

ORDINANCE NO. 2015-18

AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, AMENDING THE EATONVILLE MUNICIPAL CODE BY ESTABLISHING A NEW CHAPTER 10.30 AUTHORIZING THE OPERATION OF WHEELED ALL-TERRAIN VEHICLES WITHIN THE TOWN LIMITS AND WITHIN CERTAIN DESIGNATED AREAS, PROHIBITING CERTAIN CONDUCT THEREON, AND PROVIDING PENALTIES FOR VIOLATION

WHEREAS, the Town of Eatonville recognizes the expanding popularity of wheeled all-terrain vehicles (WATVs) may provide opportunities for a wide variety of uses and outdoor recreation activities and the commerce that is derived therefrom; and

WHEREAS, RCW 46.09.360 authorizes a city or town to adopt regulations pertaining to the operation of WATVs on highways within its boundaries provided such regulations are not less stringent than state law; and

WHEREAS, allowing the use of WATVs on certain Town streets has been considered by the Town Council's public safety committee and by the Eatonville planning commission, both of which support the adoption of appropriate regulations; and

WHEREAS, the Town desires to define areas of use and establish appropriate rules to regulate the operation of WATVs to promote and facilitate responsible WATV activities and recreation with the Town's boundaries; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS FOLLOWS:

Section 1. The Eatonville Municipal Code is amended by adding a new Chapter 10.30 "Wheeled All-Terrain Vehicles" in the form attached hereto as Exhibit A and incorporated by this reference.

Section 2. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. This ordinance shall take effect after publication of a summary,

consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 12/14/2015
2ND READING: / /2015

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk
in authentication of such passage this _____ day of _____, 2015.

Mike Schaub
Mayor

ATTEST:

Kathy Linnemeyer
Town Clerk

APPROVED AS TO FORM:

Gregory A. Jacoby
Town Attorney

EXHIBIT A

Chapter 10.30

Wheeled All-Terrain Vehicles

Sections:

- 10.30.010 Definitions.
- 10.30.020 WATV registration.
- 10.30.030 License requirement.
- 10.30.040 Authorized uses for WATVs – highways.
- 10.30.050 Street designation.
- 10.30.060 Towing.
- 10.30.070 Public noise nuisances
- 10.30.080 Unlawful activities.
- 10.30.090 Exemptions.
- 10.30.100 Violations – Penalty.

10.30.010 Definitions.

- A. “Designated Street” means those public roadways within the Town’s boundaries that the Town Council has designated for WATV travel.
- B. “Highway” or “Public Roadway” means the entire width between the boundary lines of every roadway within the Town boundaries that is publicly maintained with funding from the motor vehicle fund and open to the use of the public for the purpose of vehicular travel.
- C. “Nonhighway road” has the meaning set forth in RCW 46.09.310(7), as now or hereafter amended: any road owned or managed by a public agency, a primitive road, or any private road for which the owner has granted an easement for public use for which appropriations from the motor vehicle fund were not used for (a) original construction or reconstruction in the last twenty-five years; or (b) maintenance in the last four years.
- D. “Operator” means each person who operates, or is in physical control of, any wheeled all-terrain vehicle.
- E. “Owner” means the person, other than the lien holder, having an interest in the wheeled all-terrain vehicle, and entitled to the use of possession thereof.
- F. “WATV license” means a license issued by the Department of Licensing for operation of a wheeled all-terrain vehicle.
- G. “Wheeled all-terrain vehicle” (WATV) means (a) any motorized nonhighway vehicle with handlebars that is fifty inches or less in width, has a seat height of at least twenty inches, weighs less than one thousand five hundred pounds, and has four tires having a diameter of thirty inches or less, or (b) a utility-type vehicle designed for and capable of travel over

designated roads that travels on four or more low-pressure tires of twenty psi or less, has a maximum width less than seventy-four inches, has a maximum weight less than two thousand pounds, has a wheelbase of one hundred ten inches or less, and satisfies at least one of the following: (i) Has a minimum width of fifty inches; (ii) has a minimum weight of at least nine hundred pounds; or (iii) has a wheelbase of over sixty-one inches.

10.30.020 WATV registration.

- A. A person who operates a wheeled all-terrain vehicle upon a nonhighway road must have a current and proper off-road vehicle registration, with the appropriate off-road tab, and pay the initial and renewal vehicle license fee as determined by the department of licensing.
- B. A person who operates a wheeled all-terrain vehicle upon a public roadway must have a current and proper on-road vehicle registration, with the appropriate on-road tab, and pay the initial and renewal vehicle license fee, as determined by the department of licensing.
- C. The WATV registration requirements set forth above shall not apply to:
 - 1. WATVs owned and operated by the United States, another state, or political subdivision thereof;
 - 2. WATVs owned and operated by this state, a municipality, or a political subdivision of this state or the municipality;
 - 3. WATVs owned by a resident of another state that have a valid WATV use permit or vehicle registration issued in accordance with the laws of the other state. This exemption applies only to the extent that a similar exemption or privilege is granted under the laws of that state; or
 - 4. WATVs while being used for emergency management purposes under the authority or direction of an appropriate agency that engages in emergency management or search and rescue or a law enforcement agency.

10.30.030 License requirement.

No person under the age of sixteen (16) years shall operate a WATV upon public rights of way within the town limits. All WATV operators must carry on their person a valid driver's license issued by the state of the operator's residence when driving on public rights of way.

10.30.040 Authorized uses for WATVs – highways.

A person may operate a WATV upon any public roadway as specifically designated in EMC 10.30.050, below, subject to the following requirements:

- A. A person operating a WATV may not cross a public roadway, not including nonhighway roads and trails, with a speed limit in excess of thirty-five miles per hour, unless the crossing begins and ends on a public roadway,

not including nonhighway roads and trails, with a speed limit of thirty-five miles per hour or less and occurs at an intersection of approximately ninety degrees, except that the operator of a WATV may not cross at an uncontrolled intersection of a public highway listed under chapter 47.17 RCW; and

- B. A person operating a WATV on a public roadway must comply with the equipment and documentation requirements set forth in RCW 46.09.457, as now or hereafter amended.

10.30.050 Street designation.

- A. The following public roadways within the corporate limits of the Town of Eatonville, having a speed limit of thirty-five miles per hour or less, are designated for WATV traffic:
 - 1. All Eatonville public streets and roads are open to WATV use unless posted closed or unless designated as closed in the subsection below.

10.30.060 Towing.

WATV operators shall abide by the manufacturer's guidelines or specifications when towing approved devices. It shall be unlawful for any WATV to pull a sled, toboggan, trainer or any other device except by means of a rigid tow bar connecting the WATV to such device. Except as otherwise allowed in this section, no person shall be pulled in any fashion by a WATV.

10.30.070 Public noise nuisances.

The operation of a WATV is subject to the requirements and restrictions set forth in Chapter 8.11 EMC, "Public Noise Nuisances."

10.30.080 Unlawful activities.

It shall be unlawful for a person to operate a WATV:

- A. In such a manner as to endanger the property of another;
- B. At a rate of speed greater than the posted town limit;
- C. On lands not owned by the operator or owner of the WATV without a lighted headlight and taillight between the hours of dusk and dawn;
- D. Without an adequate braking device;
- E. Without a spark arrester approved by the department of natural resources;
- F. Without an adequate and operating muffling device that complies with RCW 46.09.070, as now or hereafter amended;
- G. On lands not owned by the operator or owner of the WATV upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway;

- H. On lands not owned by the operator or owner of the WATV in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition or to injure, damage, or destroy trees, growing crops, or other vegetation;
- I. On lands not owned by the operator or owner of the WATV on any nonhighway road or trail, when these are restricted to pedestrian or animal travel;
- J. On any public lands in violation of the rules and regulations of the agency administering such lands;
- K. On a private nonhighway road if the road owner has not authorized the use of WATVs;
- L. Except for a WATV equipped with seat belts and roll bars or an enclosed passenger compartment, it is a traffic infraction for any person to operate or ride a WATV on a nonhighway road without wearing upon his or her head a motorcycle helmet fastened securely while in motion. For purposes of this section, "motorcycle helmet" has the same meaning as provided in RCW 46.37.530, as now or hereafter amended. This requirement shall not apply to a WATV operator operating on his or her own land;
- M. While under the influence of intoxicating liquor or a controlled substance, which shall be a misdemeanor; and
- N. In violation of any state law or other town regulations.

10.30.090 Exemptions.

A person may operate a WATV upon any public roadway, trail, nonhighway road, or highway within the town while being used under the authority or direction of an appropriate agency that engages in emergency management, as defined in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law enforcement agency, as defined in RCW 16.52.011, within the scope of the agency's official duties.

10.30.100 Violations – Penalty.

Failure to perform any act required, or the performance of any act prohibited, in this Chapter shall be designated as a traffic infraction, unless otherwise provided herein or in state law, and any person found to have committed such traffic infraction shall be subject to the penalties governed by state law, including but not limited to RCW 46.09.485 and .490, as now or hereafter amended.

Town of Eatonville

WATV Ordinance

<u>EMC</u>	<u>RCW</u>
10.30.010	46.09.310
10.30.020	46.09.420 46.09.442
10.30.030	46.09.444 46.09.460
10.30.040	46.09.455 46.09.457
10.30.050	46.09.360 46.09.455
10.30.060	
10.30.070	
10.30.080	46.09.470
10.30.090	46.09.455(3)
10.30.100	46.09.485 46.09.490