

CITY OF LEAVENWORTH

ORDINANCE NO. 1505

AN ORDINANCE OF THE CITY OF LEAVENWORTH, WASHINGTON RELATING TO AND ALLOWING CERTAIN WATV USE ON PUBLIC ROADWAYS WITHIN THE CITY BY ENACTING A NEW CHAPTER 10.29 LEAVENWORTH MUNICIPAL CODE ENTITLED "SIDE BY SIDE WHEELED ALL-TERRAIN VEHICLES", PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

Whereas the Washington State Legislature enacted RCW 46.09.455 in 2013 authorizing a City to allow the operation of wheeled all-terrain vehicles within a city and if allowed to designate the public roadways available for use, and requiring the public roadways allowed for use to be listed publicly and made accessible from the main page of the city website;

Whereas the City wishes to authorize limited use for certain wheeled all terrain vehicles on all city streets consistent with the requirements of state law and to establish an effective date when such use may begin;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LEAVENWORTH, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. A new Chapter 10.92 Leavenworth Municipal Code entitled "Side by Side Wheeled All-Terrain Vehicles" is hereby enacted reading as follows:

Chapter 10.92

SIDE BY SIDE WHEELED ALL-TERRAIN VEHICLES

Sections

10.92.010 Definitions

10.92.020 Authorized for use on designated public roadway

10.92.030 Equipment to comply with State Law

10.92.040 Operators to comply with State Law

10.92.050 Violations

10.92.010 Definitions

All definitions of Title 46 RCW pertaining to wheeled all-terrain vehicles as now existing or amended are hereby incorporated into this Chapter.

A. "City" means the city of Leavenworth, 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. "Side by Side Wheeled all terrain vehicle" or "SXS WUTV" means 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 two 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. The vehicle must be equipped with a steering wheel.

10.92.020 Authorized for use on designated public roadway

The operation of Side by Side Wheeled all terrain vehicles (SXS WUTV) is allowed within the City of Leavenworth on all public roadways within the City. No other wheeled all-terrain vehicles are permitted for use on public roadways within the City.

10.92.030 Equipment to comply with State Law

Only Side by Side Wheeled all terrain vehicles (SXS WUTV) complying with the equipment requirements of RCW 46.09.457 as now existing or as may be hereinafter amended may be operated on allowed public roadways within the City. All Side by Side Wheeled all-terrain vehicle (SXS WATV) operated on allowed public roadways of the City shall at all times while in operation on allowed public roadways comply completely with the equipment requirements of RCW 46.09.457 as now existing or as may be hereinafter amended.

10.92.040 Operators to comply with State Law

Only operators allowed to operate a wheeled all-terrain vehicle on a public roadway under Title 46 RCW shall be allowed to operate a Side by Side Wheeled all terrain vehicle (SXS WUTV) on the allowed public roadways of the City. Operators shall operate a Side by Side Wheeled all-terrain vehicle (SXS WATV) on allowed public roadways of the City only in compliance with the standards and requirements of Title 46 RCW.

10.92.050 Violations

All operating violations as specified in Section 46.09.470 and 46.09.485 as now existing or as may be hereinafter amended are operating violations in the City which shall be enforced in accordance with State law.

Section 2 If any section of this Ordinance, or if any part of Chapter 10.92 adopted hereby is declared unlawful or unenforceable, the remainder of this Ordinance and said Chapter shall remain in full force and effect.

Section 3. This ordinance shall be effective five (5) days after publication.

Passed by the City Council of the City of Leavenworth, Washington and approved by the Mayor at an open public meeting on the 28th day of July, 2015.

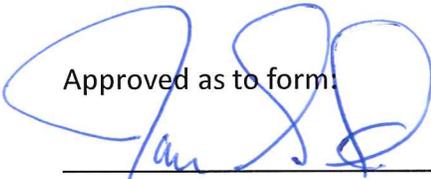
CITY OF LEAVENWORTH

By: 
Cheryl K. Farivar, Mayor

Attest:


Chantell Steiner
City Clerk/Finance Director

Approved as to form:


Thom H. Graafstra, City Attorney

RCW 46.09.455

Authorized and prohibited uses for wheeled all-terrain vehicles.

(1) A person may operate a wheeled all-terrain vehicle upon any public roadway of this state, not including nonhighway roads and trails, having a speed limit of thirty-five miles per hour or less subject to the following restrictions and requirements:

(a) A person may not operate a wheeled all-terrain vehicle upon state highways that are listed in chapter 47.17 RCW; however, a person may operate a wheeled all-terrain vehicle upon a segment of a state highway listed in chapter 47.17 RCW if the segment is within the limits of a city or town and the speed limit on the segment is thirty-five miles per hour or less;

(b) A person operating a wheeled all-terrain vehicle may not cross a public roadway, not including nonhighway roads and trails, with a speed limit in excess of thirty-five miles per hour, unless the crossing begins and ends on a public roadway, not including nonhighway roads and trails, or an ORV trail, with a speed limit of thirty-five miles per hour or less and occurs at an intersection of approximately ninety degrees, except that the operator of a wheeled all-terrain vehicle may not cross at an uncontrolled intersection of a public highway listed under chapter 47.17 RCW;

(c)(i) A person may not operate a wheeled all-terrain vehicle on a public roadway within the boundaries of a county, not including nonhighway roads and trails, with a population of fifteen thousand or more unless the county by ordinance has approved the operation of wheeled all-terrain vehicles on county roadways, not including nonhighway roads and trails.

(ii) The legislative body of a county with a population of fewer than fifteen thousand may, by ordinance, designate roadways or highways within its boundaries to be unsuitable for use by wheeled all-terrain vehicles.

(iii) Any public roadways, not including nonhighway roads and trails, authorized by a legislative body of a county under (c)(i) of this subsection or designated as unsuitable under (c)(ii) of this subsection must be listed publicly and made accessible from the main page of the county web site.

(iv) This subsection (1)(c) does not affect any roadway that was designated as open or closed as of January 1, 2013;

(d)(i) A person may not operate a wheeled all-terrain vehicle on a public roadway within the boundaries of a city or town, not including nonhighway roads and trails, unless the city or town by ordinance has approved the operation of wheeled all-terrain vehicles on city or town roadways, not including nonhighway roads and trails.

(ii) Any public roadways, not including nonhighway roads and trails, authorized by a legislative body of a city or town under (d)(i) of this subsection must be listed publicly and made accessible from the main page of the city or town web site.

(iii) This subsection (1)(d) does not affect any roadway that was designated as open or closed as of January 1, 2013;

(e) Any person who violates this subsection commits a traffic infraction.

(2) Local authorities may not establish requirements for the registration of wheeled all-terrain vehicles.

(3) A person may operate a wheeled all-terrain vehicle upon any public roadway, trail, nonhighway road, or highway within the state 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.

(4) A wheeled all-terrain vehicle is an off-road vehicle for the purposes of chapter 4.24 RCW.

[2013 2nd sp.s. c 23 § 6.]

Notes:

Finding -- Intent -- 2013 2nd sp.s. c 23: See note following RCW 46.09.442.

Effective date -- 2013 2nd sp.s. c 23: See note following RCW 46.09.310.



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