

**ORDINANCE NO. 761**

**AN ORDINANCE CREATING COULEE DAM MUNICIPAL CODE CHAPTER 10.45 ENTITLED “WHEELED ALL-TERRAIN VEHICLES” ESTABLISHING PENALTIES FOR VIOLATIONS; CONTAINING A SEVERABILITY PROVISION; AND, SETTING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF COULEE DAM, WASHINGTON as follows:**

**Section 1.** Creation. Coulee Dam Municipal Code Chapter 10.45 entitled “Wheeled All-Terrain Vehicles” is hereby added to read as follows:

**Sections:**

<b>10.45.010</b>	<b>Definitions</b>
<b>10.45.020</b>	<b>Use of Wheeled All-Terrain Vehicles on city streets</b>
<b>10.45.030</b>	<b>Restrictions on use of Wheeled All-Terrain Vehicles on city streets</b>
<b>10.45.040</b>	<b>Equipment requirements of a Wheeled All-Terrain Vehicle</b>
<b>10.45.050</b>	<b>Registration requirements of a Wheeled All-Terrain Vehicle</b>
<b>10.45.060</b>	<b>Duty to obey traffic-control devices and rules of the road</b>
<b>10.45.070</b>	<b>Prohibited uses</b>
<b>10.45.080</b>	<b>Prohibited areas</b>
<b>10.45.090</b>	<b>Violation---Penalty</b>
<b>10.45.100</b>	<b>Severability</b>

**10.45.010 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 city defines the words and phrases listed below as follows:

A. “City” means the City of Coulee Dam, its elected officials, its employees, and its agents.

B. “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.

C. “Motorcycle helmet” has the same meaning as provided in RCW 46.37.530.

D. “Rules of the road” means all the rules that apply to vehicle or pedestrian traffic as set forth in state statute, rule or regulation.

E. “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.

F. “Wheeled All-Terrain Vehicles” or “WATV” means:

1. Any wheeled motorized all-terrain non highway 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 at least four tires having a diameter of thirty inches or less, or

2. 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.

#### **10.45.020 Use of Wheeled All-Terrain Vehicles on city streets**

Subject to the restrictions and requirements set forth in this chapter, a person who has attained the age of sixteen years, has proof of valid insurance, and who has a valid, non-intermediate 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 thirty-five miles per hour or less.

#### **10.45.030 Restrictions on use of Wheeled All-Terrain Vehicles on city streets.**

A. Unless the Vehicle has a windscreen and an enclosed overhead rollover structure, each person who operates or rides in a Wheeled All-Terrain Vehicle must wear a securely fastened motorcycle helmet while the vehicle is in motion.

B. A person may not operate a Wheeled All-Terrain Vehicle upon a city street with a speed limit in excess of thirty-five miles per hour; however, a person may cross a city street with a speed limit in excess of thirty-five miles per hour at a controlled intersection if the crossing begins and ends on a city street with the speed limit of thirty-five miles per hour or less and occurs at an intersection of approximately ninety degrees;

C. 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; and

D. Wheeled All-Terrain Vehicles are subject to Chapter 46.55 RCW.

#### **10.45.040 Equipment requirements of a Wheeled All-Terrain Vehicle**

A Wheeled All-Terrain Vehicle operated on a city street must comply with the following equipment requirements:

A. Headlights meeting the requirements of RCW 46.37.030 and 46.37.040 and used at all times when the vehicle is in motion;

B. 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, 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;

C. A stop lamp meeting the requirements of RCW 46.37.200;

D. Reflectors meeting the requirements of RCW 46.37.060;

E. During hours of darkness, as defined in RCW 46.04.200, turn signals meeting the requirements of RCW 46.37.200;

F. Outside of hours of darkness, the operator must comply with RCW 46.37.200 or 46.61.310;

G. A mirror attached to either the right or left handlebar, which must be located to give the operator a complete view of the city street for a distance of at least two hundred feet to the rear of the vehicle; 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;

H. A windshield meeting the requirements of RCW 46.37.430, unless the operator wears glasses, goggles or a face shield when operating the vehicle, of a type conforming to rules adopted by the Washington state patrol;

I. A horn or warning device meeting the requirements of RCW 46.37.380;

J. Brakes in working order;

K. A spark arrester and muffling device meeting the requirements of RCW 46.09.470,

L. Seatbelts meeting the requirements of RCW 46.37.510 for all utility type vehicles, defined under RCW 46.09.310(19);

M. Must have an individual seat designed to seat a person, for each occupant. If equipped with seatbelts, the seatbelts must be worn at all times the vehicle is being operated.

#### **10.45.050 Registration requirements of a Wheeled All-Terrain Vehicle**

A Wheeled All-Terrain Vehicle operated on a city street must comply with the registration requirements of Chapter 46.09.RCW.

#### **10.45.060 Duty to obey traffic-control devices and rules of the road**

Unless a police 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. 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 can have no application.

#### **10.45.070 Prohibited uses.**

A. No person may 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.

B. No person may occupy a Wheeled All-Terrain Vehicle unless that person is seated in a seat designed to carry a person. No person may tow any devices or persons behind a Wheeled All-Terrain Vehicle.

C. No person may operate a Wheeled All-Terrain Vehicle side-by-side in a single lane of traffic.

#### **10.45.080 Prohibited areas.**

A. It is unlawful to operate a Wheeled All-Terrain Vehicle on a sidewalk or other area where it is unlawful to operate a motor vehicle.

B. It is unlawful to operate a Wheeled All-Terrain Vehicle in a park, except on a park drive or in a designated parking lot.

C. It is unlawful to operate a Wheeled All-Terrain Vehicle on any bicycle trail, any walking path, or in any marked bicycle lane.

#### **10.45.090 Violation---Penalty**

A person who violates a provision of this chapter is guilty of a traffic infraction and will be punished by the imposition of a penalty, exclusive of statutory assessments; provided, that conduct that constitutes a criminal offense may be charged as such and is subject to the maximum penalties allowed for such offenses.

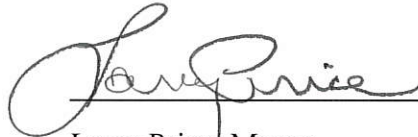
#### **10.45.100 Severability**

If any section, subsection, sentence, clause, paragraph, phrase, or word of this chapter should be found to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, paragraph, phrase or work of this chapter.


**Section 2.** This ordinance shall take effect five (5) days from and after its passage, approval, and publication as provided by law.

**PASSED BY THE TOWN COUNCIL** this 8<sup>th</sup> day of August, 2018.


**APPROVED:**

  
\_\_\_\_\_  
Larry Price, Mayor

**ATTESTED:**

  
\_\_\_\_\_  
Stefani Bowden, Clerk/Treasurer

**APPROVED AS TO FORM:**

  
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Michael D. Howe, Town Attorney