

**TO:** James L. App, City Manager  
**FROM:** Robert Burton, Acting Chief of Police  
**SUBJECT:** **Amend Municipal Code - Operation of Motor Vehicles on Public Property**  
**DATE:** October 2, 2012

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**NEEDS:** For the City Council to consider postponing the adoption of Municipal Code 12.92 – Operation of Motor Vehicles on Public Property to clarify policy questions.

**FACTS:**

1. On September 18, 2012 the City Council heard the first reading of Municipal Code 12.92 - Operation of Motor Vehicles on Public Property.
2. Questions were raised by citizens and City Council members regarding the proposed code including:
  - a. Should off-highway vehicles be prohibited on private property?
  - b. Should motorized mobility devices, such as motorized wheelchairs, be exempt from restrictions?
  - c. Should street legal motorized vehicles be prohibited?
3. The City Council approved the first reading of the Municipal Code as prepared and indicated the ordinance could be modified in the future if needed.

**ANALYSIS &**

**CONCLUSION:** As noted, the City Council approved the first reading of Municipal Code 12.92 (Operation of Motor Vehicles on Public Property) at its September 18, 2012 City Council meeting. During the meeting several questions were raised regarding the proposed ordinance that should be addressed prior to final adoption of the ordinance. Should the Council alter substantive provisions of the proposed code amendment, it should be revised and reintroduced at a future meeting.

**POLICY**

**REFERENCE:** None.

**FISCAL**

**IMPACT:** None

- OPTIONS:**
- a. Request staff revise ordinance as directed and reintroduce at a future date.
  - b. Introduce the second reading of Ordinance No. XXX to amend Title 12 of the Paso Robles Municipal Code and adopt new Chapter 12.92 to address and regulate off-highway motor vehicles on public property.
  - c. Amend, modify, or reject the above option

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING TITLE 12 OF THE MUNICIPAL CODE  
ADDING CHAPTER 12.92 OPERATION OF MOTOR VEHICLES ON PUBLIC PROPERTY

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WHEREAS, the City of Paso Robles Municipal Code does not currently address or regulate the operation of off-highway motor vehicles on public property; and

WHEREAS, the operation of off-highway motor vehicles and other similar vehicles within the City cause noise, dust, erosion, sedimentation, and destruction of plants and landscaping, which adversely affects the comfort and enjoyment of City residents; and

WHEREAS, the City does not currently have the police power to preserve the enjoyment and use of public property and to promote peace and quiet within the City by regulating the use of off-highway motor vehicles and other similar vehicles within the City; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 12 – Vehicles and Traffic, of the Paso Robles Municipal Code is hereby revised to add new Chapter 12.92 – Operation of Motor Vehicles on Public Property, in substantially the form set forth in Exhibit A hereto.

SECTION 2. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 3. Effective Date. This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code Section 36937.

SECTION 4. Publication. The City Clerk will certify to the passage of this Ordinance by the City Council of the City of El Paso de Robles, California and cause the same to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Government Code Section 36933.

Introduced at a regular meeting of the City Council held on September 18, 2012, and passed and adopted by the City Council of the City of El Paso de Robles on the \_\_\_ day of \_\_\_\_\_, 2012 by the following roll call vote, to wit:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Duane Picanco, Mayor

ATTEST:

\_\_\_\_\_  
Caryn Jackson, Deputy City Clerk

## Exhibit A

### Title 12 – Vehicles and Traffic

#### Chapter 12.92 – Operation of Motor Vehicles on Public Property

##### 12.92.010 Purpose

The operation of off-highway motor vehicles and other similar vehicles within the city cause noise, dust, erosion, sedimentation, and destruction of plants and landscaping, which adversely affects the comfort and enjoyment of city residents. The purpose of this chapter is to exercise the city's police power to preserve the enjoyment and use of public property and to promote peace and quiet within the city by regulating the use of off-highway motor vehicles and other similar vehicles within the city.

##### 12.92.020 Definitions

For purposes of this chapter, "off-highway motor vehicle" means any motorcycle, motor-driven cycle, minibike, trailbike, or motor vehicle commonly referred to as a sand buggy, dune buggy, all-terrain vehicle, or jeep.

##### 12.92.030 Use of vehicles on public property

No person shall operate any off-highway motor vehicle or similar vehicle, including motorized bicycles or dirt bikes, upon any property owned, maintained, or controlled by the city, except as may be specifically authorized on designated trails or roads.

##### 12.92.040 Exceptions

This chapter shall not apply to emergency vehicles or vehicles used by city employees for city business.

##### 12.92.050 Nuisance

Notwithstanding the other provisions of this chapter, no person shall operate an off-highway motor vehicle or similar vehicle in such a manner as to disturb the peace and quiet of any neighborhood or person by noise, dust, smoke, or fumes arising out of the operation of the vehicle.

##### 12.92.060 Enforcement

The chief of police or his or her designee shall enforce the provisions of this chapter.

##### 12.92.070 Penalties

A violation of this chapter shall be punishable as an infraction. Any person who violates any provision of this chapter shall be subject to a fine of not more than \$100 for the first offense, a fine of not more than \$200 for the second offense within the same year, and a fine of not more than \$500 for each additional offense within the same year.