

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 07-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, ALLOWING FOR MOTORIZED RECREATION VEHICLES, WHEELED ALL TERRAIN VEHICLES USE ON PUBLIC STREETS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Washington State Legislature passed ESH 1632 during the 2013 2nd Special Session regulating the use of off-road vehicles in certain areas; and

WHEREAS, ESH 1632 provides that a person may not operate a wheeled all-terrain vehicle on a public roadway within the boundaries of a city or town unless the city or town by ordinance has approved the operation of wheeled all-terrain vehicles on city or town roadways; and

WHEREAS, a person may operate a wheeled all-terrain vehicle upon a segment of highway 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; and

WHEREAS, the legislative body of a city or town must publically list the roads covered or declare a blanket approval of roads with a maximum speed limit of thirty-five miles per hour or less; and

NOW THEREFORE THE CITY OF BUCKLEY, PIERCE COUNTY, DOES ORDAIN AS FOLLOWS:

Section 1. BMC Section 11.50.000, "Motorized Recreation Vehicles (MRVs), Wheeled All-Terrain Vehicles Adopted. A new section 11.50 "Motorized Recreation Vehicles (MRVs), Wheeled All-Terrain Vehicles (WATVs) of the Buckley Municipal Code Chapter 11, Traffic Code, is hereby adopted to read as follows:

11.50.010 Definitions.

For the purposes of this chapter, motorized recreation vehicles “MRVs” shall refer to any of the following, except where singled out:

A. Wheeled All-Terrain Vehicle (WATV): “Wheeled all-terrain vehicle” as defined by RCW 46.09.310(19) means (a) any motorized non-highway vehicle (all-terrain vehicle “ATV”) 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 (b) a utility-type vehicle (“UTV,” “side-by-side”) 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:

1. Has a minimum width of 50 inches;
2. Has a minimum weight of at least 900 pounds; or
3. Has a wheelbase of over 61 inches.

Note: WATVs must be street licensed and are limited to 35 mph or less on public roadways by state statute.

11.50.020 Responsible operation.

MRVs shall operate on roadways approved by state statute and where approved by Buckley city ordinance:

A. MRV General Rules.

1. A person may not operate a MRV upon a public roadway of this state, not including non-highway roads and trails, without (a) first obtaining a valid driver’s license issued to Washington residents in compliance with Chapter 46.20 RCW or (b) possessing a valid driver’s license issued by the state of the person’s residence if the person is a nonresident.
2. A person who operates a MRV under this section is granted all rights and is subject to all duties applicable to the operator of a motorcycle under RCW 46.37.530 and 46.08.175 and Chapter 46.61 RCW, unless otherwise stated in this chapter, except that MRVs may not be operated side-by-side in a single lane of traffic.
3. Wheeled all-terrain vehicles are subject to Chapter 46.55 RCW. Any person who violates this section commits a traffic infraction.
4. The crossing of any one of these streets or avenues shall be permitted by an MRV if:
 - a. The crossing is made at an angle of approximately 90 degrees to the direction of the street or avenue and at a place where no obstruction prevents a quick and safe crossing;
 - b. The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or avenue;
 - c. The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;

- d. The crossing is made only at an intersection of such street or avenue with another street or avenue; and
 - e. Both the headlight and taillight of the vehicle are on when the crossing is made.
5. Reported accidents that involve MRVs operated upon streets and highways as authorized under this section must be recorded and tracked in compliance with Chapter 46.52 RCW.

B. WATVs must:

1. Be street licensed, display valid tabs and have registrations readily accessible.
2. Maintain in working order all DOL declaration requirements for roadway access.
3. A head lamp meeting the requirements of RCW 46.37.030 and 46.37.040, to be used whenever the vehicle is in motion on a road.
4. One tail lamp meeting the requirements of RCW 4.37.535. If it is a UTV you'll need two tail lamps meeting the requirements of RCW 46.37.070.
5. A stop lamp meeting the requirements of RCW 46.37.200.
6. Reflectors meeting the requirements of RCW 46.37.260.
7. For night travel, turn signals are required meeting the requirements of RCW 46.37.200.
8. A brake system maintained in good operating condition.
9. A mirror on the left or right handlebar. If it is a UTV you'll need two mirrors meeting the requirements of RCW 46.37.400.
10. A horn or warning device meeting the requirements of RCW 46.37.380.
11. A spark arrester as approved by Department of Natural Resources (RCW 46.37.470) that meets a United States Forest Service qualified spark arrester.
12. An adequate manufacturer's muffler system in good working condition (a muffler that meets or exceeds the manufacturer's specifications); and not exceeding state statute of 86 decibels meeting the requirements of RCW 46.37.470.
13. Eye protection, i.e., a pair of glasses, goggles, windshield, or a face shield of a type conforming to rules adopted by the state patrol meeting the requirements of RCW 46.37.430 and WAC 204-10-026.
14. Seatbelts on UTVs meeting the requirements of RCW 46.37.510.
15. Helmets required on ATV operators.

16. Shall be equipped with a bicycle safety flag which extends not less than six feet above ground attached to the rear of the vehicle. The safety flag shall be triangular in shape and shall be day-glo in color.

C. Operators of WATV.

1. The operator must have a valid driver's license and be able to present it on enforcement request.
2. Have participated in a state WATV certification course once DOL has implemented it.
3. Reported accidents that involve WATVs operated upon streets and highways as authorized under this section must be recorded and tracked in compliance with Chapter 46.52 RCW.
4. Insurance is not required by state statute but is available and highly recommended especially in case of bodily injury.
5. Can only travel at a maximum speed of 35 miles per hour (35 mph) and shall observe posted speed limits if lower than 35 miles per hour.
6. Must travel in single file; no parallel group riding.
7. Yield to pedestrian and livestock crossings.
8. Must stay on public roadways.
9. Must securely attach all cargo to the vehicle in such a manner that the cargo remains secured without any assistance of the operator.

11.50.030 Unlawful activities.

MRV operational unlawful activities shall include the following and any other violation of federal, state, county statutes or ordinances:

A. No person shall operate a MRV within city limits so as to:

1. Operate machines that have been equipped with an exhaust system which has a cutout, bypass or similar device.
2. Operate with the spark arrester removed or modified, except for use in a closed-course competition event.
3. Travel paralleled as a group on roadways.
4. Trespassing on private roadways and property.
5. Cause environmental damage to public and private landscapes.
6. Driving on posted "local access only" public roadways.

7. Driving under the influence of intoxicating liquor or a controlled substance (RCW 46.09.470).

8. Nonparental transport of minor passenger under 18 years of age.

B. WATV operators are prohibited from picking up school children using ATVs or ATVs modified for WATV roadways.

11.50.040 Exemptions.

A. Appropriate agency that engages in emergency management, as defined in RCW Title 37, 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.

B. Some applicable segments of this chapter may be suspended while in parades which have been authorized by the state of Washington, any department, board, commission or political subdivision of the state of Washington.

11.50.050 Violations – Penalty.

A. Causing environmental damage to public and private landscapes (equal to three times damages by state statute).

B. Any person who violates any provision of this chapter shall be fined \$124.00 for each offense. The fact that a vehicle which violates this chapter is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such violation. In addition to any penalties for violation hereof, the City of Buckley police department may impound any all-terrain vehicle or utility-type vehicle when operated in violation of state law, county or city ordinance, in the same situation as any violation in connection with a motor vehicle.

11.50.060 Roads listing.

A. WATV. All roads are open to WATVs unless closed as identified in subsections (A)(1) and (2) of this section.

1. Roads closed list: None

2. Local access roads only list: None.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

Introduced, passed, and approved by at least five members of the Buckley City Council on this 10th day of March, 2015.



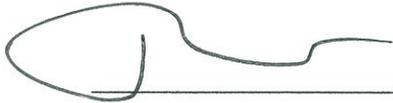
Mayor Pat Johnson

Attest:



Joanne Starr, City Clerk

APPROVED AS TO FORM:



Phil Olbrechts, City Attorney

PUBLISHED: March 18, 2015

EFFECTIVE: March 23, 2015