

**CITY OF NORTH BONNEVILLE
ORDINANCE NUMBER 1093**

**AN ORDINANCE OF THE CITY OF NORTH BONNEVILLE, WASHINGTON, ADOPTING
NORTH BONNEVILLE MUNICIPAL CODE CHAPTER 10.16 WHEELED ALL-TERRAIN
VEHICLES.**

WHEREAS, the certain uses of wheeled all-terrain vehicles is permitted upon public streets by RCW 46.09.455; and

WHEREAS, the permitted use of such vehicles has been adopted by surrounding governmental entities; and

WHEREAS, the City of North Bonneville after careful consideration and study has deemed it necessary and desirable to adopt such provisions to better address current use of such vehicles in surrounding areas and within the city; and

NOW, THEREFORE, The City Council of the City of North Bonneville does hereby ordain as follows:

Section 1.

Adopting Chapter 10.16 WHEELED ALL-TERRAIN VEHICLES as follows:

**Chapter 10.16
WHEELED ALL-TERRAIN VEHICLES**

Sections:

- 10.16.010 Definitions.
- 10.16.020 Use of wheeled all-terrain vehicles on city streets.
- 10.16.030 Restrictions on use of wheeled all-terrain vehicles on city streets.
- 10.16.040 Equipment requirements of a wheeled all-terrain vehicle.
- 10.16.050 Registration requirements of a wheeled all-terrain vehicle.
- 10.16.060 Duty to obey traffic-control devices and rules of the road.
- 10.16.070 Prohibited uses.
- 10.16.080 Prohibited areas.
- 10.16.090 Violation—Penalty.
- 10.16.100 Severability.

10.16.010 Definitions.

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

- A. "City" means the city of North Bonneville, 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. This shall also include paved pathways utilized in addition to and in place of sidewalks.

F. "Wheeled all-terrain vehicle" means:

1. Any motorized nonhighway vehicle with handlebars that are fifty inches or less in width, has a set height of at least twenty inches, weighs less than one thousand five hundred pounds, and has four tires having a diameter of thirty inches or less; or
2. A utility-type vehicle designed for and capable of travel over designed roads which travels on four or more low-pressure tires of twenty psi or less, has a maximum width less than seventy-four inches, has a maximum weight less than two thousand pounds, has a wheelbase of one hundred ten inches or less, and satisfies at least one of the following:
 - a. Has a minimum width of fifty inches;
 - b. Has a minimum weight of at least nine hundred pounds; or
 - c. Has a wheelbase of over sixty-one inches.

A wheeled all-terrain vehicle is an off-road vehicle for purposes of Chapter 4.24 RCW.

10.16.020 Use of wheeled all-terrain vehicles on city streets.

Subject to the restrictions and requirements set forth in this chapter, a 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 thirty-five miles per hour or less.

10.16.030 Restrictions on use of wheeled all-terrain vehicles on city streets.

- A. A person who operates a wheeled all-terrain vehicle must wear a securely fastened motorcycle helmet while the vehicle is in motion, including any passengers;
- B. A person may not operate a wheeled all-terrain vehicle upon a city street with a speed limit in excess of thirty-five miles per hour;
- C. A person may not cross with or operate a wheeled all-terrain vehicle within the city limits upon State Highway 14;
- 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. A person may only operate a wheeled all-terrain vehicle on city streets with the appropriate current and proper on-road vehicle registration affixed to the rear of the wheeled all-terrain vehicle in compliance with Chapter 46.09 RCW;
- F. A person may only operate a wheeled all-terrain vehicle on city streets with the equipment required for wheeled all-terrain vehicle in compliance with NBMC 12.16.040 and Chapter 46.09 RCW; and
- G. Wheeled all-terrain vehicles are subject to Chapter 46.55 RCW.

10.16.040 Equipment requirements of a wheeled all-terrain vehicle.

A wheeled all-terrain vehicle operated on a city street must comply with all equipment requirements of Chapter 46 RCW including, but not limited to, headlights, tail lamps, stop lamps, reflectors, turn signals, mirrors, windshields, horns, brakes, spark arresters, and muffling devices. An adequate and operating muffling device must be installed and must comply at all times with RCW 46.09.47.

10.16.050 Registration requirements of a wheeled all-terrain vehicle.

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

10.16.060 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 applicable 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 Chapter 46.61 RCW et seq. imposes on an operator of a vehicle, except those provisions which by their nature have no application.

10.16.070 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. Passengers are only allowed in wheeled all-terrain vehicle designed for two or more passengers. No passengers under the age of five are allowed. No wheeled all-terrain vehicle operator may tow other devices or persons behind a wheeled all-terrain vehicle. All passengers must wear a securely fastened motorcycle helmet while the vehicle is in motion.

C. No operator may operate a wheeled all-terrain vehicle parallel to another wheeled all-terrain vehicle in a single lane of traffic.

10.16.080 Prohibited areas.

A. It is unlawful to operate a wheeled all-terrain vehicle on a sidewalk or paved pathway.

B. It is unlawful to operate a wheeled all-terrain vehicle in a park, playground or other public open space except in a designated parking lot.

10.16.090 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 in accordance with Section 7.01.020(C); provided, that conduct which constitutes a criminal traffic offense may be charged as such and is subject to the maximum penalties allowed for such offenses.

10.16.100 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.

Severability.

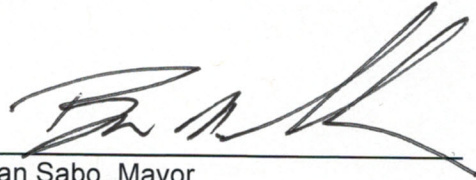
If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3.

Effective Date and Publication.

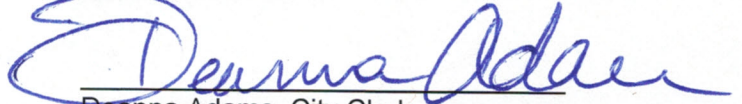
This Ordinance shall be effective five days after publication of the Ordinance, or a summary thereof consisting of its title, in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON MARCH 13, 2018.



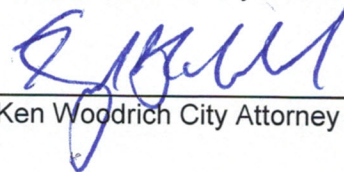
Brian Sabo, Mayor

Attest:



Deanna Adams, City Clerk

Approved as to Form:



Ken Woodrich City Attorney