

ORDINANCE #560

AN ORDINANCE ALLOWING THE OPERATION OF WHEELED ALL-TERRAIN VEHICLES ON TOWN ROADWAYS; PROVIDING PENALTIES FOR THE IMPROPER USE OF WHEELED ALL-TERRAIN VEHICLES; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

Whereas, the Town of Yacolt, (hereafter “Town” or “Yacolt”), has the authority under the Revised Code of Washington (RCW) Section 46.09.455 to allow the operation of Wheeled All-Terrain Vehicles, (WATVs), on Town roadways having a speed limit of thirty-five miles per hour or less;

Whereas, all roadways in Yacolt currently have a speed limit of twenty-five miles per hour or less;

Whereas, the Yacolt Town Council desires to allow the operation of WATVs by licensed drivers on all Town roadways;

Whereas, the Town of Yacolt understands that pursuant to RCW 46.09.455(1)(d)(ii), the Town is required to provide a public list of the roadways on which WATVs may operate, and to make that list accessible to the public from the main page of the Town’s web site;

Whereas, the Yacolt Town Council intends that the operation of WATVs as permitted by this Ordinance shall be in accordance with all rules of the road, traffic laws and codes, parking regulations, and road use restrictions;

Whereas, the Town Council has deemed it advisable and necessary to codify the Town’s Ordinances, and is therefore preparing to adopt a Yacolt Municipal Code; and,

Whereas, the Town Council of the Town of Yacolt is in regular session this 17th day of January, 2017, and all members of the Town Council have had notice of the time, place, and purpose of said meeting:

NOW THEREFORE, be it Ordained by the Town Council of the Town of Yacolt, Washington:

Section 1 – Applicability: This Ordinance shall apply to the operation of Wheeled All-Terrain Vehicles, (WATVs), on streets and roadways in the Town of Yacolt, Washington.

Section 2 – Use of WATVs on Town Roadways: Subject to the restrictions and requirements set forth in this Ordinance, 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 Town roadway having a speed limit of 35 miles per hour or less.

Section 3 – Restrictions on the Use of WATVs on Town Roadways: Wheeled All-Terrain Vehicles may be operated on Town roadways subject to the following restrictions and requirements:

- (A). **Compliance with RCW 46.09 Required:** A person may not operate a Wheeled All-Terrain Vehicle on any Town roadway except in strict compliance with the provisions and requirements of Chapter 46.09 of the Revised Code of Washington, as now enacted or as hereafter amended, and as further limited by the terms of this Ordinance.
- (B). **Registration Requirements of a WATV:** Wheeled All-Terrain Vehicles operated on a Town roadway must comply with all the registration requirements of Chapter 49.06 of the Revised Code of Washington, as now enacted or as hereafter amended.
- (C). **Equipment Requirements of a WATV:** A Wheeled All-Terrain Vehicle operated on a Town roadway must comply with the equipment requirements of RCW 46.09, including specifically, without limitation, RCW 46.09.457, as such statutes are now enacted or as they may be hereafter amended, and as further limited by the terms of this Ordinance.

Section 4 – List of Roadways Open to WATV Use: All roadways in the Town of Yacolt are open to the operation of Wheeled All-Terrain Vehicles unless identified in Sub-Sections (A) or (B) of this Section as a roadway closed to WATV operation.

- (A). **List of Roadways Closed to WATVs:** None.
- (B). **List of Roadways Open to WATVs for Local Access Only:** None.

Section 5 – Prohibited Areas:

- (A). **Sidewalks:** 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). **Parks:** It is unlawful to operate a Wheeled All-Terrain Vehicle in a park, except on a park drive or in a designated parking lot.
- (C). **Bicycle Lanes and Walking Paths:** It is unlawful to operate a Wheeled All-Terrain Vehicle on any bicycle lane, bicycle trail, or on any walking path.

Section 6 – Penalties for Violation: A person who violates a provision of this Ordinance 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, however, that conduct constituting a criminal traffic offense may be charged as such and is subject to the maximum penalties allowed for such offense.

Section 7 – Relation to Other Laws:

- (A). **Definitions:** The Definitions contained in Chapters 46.04 and 46.09 of the Revised Code of Washington, as now enacted or as hereafter amended, are adopted by this reference and shall apply to this Ordinance.
- (B). **Applicability of Traffic Laws:** Except as otherwise provided in Chapter 46.09 of the Revised Code of Washington, as now enacted or as hereafter amended, nothing in this Ordinance shall exempt any operator or owner of a Wheeled All-Terrain Vehicle from any rule of the road, traffic law or code, parking regulation, road use restriction, or road closure.
- (C). **Amendments or Additions to Enabling Statute:** Amendment of or addition to any part of Chapters 46.04 or 46.09 of the Revised Code of Washington by the Washington State Legislature shall be deemed to amend or add to this Ordinance or any applicable part hereof, and it shall not be necessary for the Town Council to take any action with respect to such amendment or addition.
- (D). **Other Town Ordinances:** The operation of a Wheeled All-Terrain Vehicle on Town roadways is subject to applicable Town Ordinances and parking regulations as such Ordinances and regulations are now enacted or as they may be hereafter adopted, amended, or codified.

Section 8 – Yacolt Municipal Code: Sections 1 through 7 of this Ordinance shall become and be made a part of the Yacolt Municipal Code upon the codification of the Town’s Ordinances.

Section 9 – Severability: If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, or its application to any Person or circumstances is held invalid, the remaining portion of this Ordinance shall remain in full force and effect, and the application of the provision to other Persons or circumstances shall not be affected.

Section 10 – Effective Date: The Town Clerk shall certify the adoption of this Ordinance and cause it, or the following summary of it, to be published once within fifteen (15) days of adoption in the Town’s legal newspaper of record. This Ordinance shall take effect upon the adoption and publication of the following summary, according to law.

Town of Yacolt - Summary of Ordinance #560

The Town Council of the Town of Yacolt adopted Ordinance #560 at its regularly scheduled Town Council meeting held on January 17, 2017. The content of the Ordinance is summarized in its title as follows: AN ORDINANCE ALLOWING THE OPERATION OF WHEELED ALL-TERRAIN VEHICLES ON TOWN

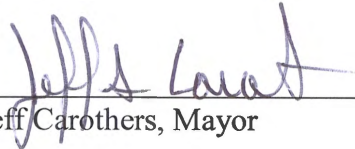
ROADWAYS; PROVIDING PENALTIES FOR THE IMPROPER USE OF WHEELED ALL-TERRAIN VEHICLES; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. The effective date of the Ordinance is January 25, 2017.

A copy of the full text of the Ordinance will be mailed upon request to the undersigned at the Town of Yacolt Town Hall, P.O. Box 160, Yacolt, WA 98675: (360) 686-3922.

Published this 25th day of January 2017.
Cindy Marbut, Town Clerk

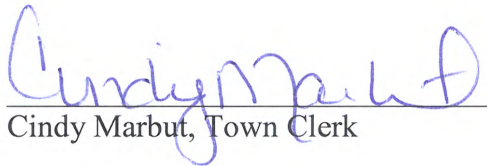
PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 17th day of January, 2017.

TOWN OF YACOLT



Jeff Carothers, Mayor

Attest:



Cindy Marbut, Town Clerk

Approved as to Form:

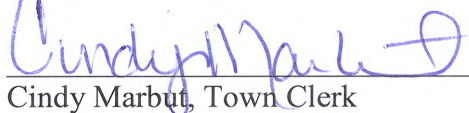
David W. Ridenour, Town Attorney

Ayes: Hancock, Myers, Listek, Wallway & Tester
Nays: Ø
Absent: Ø
Abstain: Ø

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #560 of the Town of Yacolt, Washington, entitled "AN ORDINANCE ALLOWING THE OPERATION OF WHEELED ALL-TERRAIN VEHICLES ON TOWN ROADWAYS; PROVIDING PENALTIES FOR THE IMPROPER USE OF WHEELED ALL-TERRAIN VEHICLES; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE", as approved according to law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

Attest:



Cindy Marbut, Town Clerk

Published: January 25, 2017
Effective Date: January 25, 2017
Ordinance Number: 560