

LAND CODE

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OFF ROAD VEHICLES

[NOTE: Except as otherwise noted, the provisions of Article 4 of the Land Code were enacted on July 18, 1986 by Ordinance No. 86-2. Article 4 Off-Road vehicles was amended on January 7, 2010, by Ordinance 10-01, effective on the date of its enactment. Ordinance 12-01, enacted January 26, 2012, amended Article 4, Section 4-301, effective 30 days from the date of enactment.]

ARTICLE 4. OFF-ROAD VEHICLES

CHAPTER 1. DEFINITIONS

Section 4-101. Definitions.

As used in this Article, unless context otherwise requires:

- (a) "CRIR" means Colorado River Indian Reservation.
- (b) "Department" means the Colorado River Indians Tribes Fish and Game Department.
- (c) "Designated use area" means an area on the Colorado River Indian Reservation expressly designated by the Colorado River Indian Tribes as an area for off-road vehicle ("ORV") use. A designated use area may be available for open use or restricted use.
- (d) "Highway 95" means the paved roadbed of U.S. Highway 95.
- (e) "Lessee" means a person who leases, subleases or is otherwise authorized to occupy property on the CRIR from the Colorado River Indian Tribes.
- (f) "Off-road vehicle" or "ORV" includes, but is not limited to, the following: any motorcycle, all-terrain cycle (ATC), dune buggy, all terrain vehicle (ATV), including quads, utility terrain vehicle (UTV), or other vehicle which is designated or maintained for use as an off-road vehicle, whether or not actually used for off-road purposes. "Off-road vehicle" does not include a vehicle used exclusively for farming purposes.
- (g) "ORV Permit" means a permit issued by the Department for such use within the exterior boundaries of the CRIR.
- (h) "Tribal Council" means the Tribal Council of the Colorado River Indian Tribes.
- (i) "Tribes" means Colorado River Indian Tribes.

[As amended on January 7,2010, by Ordinance 10-01.]

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CHAPTER 2. GENERAL PROVISIONS

Section 4-201. Findings of the Tribal Council.

(a) Resources of great cultural and spiritual significance to the Tribes, including geoglyphs, artifacts, rock formations, and other items on the Reservation and on lands in the immediate vicinity of Reservation boundaries, have suffered and continue to suffer damage and destruction as a result of ORV use on those lands.

(b) ORV usage in this area also has caused and threatens to continue to cause damage to soil resources and fish and wildlife, and to lead to deterioration of air quality.

(c) ORV unsafe can also result in injury to individual operations, passengers, or spectators. Therefore, regulations are necessary to ensure safe, responsible ORV usage to minimize the likelihood of injury.

(d) The Tribes intend to protect these vulnerable resources and improve the public safety by controlling use of ORV's on the CRIR to the greatest extent possible. To the extent that ORV use in an area cannot feasibly be eliminated entirely, it will be restricted to existing and established trails and roads.

[As amended on January 7, 2010, by Ordinance 10-01.]

Section 40202. Construction.

The provisions of this Article shall be liberally construed to effectuate the intent of the Tribal Council, so as to be within the Constitutional powers of the Tribes and the Tribal Council and so as not to conflict with applicable laws of the United States, whether statutory or otherwise.

Section 4-203. Severability.

If any provision of this Article or its application to any person or class of persons or to any circumstance, is held invalid for any reason whatsoever, the remainder of its provisions shall not be affected and shall remain in full force and effect.

Section 4-204. Rules and Regulations.

The Department is authorized to issue such rules and regulations as are deemed necessary to

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carry out the provisions of this Article, upon obtaining approval of the Tribal Council Administrative Committee. Such rules and regulations shall include, but not be limited to, establishing fees for permits, fine schedules, and establishing additional areas to be restricted and closed for ORV use.

[As amended on January 7, 2010, by Ordinance 10-01.]

CHAPTER 3. ORV PERMITS

Section 4-301. ORV Permit Application and Fees.

A permit is required in order for any ORV to be operated within the exterior boundaries of CRIR. Any ORV owner must apply for a permit from the Department who will issue the permit. The permit shall be renewed annually based upon the date of issuance. The annual fee for the permit will be \$25.00. However, the fee may be increased annually by the Department with approval of the Tribal Council Administrative Committee.

[As amended on January 26, 2012, by ordinance 12-01.]

Section 4-302. Proof of Ownership

In order to obtain a permit, the applicant must establish ownership of the ORV. Proof of ownership may be demonstrated by, but is not limited to, a notarized affidavit stating ownership, a receipt or bill of sale with the original owner's name indicating the sale, title or registration, or proof of registration with another jurisdiction.

Section 4-303. Exemptions.

- (a) Enrolled members of the Colorado River Indian Tribes are exempt from payment of the fees for the ORV permit. However, all enrolled members are required to obtain an ORV permit and comply with all other provisions within this Code and rules and regulations. Enrolled members must provide their enrollment card as proof of enrolled status.
- (b) ORV's used exclusively for farming operations do not require a permit.
- (c) The Tribes may waive, by resolution, the requirement of a permit for ORV's used exclusively during off-road races sanctioned by the Tribes.
- (d) Any law enforcement agency, as authorized by the Tribal Council, in the performance of their delegated duties.

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[Chapter 3, as amended on January 7, 2010, by Ordinance 10-01.]

CHAPTER 4. REQUIRED EQUIPMENT AND SAFETY

Section 4-401. Helmets and Eye Protection.

Any person under the age of 18 operating or riding as a passenger on an ATV, ATC, or motorcycle must wear a properly fitted and fastened U.S. DOT approved helmet and eye protection. Eye protection must be worn by any person under the age of 18 when operating or riding as a passenger on any ORV without a windshield.

Section 4-402. Mufflers.

Mufflers must be in good working order and in constant operation. Muffler cut-out , bypass, straight pipes (unmuffled), or similar devices are prohibited except when participating an off-road race sanctions by the Tribes.

Section 4-403. Brakes.

ATV's and ATC's must have at least one brake that can be operated by hand or foot in good-working order. All other ORV's must have brakes in good working order.

Section 4-404. Brake Light.

ORV's must have at least one brake light visible for at least 500 feet.

Section 4-405. Tail Light.

After sunset, ORV's must have at least one mounted tail light visible for at least 500 feet.

Section 4-406. Head Light.

ORV's must have at least one mounted headlight that shines at least 500 feet ahead for night-time use. ORV's without a headlight may be used for daytime use only.

Section 4-407. Reflectors.

ORV's must have at least one mounted red reflector, if not a part of the tail light.

Section 4-408. Seat and Foot Pegs.

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ORV's must have a seat for the operator and if designed for passengers each passenger must have seating. ATV's and ATC's must have foot pegs for the operator.

Section 4-409. Fuel Tank Cap.

ORV's must have a fuel tank cap.

[Chapter 4, as amended on January 7, 2010, by Ordinance 10-01.]

CHAPTER 5. DESIGNATED USE AREAS

Section 4-501. Designated Use Areas.

All areas of the CRIR are designated use areas for ORV operations with the following exceptions and restrictions:

(a) That portion of the Colorado River Indian Reservation on the California side of the Colorado River from the northern end of the Palo Verde Valley on the south (Section 7, Township 5S, Range 24E, San Bernardino Base and Meridian, California) and the Agnes Wilson Bridge (Section 34, Township 1S, Range 24E, San Bernardino Base and Meridian, California), on the north; excluding the following described property: the area east of Alligator Slough to the Colorado River located in portions of Sections 3, 4, 5, 8, 9, and 10. Township 2S, range 24E, San Bernardino Base and Meridian, California is closed to all ORV use. A map depicting the affected area is attached hereto as Exhibit A.

(b) The are from Osborn wash east bank where it joins the Colorado River and east along the river bank to the Colorado River Indian Reservation boundary line then south along the Colorado River Indian Reservation boundary line to State Route 95 then west along the north fence line of State Route 95 to the Osborn wash then north along the east bank of Osborn wash to the Colorado River is closed to all ORV use. A map depicting the affected area is attached hereto as Exhibit B, "Badenochs Area"

(c) The area from First Avenue and Arizona Street then along the north edge of Arizona Street to the Town of Parker limit line then north along the Town of Parker limit line to Ocotillo Street & Eighth Street than along the west edge of Ocotillo Street to Ocotillo Street and Seventh Street then west along the Town of Parker limit to the west edge of Quartz Street and Sixth Street then north along the west edge of Quartz to the mesa to the west along the mesa to First Avenue then south along the east edge of First Avenue and Arizona Street is closed to all ORV use. A map depicting the affected area is attached hereto as Exhibit C, "Indian Health Service Area."

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(d) The area starting at the southeast corner of the Parker Unified School District Bus Barn fence line then traveling west along the south Parker Unified School District Bus Barn fence line to the southwest corner of the Parker Unified School District Bus Barn fence line corner. (Approximately 1575 feet) then north along the east Parker Unified School District Bus Barn fence line to the southeast corner of the Desert Sun housing development fence line (approximately 413 feet) then traveling west along the Desert Sun Housing development fence line (approximately 655 feet) then traveling south along an unnamed dirt road to the edge of the right of way at Navaho street (approximately 2235 feet) then north back to the southeast corner of the Parker Unified School District bus Barn fence line (approximately 1001 feet). A map depicting the affected area is attached hereto as Exhibit D, "Headstart Area."

(e) The area starting at the corner of the rights of way of Mohave Street and Mohave Road then east to the rights of way of Mohave Road and Highway 95 (approximately 21560 feet) then north along the right of way of Highway 95 (approximately 1912 feet) then west to the south east corner of the old Parker Drive in theater fence (approximately 400 feet) then north along the Parker Drive in theater fence to the north east corner (approximately 429 feet) then northwest (approximately 269 degrees) qt q eiw5qnd3 or 511 feet then west along the north fence of the Parker Drive in theater (approximately 678 feet) then west approximately 240 degrees at a distance of 456 feet to the right of way of Mohave Street then south along the right of way along Mohave Street to the corner of the rights of way of Mohave Street and Mohave Road . A map depicting the affected area is attached hereto as Exhibit d, "La Paz Regional Hospital."

(f) All privately-owned, allotted, or leased lands are closed to ORV use except with the permission of the landowner and tenant.

(g) All ORV use is limited to currently existing and established trails and roads. No cross-country riding is permitted except as follows:

- (1) As part of an off-road race sanctioned by the Tribes.
- (2) Law Enforcement agencies in the performance of regular duties including, but not limited to, search and rescue, pursuit of criminals or any other reason deemed necessary to effectuate their delegated duties.

[Chapter 5, as amended on January 7, 2010, by Ordinance 10-01.]

Chapter 6. NOTICES AND LIMITATIONS

Section 4-601. Notices.

Notices that an area is closed to operation of all ORVs shall be posted at reasonable intervals along the boundaries of the affected area and at any other location deemed appropriate by the

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Tribal Council. The Department shall have maps available indicating the closed areas for ORV permittees.

Section 4-602. Limitations.

Nothing within this Code shall be construed as a requirement that the Department or the Tribes construct, maintain, or repair any roads or trails for ORV use. ALL ORV use of any existing trails or roads and cross-country riding shall be undertaken solely at the risk of the individual.

[As amended on January 7, 2010, by Ordinance 10-01.]

Chapter 7. VIOLATIONS, ENFORCEMENT AND PENALTIES.

Section 4-701. Violations.

It is a violation of this Code for any person to:

- (a) Operate an ORV with reckless disregard for the safety of persons or property.
- (b) Drive an ORV in areas closed to ORV use pursuant to this Code or regulation, cross-country on lands where such cross-country driving is prohibited by this Code or regulation, or across private or leased property without permission of the landowner or tenant.
- (c) Operate an ORV without a valid ORV permit.
- (d) Obtain an ORV permit by fraud or misrepresentation.
- (e) Remove or destroy regulatory signs posted by the Department.
- (f) Fail or refuse to exhibit an ORV permit on demand of any game warden or representative of the Department, or of any law enforcement official of the Tribes, or any other duly authorized official of the Tribes or the United States.
- (g) Operate an ORV or transport a passenger without the required equipment or safety gear referenced in Chapter 4.
- (h) Dump, deposit, or dispose of solid waste any place within the exterior boundaries of the CRIR. Solid waste is defined in the Health and Safety Code, Article VIII, Chapter I, Section 11-810 ®, as amended from time to time.
- (i) Destroy, mutilate, or remove earth, sand, gravel, minerals, rocks, paleontological features or features of caves.

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(j) Remove, injure, disfigure, deface, or destroy any object of archaeological or historical interest or value.

(k) Willfully or negligently pick, dig up, cut, mutilate, destroy, injure, disturb, move, molest, burn, or carry away any tree or plant or portion thereof, including, but not limited to , foliage, berries, fruit, grass, turf, shrubs, trees, and dead wood.

(l) Harass, molest, chase, rally, concentrate, herd, intercept, torment or drive wildlife or livestock with any ORV or other vehicle.

(m) Destroy, injure, molest growing crops, or disfigure agriculture lands under preparation for crops.

[As amended on January 7, 2010, by Ordinance 10-01.]

Section 4-702. Enforcement.

(a) Fines. Any person violating a provision of this Article shall forfeit to the Colorado River Indian Tribes, in a civil action, a sum of not more than Five Hundred Dollars (\$500.00) for each violation. Each day during which any such violation shall continue shall constitute a separate civil violation.

(b) Restitution. Any person who causes injury or damage to persons or property while violating a provision of this Article shall be responsible to pay restitution for such injury or damage to the victim.

(c) Seizure and Forfeiture of Vehicles.

(1) Any law enforcement official of the Tribes may seize any vehicles possessed and/or used in violation of any provision of this Article. Any person from whom such vehicle is seized shall be charged with a violation of this Article. Any such seized vehicle shall remain in the possession of the Tribal Police Department or fish and Game, pending final disposition of any resulting court proceedings.

(2) In addition to any other penalty provided by this Article, upon application by the Tribes, the court may order the forfeiture to the Tribes of any vehicle which the court determines has been possessed and/or used in violation of this Article.

(d) Remittance of Fines. Fines and fees collected pursuant to this Article 4 shall be remitted to the fish and Department and shall be used to defray the costs of the administering of this Article 4, pursuant to a budget approved by Tribal Council.

[As amended on January 7, 2010, by Ordinance 10-01.]
