

ORDINANCE NO. 2170

ORDINANCE ADDING A NEW CHAPTER 8.77 TO THE SELAH MUNICIPAL CODE,
ENTITLED "WHEELED ALL-TERRAIN VEHICLES (WATVs) ON PUBLIC ROADWAYS"

WHEREAS, state law – specifically RCW Chapter 46.09 – allows a city to authorize the operation of wheeled all-terrain vehicles (WATVs) on public roadways within their respective jurisdictions; and

WHEREAS, the City Council desires to approve – subject to certain limitations, conditions and requirements – the operation of WATVs on most public roadways within the City that have a posted speed limit of thirty-five (35) miles per hour or less, and to specify certain public roadways within the City where the operation of WATVs shall continue to be prohibited irrespective of the posted speed limit;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON,
ORDAINS AS FOLLOWS:

Section 1. That a new Chapter 8.77 of the Selah Municipal Code entitled "Wheeled All-Terrain Vehicles (WATVs) on Public Roadways" is hereby adopted and shall provide as follows:

Chapter 8.77

WHEELED ALL-TERRAIN VEHICLES (WATVs) ON PUBLIC ROADWAYS

Sections:

- 8.77.010 Definitions.
- 8.77.020 Operation of wheeled all-terrain vehicles on certain public roadways approved.
- 8.77.030 Necessity of vehicle registration, driver's license and liability insurance.
- 8.77.040 Minimum equipment requirements for wheeled all-terrain vehicles when operated on public roadways.
- 8.77.050 Duty to obey traffic control devices and rules of the road.
- 8.77.060 Prohibited uses.
- 8.77.070 Prohibited areas (including all state highways).
- 8.77.080 Use by governmental agencies.
- 8.77.090 Violation – Penalty.

8.77.010 Definitions.

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

“City” means the City of Selah, Washington.

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

“Public roadway” means every street, road, boulevard, lane and every way or place within the City’s boundaries that is open as a matter of right to public vehicular traffic.

“Rules of the road” means all laws, regulations and rules that apply to vehicle or pedestrian traffic as established by state statutes and regulations, including RCW Chapter 46.61, and also as established by the SMC.

“Sidewalk” means the publicly-owned or privately-owned area existing between the curb line or lateral line of a public roadway and the adjacent property that is designated or intended for use by pedestrians, or the publicly-owned or privately-owned area that is either generally parallel to or otherwise in proximity to a public roadway that is used by pedestrians.

“Wheeled All-Terrain Vehicle” is frequently abbreviated within this SMC Chapter as “WATV” (singular) or “WATVs” (plural), and means: A utility-type vehicle designed for all-terrain use on land that has four or more inflated tires, has a maximum width less than seventy-four (74) inches, that has a wheelbase length of one-hundred ten (110) inches or less, that has a maximum weight less than two thousand (2,000) pounds, and that also satisfies at least one of the following:

- (a) Has a minimum width of fifty (50) inches; or
- (b) Has a minimum weight of at least nine hundred (900) pounds; or
- (c) Has a wheelbase length of over sixty-one (61) inches; or
- (d) Has a steering wheel for steering control; or
- (e) Has non-straddle seating with the operator and passenger sitting side by side in the vehicle.

8.77.020 Operation of wheeled all-terrain vehicles on certain public roadways approved.

Subject to the restrictions set forth in RCW Chapter 46.09 and SMC section 8.77.030, any person, 18 years of age or older, possessing a valid (non-intermediate or unrestricted) driver’s license issued by the state of the person’s residence may operate a WATV upon public roadways

within the City that have a posted speed limit of thirty-five (35) miles per hour or less, except for those specific public roadways identified in SMC 8.77.080 where the operation of WATVs shall continue to be prohibited irrespective of the posted speed limit.

8.77.030 Necessity of vehicle registration, driver's license and liability insurance.

(a) Prior to operating a WATV on public roadway, the WATV must comply with all applicable registration requirements of RCW Chapter 46.09.

(b) An operator of WATV on a public roadway must possess and carry proof of a valid (non-intermediate or unrestricted) driver's license issued by the state of the operator's residence.

(c) An operator of WATV on a public roadway must possess and carry proof of current liability insurance in compliance with, and with overage limits at least equivalent to the amounts set forth in, RCW Chapter 46.29.

8.77.040 Minimum equipment requirements for wheeled all-terrain vehicles when operated on public roadways.

WATVs operated on public roadways must satisfy the following minimum equipment requirements and such equipment must be utilized as required by law and as specified herein:

(a) At least two headlights meeting the requirements of RCW 46.37.030 and .040, which must be continually activated (*i.e.*, turned on) at all times when the vehicle is in operation irrespective of daylight or darkness conditions.

(b) At least one tail lamp meeting the requirements of RCW 46.37.525, which must be continually activated (*i.e.*, turned on) at all times when the vehicle is in operation irrespective of daylight or darkness conditions; however, a utility-type vehicle, as described in RCW 46.09.310(19), must have at least two tail lamps meeting the requirements of RCW 46.37.070(1), which must be continually activated (*i.e.*, turned on) at all times when the vehicle is in operation irrespective of daylight or darkness conditions.

(c) At least one stop lamp meeting the requirements of RCW 46.37.200, which is in good working order and which activates (*i.e.*, turns on) when the operator applies the brakes of the WATV.

(d) Reflectors meeting the requirements of RCW 46.37.060.

(e) Turn signals:

(1) During hours of darkness as defined in RCW 46.04.200, turn signals meeting which meet the requirements of such RCW provision, which are in good working order and which activate (*i.e.*, turn on) when the operator activates them.

(2) Outside of hours of darkness as defined in RCW 46.04.200, the operator of the WATV must comply with RCW 46.37.200 or .310 with regard to turn signals.

(f) At least two mirrors meeting the requirements of RCW 46.37.400.

(g) A windshield meeting the requirements of RCW 46.37.430, unless the operator the WATV wears glasses, goggles or a face shield, which conforms to the standards established by the Washington State Patrol.

(h) A horn or warning device meeting the requirements of RCW 46.37.380, which is in good working order and which activates (*i.e.*, sounds) when the operated activates it.

(i) Brakes in working order, which activate when activated by the operator.

(j) A spark arrester and muffling device, which meet the requirements of RCW 46.09.470.

(k) Seat belts meeting the requirements of RCW 46.37.510, which must be worn by each occupant of the WATV unless an occupant is wearing a motorcycle helmet pursuant to SMC 8.77.030(a).

(l) Individual seats for each occupant designed to seat a person, with no more than one person occupying any seat.

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

(a) An operator of a WATV on a public roadway 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. An operator of a WATV on a public roadway is subject to all duties imposed by RCW Chapter 46.61 applicable to operators of a vehicle, except those provisions if any which by their nature are not logically applicable to WATVs.

(b) WATVs, and the use thereof upon public roadways, are subject to the applicable towing and impoundment regulations and requirements set forth in RCW Chapter 46.55.

8.77.060 Prohibited uses.

(a) No person shall operate a WATV or ride in a WATV on a public roadway in a negligent or unsafe manner, and all operators and passengers must continuously exercise reasonable regard for their own safety and for the safety of others at all times.

(b) No person shall operate a WATV on a public roadway immediately adjacent to (*i.e.*, next to or beside) another WATV or any motorcycle within a single lane of traffic.

(c) No person shall occupy a WATV on a public roadway unless that person is seated in a seat designed to carry more than one person.

(d) No person shall ride as a passenger in a WATV on a public roadway unless that person is seated in a seat designed to carry no more than one person.

(e) No person shall operate a WATV on a public roadway in violation of any rule, regulation, standard or requirement of this SMC Chapter.

(f) Any person who operates or rides as a passenger in a WATV 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.

(g) No person shall tow any trailers, devices, equipment or persons behind the WATV.

8.77.070 Prohibited areas (including all state highways).

(a) It is unlawful to operate a WATV on a sidewalk.

(b) It is unlawful to operate a WATV in a park, except in a designated parking lot, driveway or lane designated for vehicular traffic.

(c) It is unlawful to operate a WATV on any pedestrian trail, bicycle path or bridge, where the operation of motorized vehicles is prohibited.

(d) A person may not operate a WATV on a public roadway that has a posted speed limit in excess of thirty-five (35) miles per hour; however, a person may cross a public roadway that has a posted a speed limit in excess of thirty-five (35) miles per hour if the crossing occurs at a controlled intersection, if the crossing begins and ends on a public roadway that has a posted speed limit of thirty-five (35) miles per hour or less, and if the operator adheres to all rules of the road when making the crossing.

(e) No person may operate a WATV on a public roadway or segment thereof that is designated as a state highway. As of the date of original enactment of this SMC Chapter in September of 2022, the following public roadway segments are designated as state highways and thus no WATV may be operated thereon (except when crossing, as specified in SMC 8.77.070(d)):

(1) State Route 823: From the 700 block of South First Street to Jim Clements Way.

(2) South First Street: From the 700 block of South First Street to Valleyview Avenue.

(3) Jim Clements Way: From South First Street to South Wenas Avenue.

(4) South Wenas Avenue: From Jim Clements Way to North Wenas Road.

(5) North Wenas Road: From South Wenas Avenue to the 1000 block of North Wenas Road.

8.77.080 Use by governmental agencies.

A person or entity may operate a WATV on a public roadway under the authority or direction of a governmental 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 16.51.011, within the scope of the agency's official duties.

8.77.090 Violation – Penalty.

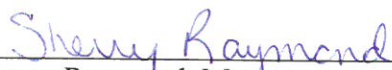
Any person or entity who violates a provision of this SMC Chapter is guilty of a traffic infraction and will be punished by the imposition of a monetary penalty as authorized by RCW 46.09.490, as existing or hereafter amended; provided, that conduct that constitutes a criminal traffic offense may be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

[End of language of new SMC Chapter]

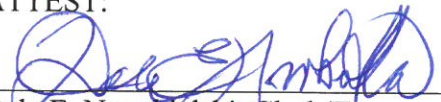
Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. 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 Selah this 13th day of September, 2022.


Sherry Raymond, Mayor

ATTEST:


Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:


Rob Case, City Attorney