

**CITY OF SNOHOMISH
SNOHOMISH, WASHINGTON**

ORDINANCE 2376

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, AMENDING TITLE 11 SMC BY THE ADDITION OF A NEW CHAPTER 11.07 WHEELED ALL-TERRAIN VEHICLES (WATVs) THERETO; AUTHORIZING THE OPERATION OF WATVS ON DESIGNATED CITY STREETS; ESTABLISHING LIMITATIONS, CONDITIONS, REQUIREMENTS AND ENFORCEMENT STANDARDS THEREFORE; PROVIDING FOR SEVERABILITY; FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE AND PROVIDING FOR SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

WHEREAS, Chapter 46.09 RCW authorizes cities to approve the operation of wheeled all-terrain vehicles (WATVs) upon local public roadways provided such regulations are not less stringent than the provisions of Chapter 46.09 RCW; and

WHEREAS, the City Council desires to approve the operation of WATVs on all City streets where the speed limit is 35 miles per hour or less for a twelve (12) month period, subject to the limitations, conditions and requirements set forth herein;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment of Title 11 SMC - Adoption of New Chapter 11.07 SMC.

Title 11 of the Snohomish Municipal Code is hereby amended by the addition of a new Chapter 11.07, entitled “Wheeled All-Terrain Vehicles (WATVs)”, which shall read as follows:

**Chapter 11.07
WHEELED ALL-TERRAIN VEHICLES (WATVs)**

Sections:

- 11.07.010 Definitions
- 11.07.020 Use of wheeled all-terrain vehicles on City streets approved
- 11.07.030 Restrictions on use of wheeled all-terrain vehicles on City streets
- 11.07.040 Equipment requirements of wheeled all-terrain vehicles
- 11.07.050 Registration requirements of a wheeled all-terrain vehicle
- 11.07.060 Duty to obey traffic control devices and rules of the road
- 11.07.070 Prohibited uses
- 11.07.080 Prohibited areas
- 11.07.090 Violation – Penalty
- 11.07.100 Listing on City website

11.07.010 Definitions.

Unless otherwise specifically provided for herein, the definitions set forth in Chapter 46.09 RCW, as existing or hereafter amended, shall govern this chapter. In addition, when used in this chapter, the following words, terms, and phrases shall have the following meanings:

1. "City" means the City of Snohomish, Washington, including its elected officials, employees, and agents.
2. "City street" means every way, lane, road, street, boulevard, and every way or place in the City open as a matter of right to public vehicular traffic inside the City limits.
3. "Motorcycle helmet" has the same meaning as provided in RCW 46.37.530.
4. "Rules of the road" means all the rules that apply to vehicle or pedestrian traffic as set forth in state and/or local statutes, rules or regulations.
5. "Sidewalk" means that property between the curb lines or the lateral lines of a City street and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a City street and dedicated to use by pedestrians.
6. "Wheeled all-terrain vehicle" or "WATV" means (1) 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: (a) has a minimum width of fifty inches, (b) has a minimum weight of at least nine hundred pounds, or (c) has a wheelbase of over sixty-one inches; and, (2) has a steering wheel for steering control; and, (3) has nonstraddle seating, with the operator and passenger sitting side by side in the vehicle, manufactured primarily for recreational nonhighway all-terrain use, as further defined by the State Model Traffic Ordinance. (Ord. 1001 § 1 (part), 2017). "Wheeled all-terrain vehicle" or "WATV" means (a) any motorized non-highway vehicle with handlebars that is 50 inches or less in width, has a seat height of at least 20 inches, weighs less than 1,500 pounds, and has four tires having a diameter of 30 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 20 psi or less, has a maximum width less than 74 inches, has a maximum weight less than 2,000 pounds, has a wheelbase of 110 inches or less, and satisfies at least one of the following: (i) has a minimum width of 50 inches; (ii) has a minimum weight of at least 900 pounds; or (iii) has a wheelbase of over 61 inches.

11.07.020 Use of wheeled all-terrain vehicles on City streets approved.

Subject to the restrictions set forth in Chapter 46.09 RCW, SMC 11.07.030 and the other requirements set forth in this chapter, any person, 18 years of age or older, with a valid driver's license issued by the state of the person's residence may operate a wheeled all-terrain vehicle upon a City street having a speed limit of 35 miles per hour or less.

11.07.030 Restrictions on use of wheeled all-terrain vehicles on City streets.

1. Any person who operates or rides as a passenger in a wheeled all-terrain vehicle must wear a securely fastened motorcycle helmet while the WATV is in motion, unless the WATV is equipped with seat belts and roll bars or an enclosed passenger compartment;
2. A person may not operate a wheeled all-terrain vehicle upon a City street with a speed limit in excess of 35 miles per hour; however, a person may cross a City street with a speed limit in excess of 35 miles per hour at a controlled intersection if the crossing begins and ends on a City street with a speed limit of 35 miles per hour or less and occurs at an intersection of approximately 90 degrees;
3. A person may operate a wheeled all-terrain vehicle upon any City street 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;
4. A person who operates a wheeled all-terrain vehicle shall carry proof of current liability insurance in compliance with, and with overage limits at least equivalent to the amounts set forth in, Chapter 46.29 RCW; and
5. Wheeled all-terrain vehicles, and the use thereof, are subject to the applicable regulations and requirements set forth in Chapter 46.55 RCW.

11.07.040 Equipment requirements of wheeled all-terrain vehicles.

Any wheeled all-terrain vehicle operated on a City street shall include the following equipment (which equipment shall be used and operated as further prescribed herein) and shall comply with the following operational requirements, as applicable:

1. Headlights meeting the requirements of RCW 46.37.030 and 46.37.040 and used at all times when the vehicle is in motion;
2. One tail lamp meeting the requirements of RCW 46.37.525 and used at all times when the vehicle is in motion upon a City street; however, a utility-type vehicle, as described under RCW 46.09.310(19), must have two tail lamps meeting the requirements of RCW 46.37.070(1) and to be used at all times when the vehicle is in motion upon a City street;
3. A stop lamp meeting the requirements of RCW 46.37.200;
4. Reflectors meeting the requirements of RCW 46.37.060;
5. During hours of darkness, as defined in RCW 46.04.200, turn signals meeting the requirements of RCW 46.37.200;

6. Outside of hours of darkness, the person operating the WATV must comply with RCW 46.37.200 or 46.61.310 related to signal turns;
7. A mirror attached to either the right or left handlebar, which must be located to give the person operating the WATV a complete view of the City street for a distance of at least 200 feet to the rear of the WATV; however, a utility-type vehicle, as described under RCW 46.09.310(19), must have two mirrors meeting the requirements of RCW 46.37.400;
8. A windshield meeting the requirements of RCW 46.37.430, unless the person operating the WATV wears glasses, goggles, or a face shield while operating the WATV, of a type conforming to rules adopted by the Washington State Patrol;
9. A horn or warning device meeting the requirements of RCW 46.37.380;
10. Brakes in working order;
11. A spark arrester and muffling device meeting the requirements of RCW 46.09.470; and
12. For utility-type vehicles, as described under RCW 46.09.310(19), seat belts meeting the requirements of RCW 46.37.510.

11.07.050 Registration requirements of a wheeled all-terrain vehicle.

Any wheeled all-terrain vehicle operated on a City street must comply with all applicable registration requirements of Chapter 46.09 RCW.

11.07.060 Duty to obey traffic control devices and rules of the road.

Unless a law enforcement officer directs otherwise, a person operating a wheeled all-terrain vehicle must obey all rules of the road that apply to vehicle or pedestrian traffic and must obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles. Without limitation of the foregoing, a person operating a wheeled all-terrain vehicle upon a City street is subject to all of the duties that Chapter 46.61 RCW et seq. imposes on an operator of a vehicle, except as to those provisions thereof which by their nature are inapplicable.

11.07.070 Prohibited uses.

1. No person shall operate or ride a wheeled all-terrain vehicle in a negligent or unsafe manner, but must operate it with reasonable regard for his or her own safety and for the safety of others.
2. No person shall tow any trailers, devices, equipment or persons behind the wheeled all-terrain vehicle.
3. No person shall operate a wheeled all-terrain vehicle side-by-side in a single lane of traffic.

4. No person shall carry or transport any other person or passenger on a wheeled all-terrain vehicle, nor shall any other person ride on a wheeled all-terrain vehicle, unless such wheeled all-terrain vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons.

11.07.080 Prohibited areas.

1. It is unlawful to operate a wheeled all-terrain vehicle on a sidewalk.
2. It is unlawful to operate a wheeled all-terrain vehicle in a park, except in a designated parking lot.
3. It is unlawful to operate a wheeled all-terrain vehicle on any pedestrian trail, bicycle path or bridge where the operation of motorized vehicles is prohibited.
4. It is unlawful to operate a wheeled all-terrain vehicle on State Route 9, State Route 2 and Bickford Avenue north of 30th Street, except to cross at an approximate 90 degree angle.

11.07.090 Violation – Penalty.

Any person who violates a provision of this chapter is guilty of a traffic infraction and will be punished by the imposition of a monetary penalty as authorized by RCW 46.09.490, as existing or hereafter amended; provided, that conduct that constitutes a criminal traffic offense may be charged as such and is subject to the maximum penalties allowed for such offenses.

11.07.100 Listing on City website.

All City streets upon which wheeled all-terrain vehicles have been approved for operation pursuant to this chapter shall be listed publicly and made accessible from the main page of the City's website.

Section 2. Termination. This Ordinance is and shall remain in full force and effect for a period of twelve (12) months from and after the effective date of the Ordinance. After the termination of this Ordinance, the City Council may by enactment of an Ordinance authorizing the same, consider an indefinite approval of the operation of WATVs on all City streets where the speed limit is 35 miles per hour or less.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

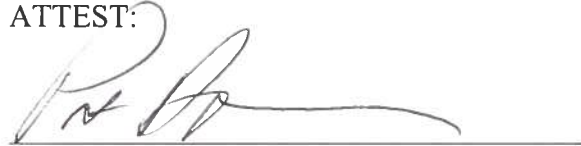
Section 4. Effective Date and Summary Publication. This Ordinance shall take effect and be in full force and effect five days after its summary publication by Ordinance title only, in the City's official newspaper.

PASSED by the City Council of the City of Snohomish this 20th day of August, 2019.

John T. Kartak

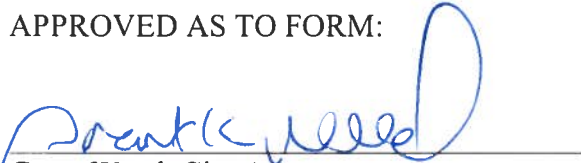
John T. Kartak, Mayor

ATTEST:



Pat Adams, City Clerk

APPROVED AS TO FORM:



Grant Weed, City Attorney

First and Final Reading: August 20, 2019

Date of Publication: 8-24-19

Effective Date: 8-28-19