

# ORDINANCE No. 1101

**AN ORDINANCE OF THE CITY OF OKANOGAN, WASHINGTON, AUTHORIZING THE OPERATION OF OFF-ROAD VEHICLES WITHIN THE CITY LIMITS OF THE CITY OF OKANOGAN AND WITHIN DESIGNATED USAGE AREAS, PROHIBITING CERTAIN CONDUCT THEREON AND PROVIDING PENALTIES FOR VIOLATIONS.**

**WHEREAS**, the City of Okanogan recognizes that the expanding popularity of off-road vehicles may provide opportunities for a wide variety of uses and outdoor recreational activities and the commerce that is derived there from; and

**WHEREAS**, RCW 46.09.180 authorizes the legislative body of a city with a population of less than three thousand persons, by ordinance, to regulate the operation of non-highway vehicles on public lands, waters and other properties under its jurisdiction, and on streets, roads and highways within its boundaries; and

**WHEREAS**, the Okanogan City Council held a public meeting on July 21, 2009 to provide information and receive questions and comments regarding street designation for off-road vehicle use within the corporate City limits; and

**WHEREAS**, the City of Okanogan is desirous of defining areas of use and establishing rules to regulate the operation of off-road vehicles to promote and facilitate responsible off-road vehicle activities and recreation within the City of Okanogan.

**NOW THEREFORE**, the City Council of the City of Okanogan, Washington, do ordain as follows:

**Section 1:** There is hereby added to the Okanogan Municipal Code a new Chapter 10.45 to read as follows:

## **10.45.010 Definitions**

**“Off-Road Vehicle” or “ORV”** means any non-street ORV licensed vehicle when used for recreational purposes on non-highway roads, trails, or a variety of other natural terrain. Such vehicles include all terrain vehicles, motorcycles, four-wheel drive vehicles and dune buggies. Snowmobiles are not included in this definition by this ordinance.

**“Designated Street”** means those streets selected by the Okanogan City Council for ORV travel.

**“Highway Roads”** means the entire width between the boundary line of every roadway publicly maintained when any part thereof is open to the use of the public for the purpose of vehicular travel.

**“Non-Highway Roads”** means roads that are owned or managed by a public agency who has granted an easement for public use, and that do not receive funds from the Motor Vehicle Account.

**“Operator”** means each person who operates, or is in physical control of, any non-highway vehicle.

**“Owner”** means the person other than the lien holder, having an interest in or title to a non-highway vehicle, and entitled to the use or possession thereof.

**“ORV License”** means a license issued by department of licensing for operation of an off-road vehicle.

**“ORV Recreational Facility”** include, but are not limited to, ORV trails, campgrounds, ORV sports parks, and ORV use areas, designated for ORV use by the managing authority that are intended primarily for ORV recreational users.

**“Person”** means any individual, firm, partnership, association, or corporation.

**“RCW”** means Revised Code of Washington.

**“WAC”** means Washington Administrative Code.

#### **10.45.020 ORV License**

No person shall operate any ORV within the corporate limits of the City of Okanogan without a license decal, issued by the Department of Licensing and displaying a current ORV tag in accordance with current Washington State RCWs.

ORV License and ORV Tags shall be required under the provisions of this ordinance, except for the following exemptions:

- A. ORVs owned and operated by the United States, another state, or political subdivision thereof;
- B. ORVs owned and operated by Washington State, or by any municipality or political subdivision thereof;
- C. ORVs owned by a resident of another state, which have a valid ORV permit or license issued in accordance with the laws of the other state. This exemption shall apply only to the extent that a similar exemption or privilege is granted under the laws of that state.
- D. ORVs being used for search and rescue purposes under the authority or direction of an appropriate search and rescue or law enforcement agency.

**10.45.030 Use for the Good of the Community**

The use of ORVs shall be permitted on City sidewalks for plowing snow or other approved operations as designated by the Okanogan City Council. ORVs are allowed to plow snow in front of the owners residence's as well as other person's residences upon request.

**10.45.040 Operation of ORV**

It shall be unlawful for a person to operate an ORV:

- A. In such a manner as to endanger the property of another, or at a rate of speed greater than the posted City limit.
- B. In violation of the rules of the road which apply to motor vehicles.
- C. Without a lighted head-light and taillight.
- D. Without adequate brakes and working brake light.
- E. Without a spark arrester approved by the Washington State Department of Natural Resources.
- F. Without a muffler and other equipment that complies with RCW 46.09.120.
- G. On lands not owned by the operator or owner of the ORV or without permission of the land owner and in such a manner 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.
- H. To operate an ORV abreast of another vehicle, or in any other manner except single file, on the right hand side of the roadway.
- I. While under the influence of intoxicating liquor and or drug, which is a misdemeanor. (RCW 46.09.120(2))
- J. Except for an ORV equipped with seat belts and roll bars or an enclosed passenger compartment, without wearing upon his or her head a DOT approved motorcycle helmet fastened securely while in motion. "Motorcycle Helmet" has the same meaning as provided in RCW 46.37.530.
- K. In a manner that may endanger human or animal life or property.

L. In violation of any state or local laws.

M. Without proper eye protection per RCW 46.37.530 (b) and WAC 204-10-026.

**10.45.050 Towing**

ORV operators shall abide by the manufacturer's guidelines or specifications when towing approved devices. It will be unlawful for any ORV to pull any sled, toboggan, trailer or any other device except by means of a rigid tow bar connecting the same to such device. No person shall be pulled in any fashion by an ORV.

**10.45.060 Age/License Requirement**

No person under the age of sixteen (16) shall operate an ORV upon public rights of way within the corporate limits of the City of Okanogan. All operators must carry a valid government issued driver's license on their person.

**10.45.070 Trespassing**

Nothing in this ordinance authorizes trespass on private property.

**10.45.80 Public Disturbance Noise**

Chapter 9.20 Okanogan Municipal Code is adopted by reference as if the same were fully set forth in this ordinance.

**10.45.90 Street Designation**

The following streets, within the corporate limits of the City of Okanogan are designated for ORV traffic:

- A. All Okanogan City streets and roads are open to ORV use unless posted closed.
- B. Designated streets and roads closed to ORV use are as follows:  
Beginning at Okanogan City Limits, State Highway 215, 20, 97 and Armory Junction (Highway 97 Access).
- C. Mayor of Okanogan has authority to close streets on temporary basis. Temporary closure(s) cannot last more than 14 consecutive days unless approved by the Okanogan City Council.

### **10.45.100 Authorization to Utilize Designated Streets**

Streets designated in 10.45.90 B are open for use by ORVs as defined in this Ordinance.

### **10.45.110 Civil Liabilities**

In addition to the penalties provided in this ordinance, the owner and/or operator of any ORV, traveling within the corporate limits of the City of Okanogan, found to have violated any provision of this chapter may be liable to a landowner for any damage to property or injury to persons or animals. Any injured person or owner of property or animals damaged or injured may recover treble damages as well as costs, expenses and reasonable attorney's fees.

### **10.45.120 Violation – Penalties**

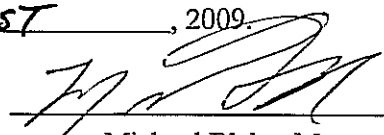
Failure to perform any act required, or the performance of any act prohibited, in this ordinance shall be designated as a traffic infraction, unless so otherwise stated, and any person found to have committed such traffic infraction shall be subject to penalties governed by the Revised Codes of Washington. Any violation of this ordinance not covered by the Revised Codes of Washington will be considered a violation of the City of Okanogan Municipal Code which will be an infraction with a monetary penalty as set forth in the City of Okanogan's fee schedule.

### **Section 2: Severability**

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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 3: Effective Date:** This Ordinance shall become effective from and after its passage by the Council, approval by the Mayor, and five days after publication as required by law.

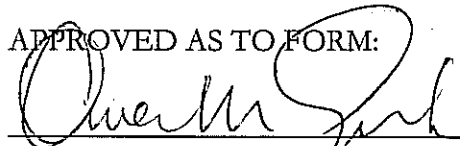
PASSED BY THE CITY COUNCIL OF THE CITY OF OKANOGAN AT A REGULAR MEETING THIS 4th DAY OF August, 2009.

  
\_\_\_\_\_  
Michael Blake, Mayor

ATTEST:

  
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Craig Altwood, Clerk-Treasurer

APPROVED AS TO FORM:

  
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Owen M. Gardner, City Attorney