

ORDINANCE NO. 2023-1015

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, ADDING A NEW CHAPTER 10.30 TO THE DEER PARK MUNICIPAL CODE, AUTHORIZING OPERATION OF WHEELED ALL-TERRAIN VEHICLES (WATVS) ON CERTAIN CITY STREETS, ESTABLISHING REQUIREMENTS AND STANDARDS FOR OPERATION OF WATVS ON CITY STREETS, AND SETTING FORTH PENALTIES FOR VIOLATIONS; CONTAINING A SEVERABILITY PROVISION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 46.09 RCW, local jurisdictions are authorized to enact regulations, consistent with state law, to allow for operation of off-road vehicles and wheeled all-terrain vehicles (collectively "WATVs") on certain streets within the jurisdiction; and

WHEREAS, the Mayor and City staff recommend, and the City Council concurs with the recommendation, that WATVs be allowed to operate on streets within the City of Deer Park so long as the WATV, and operation thereof, is consistent with state law and local regulations further prescribed herein; and

WHEREAS, the City Council now desires to adopt this Ordinance adding a new Chapter 10.30 to the Deer Park municipal code setting forth the authorization and requirements for operation of WATVs on City streets; and

WHEREAS, the City Council reasonably believes that adoption of this Ordinance is in the best interest of the health, safety and welfare of citizens of the City; **NOW, THEREFORE**,

THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. A new Chapter 10.30 of the Deer Park Municipal Code is hereby added to

read as follows:

Chapter 10.30

OFF ROAD VEHICLES (ORVs) AND WHEELED ALL-TERRAIN VEHICLES (WATVs)

Sections:

- 10.30.010** Definitions.
- 10.30.020** Use of wheeled all-terrain vehicle on City streets.
- 10.30.030** Restrictions on use of wheeled all-terrain vehicle on City streets.
- 10.30.040** Equipment requirements of a wheeled all-terrain vehicle.
- 10.30.050** Registration requirements of a wheeled all-terrain vehicle.
- 10.30.060** Duty to obey traffic-control devices and rules of the road.
- 10.30.070** Prohibited uses.
- 10.30.080** Prohibited areas.
- 10.30.090** Violation – Penalty.
- 10.30.100** Severability.

10.30.010 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 following words, terms, and phrases shall have the following meanings:

- A. "City" means the City of Deer Park, Washington, including its elected officials, employees, and 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. "Off-Road Vehicle" or "ORV" means any motorized vehicle used for recreational purposes on non-highway roads, trails, or a variety of other natural terrain. Any reference to Wheeled All-Terrain Vehicle in this Chapter shall include reference to Off-Road Vehicles or ORVs.
- E. "Rules of the road" means all the rules that apply to vehicle or pedestrian traffic as set forth in state and/or local statutes, rules or regulations.

F. "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.

G. "Wheeled All-Terrain Vehicle" or "WATV" means (1) 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 (2) 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 2,000 pounds, has a wheelbase of 110 inches or less, and satisfies at least one of the following: (a) has a minimum width of 50 inches; (b) has a minimum weight of at least 900 pounds; or (c) 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.

10.30.020 Use of Wheeled All-Terrain Vehicles on City Streets

Subject the restrictions set forth in Section 10.30.030, as existing or hereafter amended, and other requirements set forth in this Chapter, any 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.

10.30.030 Restrictions on Use of Wheeled All-Terrain Vehicles on City Streets.

A. Any person who operates or rides as a passenger in a Wheeled All-Terrain Vehicle 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;

B. A person may not operate a Wheeled All-Terrain Vehicle upon a State Route; however, a person may cross State Routes 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 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, and the use thereof, are subject to the regulations and requirements set forth in Chapter 46.55 RCW.

10.30.040 Equipment Requirements of Wheeled All-Terrain Vehicles.

Any Wheeled All-Terrain Vehicle operated on a City street shall include the following equipment (which equipment shall be used and operated as further prescribed herein):

- 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 person operating the WATV 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 person operating the WATV a complete view of the City street for a distance of at least 200 feet to the rear of the WATV; 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 person operating the WATV wears glasses, goggles, or a face shield while operating the WATV, 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), seat belts meeting the requirements of RCW 46.37.510.

10.30.050 Registration Requirements of a Wheeled All-Terrain Vehicle.

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

10.30.060 Duty to Obey Traffic- Control Devices and Rules of the Road

Unless a law enforcement 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.

10.30.070 Prohibited Uses

A. No person shall operate or ride a Wheeled All-Terrain Vehicle in a negligent or unsafe manner, as determined in the sole discretion of any law enforcement officer or City official responsible for enforcement of this Chapter, but must operate it with reasonable regard for his or her own safety and for the safety of others.

B. No person shall tow any trailers, devices, equipment or persons behind the Wheeled All-Terrain Vehicle.

C. No person shall operate a Wheeled All-Terrain Vehicle side-by-side with another Wheeled All-Terrain Vehicle or other vehicle in a single lane of traffic.

D. No person shall carry or transport any other person or passenger on a Wheeled All-Terrain Vehicle, nor shall any other person ride on a Wheeled All-Terrain Vehicle, unless such Wheeled All-Terrain Vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the Wheeled All-Terrain Vehicle.

10.30.080 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. City employees may operate Wheeled All-Terrain Vehicles in a park when performing park maintenance or for other City business.

C. It is unlawful to operate a Wheeled All-Terrain Vehicle on any pedestrian trail or bridge where the operation of motorized vehicles is prohibited.

10.30.090 Violation -Penalty

Any 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 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.

10.30.100 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.

Section 2. 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 the constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. This Ordinance shall take effect and be in full force five (5) days after this Ordinance or a summary thereof consisting of the title is published.

APPROVED:



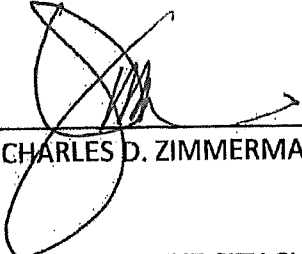
MAYOR TIM VERZAL

ATTEST:



CITY CLERK DEBY CRAGUN

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY



CHARLES D. ZIMMERMAN

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.

3/27/2023
5/3/2023
5/5/2023
5/11/2023
2023-1015

SUMMARY OF ORDINANCE NO. 2023-1015

of the City of Deer Park, Washington

On the 3rd day of May, 2023, the City Council of the City of Deer Park, Washington, passed Ordinance No.2023-1015 A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, ADDING A NEW CHAPTER 10.30 TO THE DEER PARK MUNICIPAL CODE, AUTHORIZING OPERATION OF WHEELED ALL-TERRAIN VEHICLES (WATVS) ON CERTAIN CITY STREETS, ESTABLISHING REQUIREMENTS AND STANDARDS FOR OPERATION OF WATVS ON CITY STREETS, AND SETTING FORTH PENALTIES FOR VIOLATIONS; CONTAINING A SEVERABILITY PROVISION; AND SETTING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 4th day of May, 2023.

CITY CLERK DEBY CRAGUN