AMENDED ORDINANCE NO. 19-047

AMENDING CHAPTER 11.50 SCC WHEELED ALL-TERRAIN VEHICLES (WATVS) ON CERTAIN COUNTY ROADS WITH POSTED SPEED LIMITS OF 35 MILES PER HOUR OR LESS

WHEREAS, the county council held a public hearing on September 11, 2019 to hear public comment on the proposed amendment to chapter 11.50 SCC; and

WHEREAS, the county council concludes that chapter 11.50 SCC should be amended as set forth herein.

BE IT ORDAINED:

Section 1. Snohomish County Code Section 11.50.040, last amended by Amended Ordinance No. 18-055 on September 26, 2018, is amended to read:

11.50.040 Roads designated for WATV use. (((1))) The following county roads with a posted speed limit of 35 miles per hour (mph) or less are designated for WATV use:

<table>
<thead>
<tr>
<th>Road Name</th>
<th>From</th>
<th>To</th>
<th>Rd Log #</th>
<th>Beginning M.P.</th>
<th>Ending M.P.</th>
<th>Total Miles</th>
</tr>
</thead>
<tbody>
<tr>
<td>112 St SE</td>
<td>Sultan Basin Rd</td>
<td>End of 112 ST SE</td>
<td>53100</td>
<td>0.000</td>
<td>0.560</td>
<td>0.560</td>
</tr>
<tr>
<td>116 St SE</td>
<td>Sultan Basin Rd</td>
<td>End of 116 ST SE</td>
<td>53000</td>
<td>0.000</td>
<td>0.500</td>
<td>0.500</td>
</tr>
<tr>
<td>121 St SE / 327 Ave SE / 120 St SE / 331 Ave SE</td>
<td>Sultan Basin Rd</td>
<td>124 St SE</td>
<td>52900</td>
<td>0.000</td>
<td>0.800</td>
<td>0.800</td>
</tr>
<tr>
<td>124 St SE</td>
<td>Sultan Basin Rd</td>
<td>West to Sultan City Limits</td>
<td>52850</td>
<td>0.000</td>
<td>0.250</td>
<td>0.250</td>
</tr>
<tr>
<td>124 St SE</td>
<td>Sultan Basin Rd</td>
<td>East to End of 124 ST SE</td>
<td>52920</td>
<td>0.000</td>
<td>0.900</td>
<td>0.900</td>
</tr>
<tr>
<td>Road Name</td>
<td>From</td>
<td>To</td>
<td>Rd Log #</td>
<td>Beginning M.P.</td>
<td>Ending M.P.</td>
<td>Total Miles</td>
</tr>
<tr>
<td>---------------------------</td>
<td>---------------</td>
<td>-----------------</td>
<td>----------</td>
<td>---------------</td>
<td>-------------</td>
<td>-------------</td>
</tr>
<tr>
<td>132 St SE / 339 Ave SE</td>
<td>Sultan City Limits</td>
<td>Sultan City Limits</td>
<td>52860</td>
<td>0.844</td>
<td>1.180</td>
<td>0.336</td>
</tr>
<tr>
<td>134 St SE</td>
<td>Trout Farm Rd</td>
<td>End of 134 St SE</td>
<td>52660</td>
<td>0.000</td>
<td>0.070</td>
<td>0.070</td>
</tr>
<tr>
<td>303 Dr SE / 131 Pl SE / 302 Dr SE (Loop)</td>
<td>Trout Farm Rd</td>
<td>Trout Farm Rd</td>
<td>52680</td>
<td>0.000</td>
<td>0.340</td>
<td>0.340</td>
</tr>
<tr>
<td>323 AVE SE</td>
<td>Sultan Basin Rd</td>
<td>End of 323 AVE SE</td>
<td>53030</td>
<td>0.000</td>
<td>0.250</td>
<td>0.250</td>
</tr>
<tr>
<td>343 AVE SE</td>
<td>140 St SE (Sultan City Limits)</td>
<td>End of 343 AVE SE</td>
<td>53340</td>
<td>0.250</td>
<td>0.513</td>
<td>0.263</td>
</tr>
<tr>
<td>Reiner Rd</td>
<td>Old-Owen Rd</td>
<td>End of Reiner Rd</td>
<td>51350</td>
<td>0.000</td>
<td>3.220</td>
<td>3.220</td>
</tr>
<tr>
<td>Trout Farm Rd</td>
<td>Sultan City Limits</td>
<td>End of Trout Farm Rd</td>
<td>52650</td>
<td>0.983</td>
<td>2.190</td>
<td>1.207</td>
</tr>
<tr>
<td>Sultan Basin Rd</td>
<td>Sultan City Limits</td>
<td>Kellogg Lake Rd</td>
<td>95791</td>
<td>0.960</td>
<td>3.423</td>
<td>2.463</td>
</tr>
<tr>
<td>Kellogg Lake Rd</td>
<td>Sultan Basin Rd</td>
<td>132nd St SE</td>
<td>53750</td>
<td>0.950</td>
<td>4.070</td>
<td>3.120</td>
</tr>
<tr>
<td>Kellogg Lake Rd (short segment at the fork in the road between Sultan Basin Rd and Kellogg Lake Rd)</td>
<td>Sultan Basin Rd</td>
<td>Kellogg Lake Rd</td>
<td>53770</td>
<td>0.000</td>
<td>0.110</td>
<td>0.110</td>
</tr>
<tr>
<td>132nd St SE</td>
<td>Kellogg Lake Rd</td>
<td>End of 132nd St SE</td>
<td>53800</td>
<td>0.000</td>
<td>0.460</td>
<td>0.460</td>
</tr>
<tr>
<td>Old Owen Rd</td>
<td>Monroe City Limits</td>
<td>Sultan City Limits</td>
<td>92666</td>
<td>0.130</td>
<td>6.680</td>
<td>6.550</td>
</tr>
<tr>
<td>Ben Howard Rd/311 Ave SE</td>
<td>SR-203</td>
<td>Sultan City Limits</td>
<td>95776</td>
<td>0.000</td>
<td>9.140</td>
<td>9.140</td>
</tr>
</tbody>
</table>

Total miles designated for WATV use: 30.539
(1) All county roads located east of State Route (SR) 9 and Snohomish-Woodinville Road but excluding the following roads:
   (a) Sultan Basin Rd east of Kellogg Lake Rd to end of paved road.
   (b) Lake Chaplain Rd east of Reiner Rd to south boundary line of city of Everett owned property.
   (c) 108th St NE east of SR 9 to 91st Ave NE.
   (d) 91st Ave NE south of 108th St NE.
   (e) Snohomish-Woodinville Road south of SR 522.
   (f) 240th St SE between Snohomish-Woodinville Road and 75th Ave SE.
   (g) 71st DR SE north of 240th St SE.

(2) All county roads located west of SR 9 and north of SR 528 but excluding the following roads:
   (a) All roads within the Tulalip Reservation.
   (b) 140th St NW, 140th St NE, Stimson Rd, and 136th St NE to the city of Marysville west boundary line.
   (c) 132nd St NE east of the city of Marysville boundary line.
   (d) Hilltop Rd east of 67th Ave NE.
   (e) 108th St NE east of the city of Marysville boundary line to SR 9.


Section 2. Snohomish County Code Section 11.50.080, adopted by Amended Ordinance No. 17-032 on December 6, 2017, is amended to read:

11.50.080 Violations and penalties.
(1) It is a violation of this chapter for any person or WATV to operate on county roads inconsistent with this chapter. Any person violating this chapter shall be guilty of a traffic infraction punishable in accordance with chapter 46.63 RCW; provided, conduct that constitutes a criminal traffic offense may be charged as such and subject to the maximum penalties allowed for such offenses.
(2) In addition to the penalties provided in this chapter, the owner and/or operator of any non-highway vehicle shall be liable for any damage to property including, but not limited to, damage to trees, shrubs, or growing crops as the result of operating a WATV. The owner of such property may recover from the person responsible three times the amount of the damage per RCW 46.09.490(2).
(3) Any person operating a WATV on public roadways within the boundaries of a city or town that has not approved by ordinance the operation of WATVs shall be subject to the violations and penalties of the respective jurisdiction.
   (a) The Department of Public Works shall install signage to warn WATV operators of the monetary penalty associated with WATV operation on county roads unauthorized for WATV use at the following roads:
      (i) Lake Chaplain Rd east of Reiner Rd; and
      (ii) Sultan Basin Rd east of Kellogg Lake Rd.

Section 3. Section 3 of Amended Ordinance No. 18-055, adopted on September 26, 2018, is amended and replaced with the attached MAP 1: Snohomish County Roads Designated for WATV Use.

Section 4. Snohomish County Code Section 11.50.050, adopted by Amended Ordinance No. 17-032 on December 6, 2017, is amended to read:
11.50.050 Prohibited activities.

(1) No operator may use any WATV to pull a sled, toboggan, inner tube, wagon, trailer, or any other similar device.

(a) The prohibition in this section does not apply to a WATV operated as a farm vehicle and pulling a trailer for the purposes of traveling between farms or other locations within a twenty-five mile radius of the farm engaged in activities that support farming operations and equipped with lights and reflectors that comply with applicable state law. Such WATV and trailer shall be operated in accordance with RCWs 46.16A.420, 46.16A.080, 46.37.160 and 46.37.020.

(2) No person shall operate WATV vehicles side-by-side in a single lane of traffic.

(3) No person shall operate or park any WATV on any sidewalk, walkway, pedestrian trail or bridge where the operation of motorized vehicles is prohibited.

PASSED this 11th day of September, 2019.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ATTEST:

[Signature]
Asst. Clerk of the Council

(✓) APPROVED
( ) EMERGENCY
( ) VETOED

DATE: 9/24/19

[Signature]
County Executive

ATTEST:

[Signature]
Approved as to form only:

Deputy Prosecuting Attorney