-wide emergency travelway down the middle of the snowway.

2. No snowmobile parking shall be permitted on the right (east) side of Bear Valley Road from the seasonal road closure north of No Name Road to Orvis Road from seven p.m. Monday to seven a.m. Tuesday and from seven p.m. Wednesday to seven a.m. Thursday.

3. No snowmobile parking shall be permitted on the left (west) side of Bear Valley Road from the seasonal road closure north of No Name Road to Orvis Road from seven p.m. Tuesday to seven a.m. Wednesday and from seven p.m. Thursday to seven a.m. Friday.

4. Along the designated edges of Quaking Aspen Road from the entrance to Parking Lot C to Fremont Road. Snowmobiles may only be parked in this location within ten feet of the edge of the groomed snowway and at no time shall any snowmobile be parked so as to block a twenty-foot-wide emergency travelway down the middle of the snowway.

5. No snowmobile parking shall be permitted on the right (north) side of Quaking Aspen Road from the entrance to Parking Lot C to Fremont Road seven p.m. Monday to seven a.m. Tuesday and from seven p.m. Wednesday to seven a.m. Thursday.

6. No snowmobile parking shall be permitted on the left (south) side of Quaking Aspen Road from the entrance to Parking Lot C to Fremont Road from seven p.m. Tuesday to seven a.m. Wednesday and from seven p.m. Thursday to seven a.m. Friday. B. No person shall park a snowmobile or over-snow vehicle on any portion of a plowed roadway. (Ord. 600 § 1, 1997; Ord. 532 § 1 (part), 1991; Ord. 442 § 10, 1984)

10.24.100 Violation—Penalty—Exemptions.

A. Violation of any part of this chapter is an infraction and shall be punishable by a fine of not more than one hundred dollars.

B. This chapter is violated whenever a person does any act forbidden by it or fails to do any act required by it; however, the provisions of this chapter shall not apply to motorized vehicles used by public agencies or by public or private telephone, electric, gas, water and sewer utility companies or districts. (Ord. 442 § 11, 1984)

10.24.110 Speed limits—Blue Lakes Road.

A. Blue Lakes Road—Snowmobile Speed Limits. The board of supervisors does hereby determine and declare that the speed limit most appropriate to facilitate orderly movement of snowmobile traffic on Blue Lakes Road is as follows:

1. Pursuant to California Vehicle Code 38310, the prima facie speed limit for off-highway vehicles within fifty feet of any campground, campsite, or concentration of people or animals shall be fifteen miles per hour. Said speed limit shall be from the staging area of the Blue Lakes Snowmobile Park and continue 0.1 miles south along Blue Lakes Road.

2. From 0.1 mile to 1.1 mile on Blue Lakes Road, the speed limit for the off-highway vehicles in the residential zone, including the entrance to Blue Camas Road, shall be thirty-five miles per hour.

3. From 1.1 mile marker, approximately twelve miles, to Lower Blue Lake shall be forty-five miles per hour.

4. The public works director or his/her designee, in consultation with the sheriff, shall place and maintain, or cause to be placed and maintained, speed limit, speed advisory, and mileage signs, or suitable plates affixed to or near existing signs, which indicate speeds and distances both in common standards of measure, as specified in Section 12302 of the Business and Professions Code, to carry out the provisions of this section.

B. Exceptions to Section Provisions. The provisions of this section shall not apply to emergency vehicles and such vehicles as may be authorized for emergency response and search-and-rescue operations.

C. Violation—Authority and Penalty.

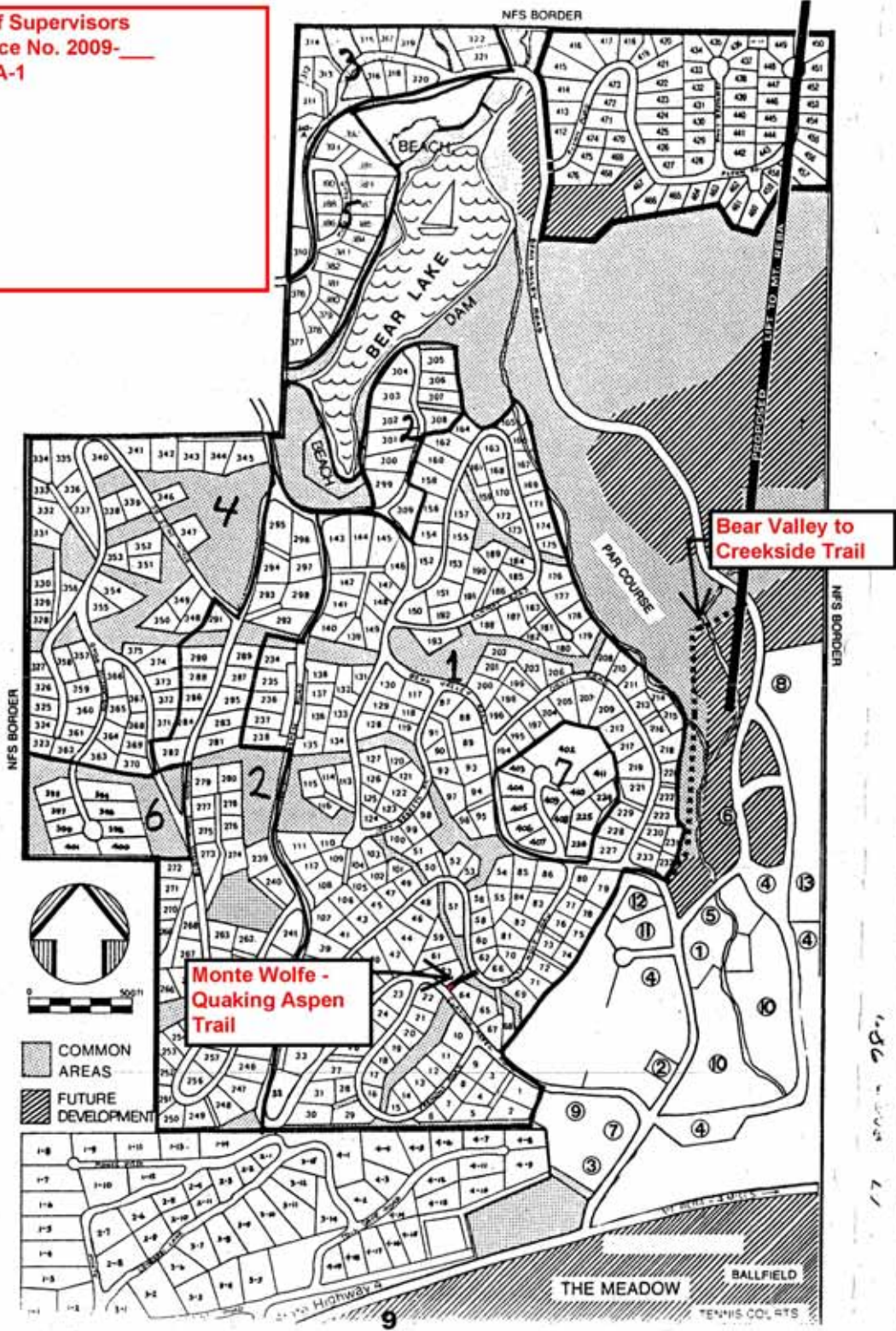
1. Any regularly employed and salaried deputy of the sheriff's office in the county or law enforcement employee duly authorized by the sheriff will have the authority to issue citations pursuant to this chapter.

2. Any person violating the provisions of this chapter shall be guilty of a misdemeanor/infracton, and upon conviction, shall be punished by a fine of not more than five hundred dollars, or imprisonment in the county jail for a period not exceeding six months, or both such fine and imprisonment. (Ord. 683 §§ 1, 2, 3, 2008)

10.24.120 All Terrain Vehicles- Burnside Lake Road.

It is unlawful for any person to operate a three or four wheeled all-terrain vehicle upon Burnside Lake Road during winter closure. (Ord. 542 § 1, 1992; Ord. 532 § 1 (part), 1991; Ord. 442 § 4, 1984)

Board of Supervisors
Ordinance No. 2009-____
Exhibit A-1



17 500' - 78"

Attachment 2

Current County Ordinance – Sections 10.21 and 10.24

Chapter 10.21

OPERATION OF MOTORIZED VEHICLES ON COMMON AREAS IN BEAR VALLEY

Sections:

- [10.21.010](#) Operation of motorized vehicles on common areas prohibited.
- [10.21.020](#) Definition of motorized vehicle.
- [10.21.030](#) Exemptions.
- [10.21.040](#) Violation—Penalty.

10.21.010 Operation of motorized vehicles on common areas prohibited.

It is unlawful for any person to operate a motorized vehicle in the Bear Valley community on those areas known as common areas or open space. These areas include those shown as common areas, areas in common, or open spaces on the 1978 Bear Valley Master Plan Map and also shown on the following record maps of the county of Alpine as recorded:

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(Ord. 592 § 1, 1996)

10.21.020 Definition of motorized vehicle.

For the purpose of this chapter, a “motorized vehicle” is defined as any vehicle powered by a motor, including, but not limited to:

- A. Automobiles and trucks;
- B. Motorcycles or motor-driven cycles;
- C. Any vehicle considered as off-road or all-terrain vehicle. (Ord. 592 § 2, 1996)

10.21.030 Exemptions.

Vehicles exempt from chapter provisions include:

- A. Snowmobiles, when they are operated in accordance with Section [10.24.070\(C\)\(1\)](#) through (C)(4) of this code;
- B. Emergency vehicles when responding to an emergency situation;
- C. Vehicles which belong to any federal, state or local governmental entity when acting within the scope of such entity’s powers. (Ord. 592 § 3, 1996)

10.21.040 Violation—Penalty.

Any failure to comply with the provisions of this chapter is a misdemeanor punishable by a fine of three hundred dollars and/or imprisonment for a term of not more than three months. (Ord. 592 § 4, 1996)

Chapter 10.24 SNOWMOBILES

Sections:

10.24.010	Title for citation.
10.24.020	Definitions.
10.24.030	Rules for operating on snowways.
10.24.040	Yielding right-of-way.
10.24.050	Hours of operation.
10.24.060	Operation on private property.
10.24.070	Unlawful activities designated—Conditions for use in common areas.
10.24.080	Attachment to other vehicles prohibited.
10.24.090	Parking and obstruction prohibited where.
10.24.100	Violation—Penalty—Exemptions.
10.24.110	Speed limits—Blue Lakes Road.

10.24.010 Title for citation.

This chapter shall be known and may be referred to as the “Alpine County Snowmobile Ordinance.” (Ord. 442 §1, 1984)

10.24.020 Definitions.

As used in this chapter, the following terms shall have the meanings indicated in this section, unless the context clearly requires that another meaning be intended.

A. “Operator” means and includes every person who operates or is in actual physical control of the operation of a snowmobile.

B. “Owner” means and includes every person, other than a lienholder or other person having a security interest only, holding record title to a snowmobile, and entitled to the use or possession thereof.

C. “Person” means and includes an individual, partnership, association, corporation, or any other body or group of persons.

D. “Roadway” means and includes those portions of any road, highway, street, lane, parking lot, improved, designed or ordinarily used for travel or parking of wheeled motor vehicles which is cleared and maintained by snow removal equipment.

E. “Snowmobile” means a motor vehicle designed to travel over ice or snow in whole or in part on skis, belts or cleats, or designated all-terrain vehicles.

F. “Snowway” means a roadway closed to wheeled vehicular traffic during winter snow conditions and specifically groomed and packed for the use of pedestrians, persons on skis, snowmobiles and other over-snow tracked vehicles, and, unless otherwise precluded by state law, three and four-wheeled all-terrain vehicles. (Ord. 532 §§ 1 (part), 2, 1991; Ord. 442 § 3, 1984)

10.24.030 Rules for operating on snowways.

Every person operating a snowmobile, other tracked vehicle, or all-terrain vehicle upon a publicly maintained and packed snowway shall ride as near to the right-hand side of the snowway as practicable, exercising due care when passing a standing vehicle or vehicle proceeding in the same direction. Persons operating snowmobiles upon a snowway shall not ride

more than single file, except on such paths as may be set aside for the exclusive use of snowmobiles. (Ord. 532 § 1 (part), 1991: Ord. 442 § 7, 1984)

10.24.040 Yielding right-of-way.

Snowmobiles entering any intersection shall yield the right-of-way to all pedestrians and persons proceeding by nonmotorized or motorized means, and when operating on a snowway shall yield the right-of-way to all such pedestrians. Pedestrians on snowways shall not proceed more than two abreast and shall stay as near the right side of the snowway as practical. It is unlawful for any pedestrian or motorized or nonmotorized vehicle to deliberately attempt to obstruct the normal traffic flow of automobiles or other over-the-snow vehicles upon a roadway. (Ord. 532 § 1 (part), 1991: Ord. 442 § 8, 1984)

10.24.050 Hours of operation.

No snowmobile may be operated between the hours of ten p.m. and six a.m., except in going to or returning from an evening ride, or necessary travel between residences and/or places of business. (Ord. 532 § 1 (part), 1991: Ord. 442 § 6, 1984)

10.24.060 Operation on private property.

Snowmobiles may not be operated upon private property without the consent of the owner or tenant thereof. (Ord. 442 § 5, 1984)

10.24.070 Unlawful activities designated—Conditions for use in common areas.

A. It is unlawful for any person to operate a snowmobile, other tracked vehicle or all-terrain vehicle upon a snowway in any of the following ways:

1. At a speed greater than is reasonable and prudent, having due regard for weather, visibility, traffic on and the surface and width of the snowway, and in no event in excess of twenty miles per hour within developed or congested areas;
2. In violation of California motor vehicle traffic laws, such as, but not necessarily limited to, right-of-way at intersections, direction of traffic, stopping at stop signs, yielding at intersections and to emergency vehicles, pedestrian right-of-way, and applicable manufacturer's equipment requirements;
3. In a careless, reckless or negligent manner so as to endanger a person or property;
4. On a roadway maintained by snow removal equipment, except to cross such highway at an angle of approximately ninety degrees to the direction of the roadway and at a place where no obstruction prevents a quick and safe crossing;
5. For the purpose of trespassing or of violating Section 602 of the Penal Code;
6. Without a lighted headlight and a lighted taillight between the hours of sunset to sunrise;
7. With any mechanical parts which violate any California or federal laws;
8. When such operator, because of age, immaturity, physical or mental condition or physical or mental disability, is incapable of operating a snowmobile safely.

B. Oversnow vehicles may not be operated on private property without the consent of the owner or tenant thereof.

C. Oversnow vehicles may use common areas only as follows:

1. To gain access to residences and businesses;
2. To gain access for packing and grooming operations;
3. For emergency response purposes; and

4. At all times, in a manner to minimize disturbance to adjacent properties.

D. It is unlawful for any person to operate a three or four wheeled all-terrain vehicle upon Burnside Lake Road during winter closure. (Ord. 542 § 1, 1992; Ord. 532 § 1 (part), 1991: Ord. 442 § 4, 1984)

10.24.080 Attachment to other vehicles prohibited.

No person riding upon a snowmobile shall attach, or allow to be attached, to a snowmobile upon which he is riding, or to himself, any other vehicle or person. This shall not be construed to prohibit the attachment of properly constructed trailers or cabooses. (Ord. 442 § 9, 1984)

10.24.090 Parking and obstruction prohibited where.

A. No person shall park a snowmobile or other vehicle on the packed portion of any snowway, except that snowmobiles may only be parked in the following designated areas in accordance with this section:

1. Along the designated edges of the groomed portions of Bear Valley Road from the seasonal road closure north of No Name Road to Orvis Road. Snowmobiles may only be parked in this location within ten feet of the edge of the groomed snowway and at no time shall any snowmobile be parked so as to block a twenty-foot-wide emergency travelway down the middle of the snowway.

2. No snowmobile parking shall be permitted on the right (east) side of Bear Valley Road from the seasonal road closure north of No Name Road to Orvis Road from seven p.m. Monday to seven a.m. Tuesday and from seven p.m. Wednesday to seven a.m. Thursday.

3. No snowmobile parking shall be permitted on the left (west) side of Bear Valley Road from the seasonal road closure north of No Name Road to Orvis Road from seven p.m. Tuesday to seven a.m. Wednesday and from seven p.m. Thursday to seven a.m. Friday.

4. Along the designated edges of Quaking Aspen Road from the entrance to Parking Lot C to Fremont Road. Snowmobiles may only be parked in this location within ten feet of the edge of the groomed snowway and at no time shall any snowmobile be parked so as to block a twenty-foot-wide emergency travelway down the middle of the snowway.

5. No snowmobile parking shall be permitted on the right (north) side of Quaking Aspen Road from the entrance to Parking Lot C to Fremont Road seven p.m. Monday to seven a.m. Tuesday and from seven p.m. Wednesday to seven a.m. Thursday.

6. No snowmobile parking shall be permitted on the left (south) side of Quaking Aspen Road from the entrance to Parking Lot C to Fremont Road from seven p.m. Tuesday to seven a.m. Wednesday and from seven p.m. Thursday to seven a.m. Friday. B. No person shall park a snowmobile or over-snow vehicle on any portion of a plowed roadway. (Ord. 600 § 1, 1997: Ord. 532 § 1 (part), 1991: Ord. 442 § 10, 1984)

10.24.100 Violation—Penalty—Exemptions.

A. Violation of any part of this chapter is an infraction and shall be punishable by a fine of not more than one hundred dollars.

B. This chapter is violated whenever a person does any act forbidden by it or fails to do any act required by it; however, the provisions of this chapter shall not apply to motorized vehicles used by public agencies or by public or private telephone, electric, gas, water and sewer utility companies or districts. (Ord. 442 § 11, 1984)

10.24.110 Speed limits—Blue Lakes Road.

A. Blue Lakes Road—Snowmobile Speed Limits. The board of supervisors does hereby determine and declare that the speed limit most appropriate to facilitate orderly movement of snowmobile traffic on Blue Lakes Road is as follows:

1. Pursuant to California Vehicle Code 38310, the prima facie speed limit for off-highway vehicles within fifty feet of any campground, campsite, or concentration of people or animals shall be fifteen miles per hour. Said speed limit shall be from the staging area of the Blue Lakes Snowmobile Park and continue 0.1 miles south along Blue Lakes Road.

2. From 0.1 mile to 1.1 mile on Blue Lakes Road, the speed limit for the off-highway vehicles in the residential zone, including the entrance to Blue Camas Road, shall be thirty-five miles per hour.

3. From 1.1 mile marker, approximately twelve miles, to Lower Blue Lake shall be forty-five miles per hour.

4. The public works director or his/her designee, in consultation with the sheriff, shall place and maintain, or cause to be placed and maintained, speed limit, speed advisory, and mileage signs, or suitable plates affixed to or near existing signs, which indicate speeds and distances both in common standards of measure, as specified in Section 12302 of the Business and Professions Code, to carry out the provisions of this section.

B. Exceptions to Section Provisions. The provisions of this section shall not apply to emergency vehicles and such vehicles as may be authorized for emergency response and search-and-rescue operations.

C. Violation—Authority and Penalty.

1. Any regularly employed and salaried deputy of the sheriff's office in the county or law enforcement employee duly authorized by the sheriff will have the authority to issue citations pursuant to this chapter.

2. Any person violating the provisions of this chapter shall be guilty of a misdemeanor/infraction, and upon conviction, shall be punished by a fine of not more than five hundred dollars, or imprisonment in the county jail for a period not exceeding six months, or both such fine and imprisonment. (Ord. 683 §§ 1, 2, 3, 2008)