

City of East Wenatchee, Washington

Ordinance No. 2013-08

An Ordinance of the City of East Wenatchee allowing drivers to operate wheeled all terrain vehicles on City streets with a speed limit of 35 miles per hour or less by enacting Chapter 10.60 of the East Wenatchee Municipal Code.

1. Alternate Format.

- 1.1.* Para leer este documento en otro formato (español, Braille, leer en voz alta, etc.), póngase en contacto con el vendedor de la ciudad al alternatformat@east-wenatchee.com, al (509) 884-9515 o al 711 (TTY).
- 1.2.* To read this document in an alternate format (Spanish, Braille, read aloud, etc.), please contact the City Clerk at alternateformat@east-wenatchee.com, at (509) 884-9515, or at 711 (TTY).

2. Authority.

- 2.1.* RCW 35A.11.020 and RCW 35A.12.190 authorize the City Council to adopt ordinances of all kinds to regulate its municipal affairs and appropriate to the good government of the City.
- 2.2.* Engrossed Substitute House Bill 1632 (“ESHB 1632”) authorizes the City to allow wheeled all terrain vehicle on streets with speed limits of 35 mph or less.

3. Recitals

- 3.1.* The City of East Wenatchee (“City”) is a non-charter code City duly incorporated and operating under the laws of the State of Washington; and
- 3.2.* On June 28, 2013, the Washington House of Representatives passed ESHB 1632 by a vote of 81-11.
- 3.3.* On June 29, 2013, the Washington Senate passed ESHB 1632 by a vote of 39-5.

- 3.4. On July 3, 2013, Washington's Governor signed ESHB 1632.
- 3.5. On July 28, 2013, ESHB became effective law.
- 3.6. In passing ESHB 1632, the legislature intend to: (a) Increase opportunities for safe, legal, and environmentally acceptable motorized recreation; (b) decrease the amount of unlawful or environmentally harmful motorized recreation; (c) generate funds for use in maintenance, signage, education, and enforcement of motorized recreation opportunities; (d) advance a culture of self-policing and abuse intolerance among motorized recreationists; (e) cause no change in the policies of any governmental agency with respect to public land; (f) not change any current ORV usage routes; (g) stimulate rural economies by opening certain roadways to use by motorized recreationists which will in turn stimulate economic activity through expenditures on gasoline, lodging, food and drink, and other entertainment purposes; and (h) require all wheeled all-terrain vehicles to obtain a metal tag.
- 3.7. To be consistent with the legislative intent to ESHB, the City Council of East Wenatchee ("City Council") finds that it is in the best interests of the City and its citizens to allow licensed drivers to operate wheeled all terrain vehicles on all City streets with speed limits of 35 miles per hour or less.

THE CITY COUNCIL OF THE CITY OF EAST WENATCHEE DO
ORDAIN AS FOLLOWS:

4. **Enactment.** The City Council enacts Chapter 10.60 of the East Wenatchee Municipal Code to read as follows:

Chapter 10.60

WHEELD ALL-TERRAIN VEHICLES

Sections:

- 10.60.110 Definitions.
- 10.60.120 Use of wheeled all-terrain vehicle on city streets.
- 10.60.130 Restrictions on use of wheeled all-terrain vehicle on city streets.
- 10.60.140 Equipment requirements of a wheeled all-terrain vehicle.
- 10.60.150 Registration requirements of a wheeled all-terrain vehicle.
- 10.60.160 Duty to obey traffic-control devices and rules of the road.
- 10.60.170 Prohibited Uses.
- 10.60.180 Prohibited areas.
- 10.60.190 Violation – Penalty.
- 10.60.200 Severability.

10.60.110 Definitions.

When used in this chapter, the city defines the words and phrases listed below as follows:

“City” means the City of East Wenatchee, its elected officials, its employees, and its agents.

“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.

"Motorcycle helmet" has the same meaning as provided in RCW 35 46.37.530.

“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.

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

"Wheeled all-terrain vehicle" means (a) any motorized nonhighway 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 two thousand 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 nine hundred pounds; or (iii) has a wheelbase of over 61 inches. A wheeled all-terrain vehicle is an off-road vehicle for the purposes of chapter 4.24 RCW.

10.60.120 Use of wheeled all-terrain vehicle on city streets.

Subject the restrictions and requirements set forth in this Chapter, a person 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.

10.60.130 Restrictions on use of wheeled all-terrain vehicle on city streets.

A. A person who operates 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 state route number 28; however, a person may cross state route number 28 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;

C. 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;

D. 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 29 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

E. Wheeled all-terrain vehicles are subject to chapter 46.55 RCW.

10.60.140 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 while 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; and

L. For utility-type vehicles, as described under RCW 46.09.310(19), seatbelts meeting the requirements of RCW 46.37.510.

10.60.150 Registration requirements of a wheeled all-terrain vehicle.

A wheeled all-terrain vehicle operated on a city street must comply with all the registration requirements of chapter 49.06 RCW.

10.60.160 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 a operator of a vehicle, except as to those provisions thereof which by their nature can have no application.

10.60.170 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. Only one person may occupy a wheeled all-terrain vehicle at a time. No wheeled all-terrain vehicle operator may transport passengers or tow other 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.

10.60.180 Prohibited areas.

A. It is unlawful to operate a wheeled all-terrain vehicle on a sidewalk;

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 the Apple Capital Loop Trail.

D. It is unlawful to operate a wheeled all-terrain vehicle on the pedestrian bridge between East Wenatchee and Wenatchee.

10.60.190 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 monetary penalty not to exceed \$250.00, exclusive of statutory assessments; 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.

10.60.200 Severability.

Each separate provision of this chapter is independent of all other provisions. If any provision of the chapter, or any part thereof, is declared invalid, all other provisions, or parts thereof, remain valid and enforceable.

5. **Severability.** If a court of competent jurisdiction declares any provision in this Ordinance to be contrary to law, such declaration shall not affect the validity of the other provisions of this Ordinance.

6. **Publication.**

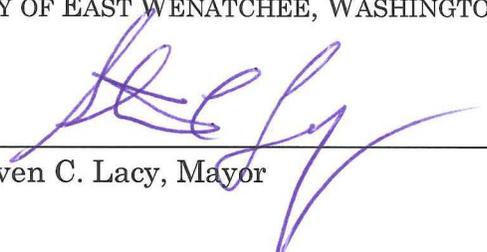
6.1. The City Council directs the City Clerk to post a copy of this Ordinance on the City's website within five days of its passage.

6.2. The City Council directs the City Clerk to publish a summary of this Ordinance in the City's official newspaper. The summary consists of the title of this Ordinance.

7. **Effective Date.** This Ordinance becomes effective five days after the date its summary is published.

Passed by the City Council of East Wenatchee, at a regular meeting thereof on this 22nd day of October, 2013.

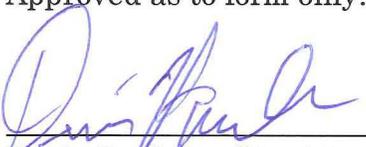
CITY OF EAST WENATCHEE, WASHINGTON

By 
Steven C. Lacy, Mayor

ATTEST:


Dana Barnard, City Clerk

Approved as to form only:


Devin Poulson, City Attorney

Filed with the City Clerk: 10/16/13
Passed by the City Council: 10/22/13
Published: 10/25/13
Effective Date: 11/1/13

Summary of Ordinance No. 2013-08
Of the City of East Wenatchee, Washington

On the 22nd day of October, 2013,
the City Council of the City of East Wenatchee, Washington approved
Ordinance No. 2013-08, the main point of which may be summarized
by its title as follows:

An Ordinance of the City of East Wenatchee allowing drivers to
operate wheeled all terrain vehicles on City streets with a
speed limit of 35 miles per hour or less by enacting Chapter 10.60 of
the East Wenatchee Municipal Code.

Upon request, the City will mail a full text of this Ordinance.

Dated this 22nd day of October, 2013.

Dana Barnard
Dana Barnard, City Clerk