

**ORDINANCE NO. 1521**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ZILLAH WASHINGTON, RELATING TO AND ALLOWING CERTAIN WATV USE ON PUBLIC ROADWAYS WITHIN THE CITY BY ENACTING A NEW CHAPTER 10.08 IN ZILLAH MUNICIPAL CODE WITHIN TITLE 10, RELATING TO OFF-ROAD VEHICLES (ORVS) AND WHEELED ALL-TERRAIN VEHICLES (WATVS) 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;

**BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF ZILLAH, WASHINGTON AS FOLLOWS:**

**SECTION 1. NEW CHAPTER & SECTIONS.**

**Chapter 10.08 of the Zillah Municipal Code is hereby adopted and shall read as follows:**

**Chapter 10.08**

**OFF-ROAD VEHICLES (ORVS) AND WHEELED ALL-TERRAIN VEHICLES (WATVS)**

Sections:

- 10.08.010 Definitions.**
- 10.08.020 Use of Wheeled All-Terrain Vehicles on City Streets.**
- 10.08.030 Restrictions on Use of Wheeled All-Terrain Vehicles on City Streets.**
- 10.08.040 Equipment Requirements of Wheeled All-terrain Vehicles.**
- 10.08.050 Registration Requirements of a Wheeled All-terrain Vehicle.**
- 10.08.060 Duty to Obey Traffic Control Devices and Rules of the Road.**
- 10.08.070 Prohibited Uses.**
- 10.08.080 Prohibited Areas.**
- 10.08.090 Violation - Penalty.**

**10.08.010 Definitions:**

Unless otherwise specifically provided for herein, the definitions set forth in 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 Zillah, 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. "Golf Cart" means a gas-powered or electric-powered four-wheeled vehicle originally designed and manufactured for operation on a golf course for sporting purposes and has a speed attainable in one mile of not more than twenty miles per hour. A golf cart is not a nonhighway vehicle or off-road vehicle as defined in RCW 46.04.365.

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

E. "Off-road vehicle" or "ORV" means any motorized vehicle used for recreational purposes on non-highway roads, trails, or a variety of other natural terrains. Any reference to a wheeled all-terrain vehicle in this chapter shall include reference to off-road vehicles or ORVs.

F. "Rules of the road" means all the rules that apply to the vehicle or pedestrian traffic as outlined in state and/or local statutes, rules, or regulations.

G. "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 for use by pedestrians.

H. "Wheeled all-terrain vehicle" or "WATV" means:

1. Any motorized non-highway vehicle with handlebars that is fifty inches (50") or less in width, has a seat height of at least twenty inches (20"), weighs less than one thousand five hundred pounds (1,500 lbs), and has four (4) tires having a diameter of thirty inches (30") or less, or;

2. A utility-type vehicle designed for and capable of travel over designated roads that travels on four (4) or more low-pressure tires of twenty (20) psi or less, has a maximum width less than seventy-four inches (74"), has a maximum weight less than two thousand pounds (2,000 lbs), has a wheelbase of one hundred ten inches (110") or less, and satisfies at least one of the following:

- a. has a minimum width of fifty inches (50");

- b. has a minimum weight of at least nine hundred pounds (900 lbs);

- c. has a wheelbase of over sixty-one inches (61"). A wheeled all-terrain vehicle is an off-road vehicle for the purposes of Chapter 4.24 RCW.

**10.08.020 Use of Wheeled All-Terrain Vehicles on City Streets:**

A. Subject to the restrictions outlined in section 10.08.030, as existing or hereafter amended, and other requirements set forth in this chapter, any person fifteen (15) years with a valid driver's license permit issued by the state and a supervisor with five or more years of driving experience and a valid driver's license issued by the state or a sixteen (16) years of age or older 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 thirty-five (35) miles per hour or less.

B. The Mayor of Zillah has the authority to close streets temporarily. Temporary closure(s) cannot last more than 14 consecutive days unless approved by the Zillah City Council.

**10.08.030 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. All passengers who are less than sixteen (16) years of age must wear a securely fastened motorcycle helmet that meets the standards established by the U.S. Department of Transportation regardless of the presence of seat belts, a roll cage, or an enclosed passenger compartment.

B. A person may not operate a wheeled all-terrain vehicle upon any State Routes or Interstate 82. However, a person may cross the state route at a controlled intersection if the crossing begins and ends on a City street with a speed limit of thirty-five (35) miles per hour or less and occurs at an intersection of approximately ninety degrees (90°).

C. A person may not operate a wheeled all-terrain vehicle upon a City street with a speed limit in excess of thirty-five (35) miles per hour. However, a person may cross a City street with a speed limit above thirty-five (35) miles per hour at a controlled intersection if the crossing begins and ends on a City street with a speed limit of thirty-five (35) miles per hour or less and occurs at an intersection of approximately ninety degrees (90°).

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.

E. Wheeled all-terrain vehicles, and the use thereof, are subject to the regulations and requirements set forth in Chapter 46.55 RCW.

F. No person may operate a wheeled all-terrain vehicle upon a City street without having proof of current liability insurance with liability limits of at least the amounts provided in and in compliance with the requirements as set forth in RCW 46.29.090, as now enacted or hereafter amended, Written proof of such financial responsibility must be provided on the request of a law enforcement officer.

**10.08.040 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 (1) 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 (2) 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. Reflectors meeting the requirements of RCW 46.37.060.

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

E. Outside of hours of darkness, the person operating the WATV must comply with RCW 46.37.200 or 46.61.310.

F. 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 two hundred feet (200') to the rear of the WATV; however, a utility-type vehicle, as described under RCW 46.09.310(19), must have two (2) mirrors meeting the requirements of RCW 46.37.400.

G. 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.

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

I. Brakes in working order.

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

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

**10.08.050 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.

**10.08.060 Duty to Obey Traffic Control Devices and Rules of the Road:**

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

B. Any person who operates or rides as a passenger in a wheeled all-terrain vehicle must wear a securely fastened seat belt as required in RCW 46.61.688(3). Passengers less than sixteen (16) years of age are required to be restrained as defined in RCW 46.61.687.

**10.08.070 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 safety and 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 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 (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the wheeled all-terrain vehicle.

**10.08.080 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 City park or upon any City bike paths, trails, etc. except for City maintenance staff, other than in areas designated for motor vehicle operation.

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.

**10.08.090 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. A violation of section 10.08.030(F), however, constitutes a violation of the Zillah Municipal Code for which the violator is subject to a penalty of up to \$250.00, as set forth in ZMC Chapter 10.04.

**SECTION 2. SEVERABILITY.**

If any provision of this Ordinance or its application to any person or circumstance is held to be invalid the remainder of this Ordinance or the application of the provisions to other persons or circumstances, shall not be affected.

**SECTION 3. EFFECT.**

This Ordinance shall be in full force and effect from and after its passage, upon approval and publication as provided by law.


**PASSED BY THE CITY COUNCIL FOR THE CITY OF ZILLAH, WASHINGTON, this 19<sup>th</sup> day of April, 2021.**

  
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MAYOR SCOTT CARMACK

ATTEST:

  
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SHARON BOUNDS, CITY ADMINISTRATOR

APPROVED AS TO FORM:

  
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JAMES C. CARMODY, CITY ATTORNEY

Date published:

Effective Date: