

ORDINANCE NO. 1881

AN ORDINANCE OF THE CITY OF DAYTON, WASHINGTON, ALLOWING
LICENSED DRIVERS 16-YEARS OF AGE OR OLDER TO OPERATE
WHEELED ALL-TERRAIN VEHICLES ON CITY STREETS WITH A
SPEED LIMIT OF 35 MILES PER HOUR OR LESS BY ENACTING
CHAPTER 7-6 OF THE CITY OF DAYTON MUNICIPAL CODE;
EFFECTIVE DATE OF THE ORDINANCE PROVIDING SEVERABILITY
PROVISIONS FROM ONE ANOTHER; AND, PROVIDES FOR
PUBLICATION BY SUMMARY.

WHEREAS, RCW 35A.11.020 and RCW 35A.12.190 authorize the City Council to adopt ordinances of all kinds to regulate its municipal affairs and appropriate to the good government of the City; and

WHEREAS, the City of Dayton ("City") is a non-charter code City duly incorporated and operating under the laws of the State of Washington; and; and

WHEREAS, on June 28, 2013, the Washington House of Representatives passed ESHB 1632 by a vote of 81-11; and

WHEREAS, on June 29, 2013, the Washington Senate passed ESHB 1632 by a vote of 39-5; and

WHEREAS, on July 3, 2013, Washington's Governor signed ESHB 1632; and

WHEREAS, on July 28, 2013, ESHB became effective law; and

WHEREAS, in passing ESHB 1632, the legislature intended to:
(a) Increase opportunities for safe, legal, and environmentally acceptable motorized recreation; (b) decrease the amount of unlawful or environmentally harmful motorized recreation; (c) generate funds for use in maintenance, signage, education, and enforcement of motorized recreation opportunities; (d) advance a culture of self-policing and abuse intolerance among motorized recreationists; (e) cause no change in the policies of any governmental agency with respect to public land; (f) not change any current ORV usage routes; (g) stimulate rural economies by opening certain roadways to use by motorized recreationists which will in turn stimulate economic activity through expenditures on gasoline, lodging, food and drink, and other entertainment purposes; and (h) require all wheeled all-terrain vehicles to obtain a metal tag a prescribed by chapter 46.09 RCW; and

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WHEREAS, to be consistent with the legislative intent to ESHB, the City Council of Dayton ("City Council") finds that it is in the best interests of the City and its citizens to allow licensed drivers 16- years of age or older to operate wheeled all-terrain vehicles on all City streets with speed limits of 35 miles per hour or less.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. CREATION OF NEW DAYTON MUNICIPAL CODE CHAPTER 7-6.
The City Council enacts Dayton Municipal Code Chapter 7-6, Wheeled All-Terrain Vehicles, to read as follows:

**CHAPTER 7-6
WHEELED ALL-TERRAIN VEHICLES**

Sections:

- 7-6.010 Definitions.
- 7-6.020 Use of wheeled all-terrain vehicle on city streets.
- 7-6.030 Restrictions on use of wheeled all-terrain vehicle on city streets.
- 7-6.040 Equipment requirements of a wheeled all-terrain vehicle.
- 7-6.050 Registration requirements of a wheeled all-terrain vehicle.
- 7-6.060 Duty to obey traffic-control devices and rules of the road.
- 7-6.070 Prohibited Uses.
- 7-6.080 Prohibited areas.
- 7-6.090 Violation - Penalty.
- 7-6.100 Severability.

7-6.010 Definitions.

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

- A. "City" means the City of Dayton, 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. "Sidewalk" means that property between the curb lines or

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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.

E. "Rules of the road" means all the rules that apply to vehicle or pedestrian traffic as set forth in state statute, rule or regulation.

F. "Wheeled all-terrain vehicle" means:

1. Any motorized non-highway vehicle 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
2. A utility-type vehicle designed for and capable of travel over designated roads which 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 two thousand 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 nine hundred pounds; or
 - c. Has a wheelbase of over 61 inches.

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

7-6.020 Use of wheeled all-terrain vehicle on city streets.

Subject to the restrictions and requirements set forth in this Chapter, a person who is 16-years of age or older and 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.

7-6.030 Restrictions on use of wheeled all-terrain vehicle 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; and

B. A person may not operate a wheeled all-terrain vehicle upon a city street with a speed limit in excess of 35 miles per

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hour; however, 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; and

- C. 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; and
- D. A person may only operate a wheeled all-terrain vehicle on city streets with the current and proper on-road vehicle registration affixed to the rear of the wheeled all-terrain vehicle in compliance with Chapter 46.09 RCW; and
- E. A person may only operate a wheeled all-terrain vehicle on city streets with the equipment required for wheeled all-terrain vehicles in compliance with Dayton Municipal Code 7-6.040; and
- F. No person may operate a wheeled all-terrain vehicle on city streets without liability insurance in an amount equal to or greater than that required for the operation of motor vehicles in the State of Washington pursuant to Title 46 RCW; and
- G. Wheeled all-terrain vehicles are subject to chapter 46.55 RCW.

7-6.040 Equipment requirements of a wheeled all-terrain vehicle.

- A. A wheeled all-terrain vehicle operated on a city street must comply with the following equipment requirements:
 - 1. Headlights meeting the requirements of RCW 46.37.030 and RCW 46.37.040 and used at all times when the vehicle is in motion;
 - 2. One 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 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;
 - 3. A stop lamp meeting the requirements of RCW 46.37.200;

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4. Reflectors meeting the requirements of RCW 46.37.060;
5. During hours of darkness, as defined in RCW 46.04.200, turn signals meeting the requirements of RCW 46.37.200;
6. Outside of hours of darkness, the operator must comply with RCW 46.37.200 or RCW 46.61.310;
7. A mirror attached to either the right or left handlebar, which must be located to give the operator a complete view of the city street for a distance of at least two hundred feet to the rear of the vehicle; however, a utility-type vehicle, as described under RCW 46.09.310(19), must have two mirrors meeting the requirements of RCW 46.37.400;
8. 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;
9. A horn or warning device meeting the requirements of RCW 46.37.380;
10. Brakes in working order;
11. A spark arrester and muffling device meeting the requirements of RCW 46.09.470; and
12. For utility-type vehicles, as described under RCW 46.09.310(19), seatbelts meeting the requirements of RCW 46.37.510.
13. Must have an individual seat for each occupant designed to seat a person.

7-6.050 Registration requirements of a wheeled all-terrain vehicle.

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

7-6.060 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 traffic 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.

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

7-6.070 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 persons behind a wheeled all-terrain vehicle.
- C. No person may operate a wheeled all-terrain vehicle side-by-side in a single lane of traffic.

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7-6.080 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. 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. It is unlawful to operate a wheeled all-terrain vehicle on any bicycle trail or walking path or in any bicycle lane.

7-6.090 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, conduct that constitutes a criminal offense may be charged as such and is subject to the maximum penalties allowed for such offenses.

7-6.100 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. SEVERABILITY. The provisions of this ordinance are

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hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall not as a result of said section, sentence, clause, or phrase be held unconstitutional or invalid.

SECTION 3. EFFECTIVE DATE. A summary thereof of this Ordinance consisting of its title 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.

PASSED by the City Council of the City of Dayton, Washington this _____ day of _____, 2015.

Craig George, Mayor

ATTESTED BY:

Trina Cole, City Clerk-Treasurer

APPROVED AS TO FORM:

City Attorney

ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES

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CHAPTER 7-6 OF THE CITY OF DAYTON MUNICIPAL
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**SEVERABILITY PROVISIONS FROM ONE ANOTHER; AND, PROVIDES
FOR PUBLICATION BY SUMMARY.**

Section 1. Creation of New Dayton Municipal Code Chapter 7-6

Section 2. Severability.

Section 3. Effective Date.

The full text of Ordinance _____ adopted the
_____ day of _____, 2015 is available for
examination at the City Clerk's Office, 111 S. 1st St., Dayton,
WA during normal business hours, 9:00 a.m. to 4:00 p.m.

By: /s/ Craig George, Mayor

Attest: /s/ Trina Cole, City Clerk-Treasurer

Approved as to form: /s/ City Attorney

Published: _____
The Times

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