

ORDINANCE NO. 37-21

AN ORDINANCE of the City of Richland amending Richland Municipal Code Title 11: Traffic, adding Chapter 11.15 entitled Wheeled All-Terrain Vehicles.

WHEREAS, Chapter 46.09 RCW allows cities to authorize the operation of wheeled all-terrain vehicles (WATVs) on public roadways within their jurisdiction through legislative action; and

WHEREAS, Richland City Council intends to authorize the operation of wheeled all-terrain vehicles on all Richland city streets where the speed limit is 35 miles per hour or less, excluding certain city streets, subject to the limitations, conditions and requirements set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Title 11 of the Richland Municipal Code is hereby amended to add a new Chapter 11.15 entitled Wheeled All-Terrain Vehicles.

Title 11 TRAFFIC

Chapters:

11.01 State Provisions Adopted – Penalty for Violations

11.04 Enforcement and Obedience to Traffic Regulations

11.06 Engine Brakes

11.08 Speed Regulations

11.12 One-Way Streets and Alleys

11.15 Wheeled All-Terrain Vehicles

11.30 Stopping, Standing, or Parking Restricted or Prohibited on Certain Streets and in Municipal Parking Lots

11.31 Removal of Unauthorized Vehicles

11.33 Storage and Parking of Boats, Campers (Pickup), Large Vehicles, Motor Homes, Recreational Vehicles, Snowmobiles, Utility Trailers or Storage Containers

11.34 Impound of Vehicles

11.40 Schedules of Designated Streets Referred to in Ordinance

11.42 Operation of Vehicles on City Property

11.50 Skateboards/Skating

Chapter 11.15 WHEELED ALL-TERRAIN VEHICLES

Sections

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11.15.010 Definitions.

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

A. "City" means the City of Richland, its elected officials, its employees, and its 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. "Rules of the Road" means all the rules that apply to vehicle or pedestrian traffic as set forth in state statute, rule or regulation.

E. "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.

F. "Wheeled All-Terrain Vehicle" or "WATV" means:

1. 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;
 - d. Has a steering wheel for steering control; and
 - e. Has nonstraddle seating with the operator and passenger sitting side by side in the vehicle manufactured primarily for recreational nonhighway all-terrain use.

11.15.020 Use of Wheeled All-Terrain Vehicle on City Streets.

Subject to the restrictions and requirements set forth in this chapter, a person who has attained the age of eighteen (18) years and who has 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, except for those streets identified in RMC 11.15.080.

11.15.030 Restrictions on Use of Wheeled All-Terrain Vehicle 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 roll bars or an enclosed passenger compartment.

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.

C. No passengers under the age of five (5) years of age may be transported in a wheeled all-terrain vehicle.

D. 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; provided, however, that 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.

E. 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.

F. Wheeled all-terrain vehicles are subject to Chapter 46.55 RCW.

G. 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 upon request of a law enforcement officer.

11.15.040 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. 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. 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;
- L. Seatbelts meeting the requirements of RCW 46.37.510; and
- M. Must have an individual seat for each occupant designed to seat a person.

11.15.050 Registration Requirements of a Wheeled All-Terrain Vehicle.

A wheeled all-terrain vehicle operated on a city street must comply with all registration requirements in Chapter 46.09 RCW.

11.15.060 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 duties imposed by Chapter 46.61 RCW *et seq.* on an operator of a vehicle, excepting those provisions which by their nature can have no application.

11.15.070 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. No person may occupy a wheeled all-terrain vehicle unless that person is seated in a seat designed to carry a person. No person may tow any devices or persons behind a wheeled all-terrain vehicle.

C. No person may operate a wheeled all-terrain vehicle side-by-side with another vehicle in a single lane of traffic.

11.15.080 Prohibited Areas.

A. It is unlawful to operate a wheeled all-terrain vehicle on a sidewalk or other area where it is unlawful to operate a motor vehicle.

B. Except as authorized by the City, it is unlawful to operate a wheeled all-terrain vehicle in a city park or upon any city bike path, trail, or other area not expressly designated for motor vehicle operation.

C. It is unlawful to operate a wheeled all-terrain vehicle on any bicycle trail or walking path or in any bicycle lane.

D. Wheeled all-terrain vehicles are prohibited on all streets with speed limits above 35 miles per hour and on the following segments of city streets:

1. Gage Boulevard from Leslie Road to Keene Road;
2. George Washington Way from SR-240 to University Drive;
3. Jadwin Avenue from George Washington Way to SR-240;
4. Leslie Road from Gage Boulevard to Canyon Avenue;
5. Steptoe Street from the city limits 185 feet south of Canon Street to Columbia Park Trail; and
6. Stevens Drive from Jadwin Avenue to Snyder Street.

11.15.090 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 offense may be charged as such and is subject to the maximum penalties allowed for such offenses.

11.92.100 Severability.

If any section, subsection, sentence, clause, paragraph, phrase, or word of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, paragraph, phrase or word of this chapter.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 16th day of November, 2021.



Ryan Lukson, Mayor

Attest:



Jennifer Rogers, City Clerk

Approved as to form:



Heather Kintzley, City Attorney

Date Published: November 21, 2021