

Lake Almanor Country Club

Off-Highway Vehicle (OHV)/Golf Cart

Adhoc-Committee

Feb 28th, 2020

What is an OHV?

- The California State Parks Department is the Agency Appointed to Administer the California Off-Highway Motor Vehicle Recreation (OHMVR) Program
- California State Parks Defines an OHV as:
 - Any motor vehicle operated off-highway is an OHV.
 - A highway licensed vehicle is an OHV when operated off of the highway.
 - Vehicles having Green and Red Stickers are OHVs.
 - Some of the more common OHVs include all terrain vehicles (ATVs), dirt bikes, sand rails, recreation utility vehicles (RUVs), golf carts, snowmobiles, go carts, jeeps, recreational off-highway vehicles (ROVs) and 4x4s.

Where Can I Drive My OHV?

- The California State Parks Dept States:
 - There are a variety of public lands in California that are open to managed OHV recreation. Check with your local land management agency regarding legal riding areas and local regulations. **You can ride on your private property or the private property of others with their permission.** There are many privately owned and operated motocross tracks throughout the state. A list of riding opportunities on public lands is located the OHMVR Division website.
- LACC's private roads are open to the operation of OHVs per current LACC Rules & Regs 4-20-2019.

What is the Difference Between a Public “Highway” and a “Private Rd”?

- The Calif. Vehicle Code (CVC) provides the following definitions:
 - CVC Section 360: “Highway” is a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.
 - CVC Section 490: “Private road or driveway” is a way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other members of the public.
 - LACC’s roads are private and not generally open to the public

Private Roads of LACC

- All of the roads within LACC are **privately owned and maintained** with funds collected from the membership as part of our annual HOA fees.
- No funds from member annual property taxes (not HOAs) paid to Plumas County are returned to LACC from the county for maintenance and upkeep of LACC's private roads!
- LACC's roads are designated as "private roads" by LACC (governing documents) and Plumas County (County Ord.)
- LACC is a private "Common Interest Development" with gates and security forces that limit access to LACC to members, guests of members and guests of LACC (golf course, restaurant, band shell). No one is admitted without a member or visitor pass (LACC Rules & Regs. Section 2 Access to LACC).

What Does the CVC Say About OHV

Operation on Public vs. Private Lands

- Division 16.5 of the Calif. Vehicle Code (CVC) Governs the Operation of OHVs on “Public Highways”.
- The second paragraph of Div. 16.5 states:
 - CVC Section 38001 - (a) Except as otherwise provided, **this division applies to off-highway motor vehicles**, as defined in Section 38006, **on lands, other than a highway, that are open and accessible to the public**, including any land acquired, developed, operated, or maintained, in whole or in part, with money from the Off-Highway Vehicle Trust Fund, **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. For purposes of this division, the term “highway” does not include fire trails, logging roads, service roads regardless of surface composition, or other roughly graded trails and roads upon which vehicular travel by the public is permitted.
- So even if the entire CVC were applied to LACC’s “private roads,” the “EXCEPT” in Section 38001 above, nullifies the exclusion of OHVs as all of the lands of LACC are also held in private ownership as well as the roads!

Application of the CVC on LACC

- CVC Division 11 - Rules of the Road, Section 21107.7 states:
 - (a) **Any city or county** may, by ordinance or resolution, find and declare that there are **privately owned and maintained roads** as described in the ordinance or resolution within the city or **county that are not generally held open for use of the public** for purposes of vehicular travel but, by reason of their proximity to or connection with highways, the interests of any residents residing along the roads and the motoring public will best be served by application of the provisions of this code to those roads. **No ordinance or resolution shall be enacted unless** there is first filed with the city or county a petition requesting it by a majority of the owners of any privately owned and maintained road, or **by at least a majority of the board of directors of a common interest development, as defined by Section 4100 or 6534 of the Civil Code**, that is responsible for maintaining the road, and without a public hearing thereon and 10 days' prior written notice to all owners of the road or all of the owners in the development. Upon enactment of the ordinance or resolution, the provisions of this code shall apply to the privately owned and maintained road if appropriate signs are erected at the entrance to the road of the size, shape, and color as to be readily legible during daylight hours from a distance of 100 feet, to the effect that the road is subject to the provisions of this code. **The city or county may impose reasonable conditions and may authorize the owners, or board of directors of the common interest development, to erect traffic signs, signals, markings, and devices** which conform to the uniform standards and specifications adopted by the Department of Transportation.
 - (b) The department [CHP] shall **not be required to provide patrol or enforce any provisions of this code on any privately owned and maintained road subjected to the provisions of this code under this section**, except those provisions applicable to private property other than by action under this section.

Plumas County Ordinance for LACC's Private Roads

- **Plumas County Ordinance Sec. 4-3.601. – Private Roads of Lake Almanor Country Club states:**
 - All the sections of the State Vehicle Code that pertain to violations by a moving vehicle are hereby made applicable to the **private roads of the Lake Almanor Country Club.**
 - **This Plumas Co. ordinance is in effect based on a request from LACC's BOD decades ago and as outlined in CVC Section 21107.7 shown on the previous slide.**

LACC's Covenants, Conditions and Restrictions Regarding Traffic Regs

- LACC CC&Rs Adopted May 2002 - Title VIII states:
 - Section 8.13 -Traffic Regulations –
 - Traffic regulations within Lake Almanor Country Club shall be as established by the California Vehicle Code, Plumas County Ordinances, and the Country Club Rules.
 - LACC's BOD has the authority to adopt "Rules & Regulations" for the "private roads" of LACC including allowing golf carts, modified golf carts and other types of OHVs to operate on "**our private roads.**"
 - The common area lands of LACC are held in private ownership as part of our "common interest development," not as part of any public property.

Summary of the Application of the CVC on LACC's Private Roads

- Sometime in the early days of LACC, the BOD requested CVC assistance from Plumas County in writing as outlined in CVC Section 21107.7
- Plumas County adopted an ordinance (Ord. 4-3.601) which applies the CVC for the “Private Roads of LACC” and imposes the “reasonable conditions” of limiting the application of the CVC to “Moving Violations”
- There is nothing in the application of the CVC on LACC’s “private roads” or “private property” that restricts the operation of OHVs of any type!

LACC OHV/Golf Cart Committee Findings

- Findings:
 - LACC's roads and lands are PRIVATE, and are NOT generally open to the public for vehicular travel.
 - LACC's BOD has the authority to approve the continued operation of OHVs on the private roads of LACC including golf carts, modified golf carts, ATVs, UTVs, ROVs, etc. with appropriate rules for operation
 - The application of the CVC on the private roads of LACC is limited to the enforcement of "moving violations" (e.g., speeding, running stop signs, reckless driving, DUI, etc.)

LACC OHV/Golf Cart Committee

Recommendations

- Recommendations:
 - LACC BOD retain the rules of operation for OHVs and Golf Carts as adopted at the April 20th 2019 LACC BOD meeting.
 - LACC OHV/Golf Cart Committee be allowed to develop and conduct “LACC OHV/Golf Cart Awareness Training” for all LACC members who wish to register an OHV or golf cart on LACC
 - Training would be conducted at least once or twice monthly depending on demand.
 - Training would be required prior to vehicle registration
 - During the registration process, “Noise Levels” will be taken and any OHV not meeting the CA Std. will be denied registration until db readings meet the standard.

LACC OHV/Golf Cart Committee Recommendations (cont.)

- Recommendations (cont.)
 - LACC Security Staff place a written notice on the back of every visitor pass to the effect:
 - The private roads of LACC are subject to various sections of CVC
 - OHVs, Golf Carts, bicycles, etc. are permitted to drive on the traveled way of the private roads of LACC. Some may travel at speeds less than those posted as the maximum speed. Please afford all vehicles the same courtesy and respect as any vehicle you would encounter on a public street or highway.
 - Many people walk their animals along the roads of LACC. Please use extreme caution and be aware of their presence.