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## Chapter 10.17

### OFF-ROAD VEHICLES (ORVS) AND UTILITY TERRIAN VEHICLES (UTVS)

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#### **10.17.010 Definitions:**

Unless otherwise specifically provided for herein, the definitions set forth in 46.09 RCW, as existing or hereafter amended, shall govern this chapter. In addition, when used in this chapter, the following words, terms, and phrases shall have the following meanings:

- A. "City" means the City of Lynden Washington, including its elected officials, employees, and 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. "Off-road vehicle" or "ORV" means any motorized vehicle used for recreational purposes on non-highway roads, trails, or a variety of other natural terrain. Any reference to Utility Terrian Vehicle in this chapter shall include reference to off-road vehicles or ORVs.
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E. "Rules of the road" means all the rules that apply to vehicle or pedestrian traffic as set forth in state and/or local statutes, rules or regulations.

F. "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.

G. "Utility Terrian Vehicle" Utility Terrian Vehicles (UTV) allowed for use upon Lynden streets must meet the definition below:

1. A utility-type vehicle (examples would be a John Deere Gator or similar) designed for and capable of travel over designated roads that travels on four (4) or more low-pressure tires of twenty (20) psi or less, has a maximum width less than seventy-four inches (74"), has a maximum weight less than two thousand pounds (2,000 lbs), has a wheelbase of one hundred ten inches (110") or less, must have a service/utility bed capable of hauling cargo, and satisfies at least one of the following:

- a. has a minimum width of fifty inches (50");
- b. has a minimum weight of at least nine hundred pounds (900 lbs);
- c. has a wheelbase of over sixty-one inches (61"). A Utility Terrian Vehicle is an off-road vehicle for the purposes of 4.24 RCW;
- d. and be powered by an engine that produces no more than 50 horsepower.

### **10.17.020 Use of Utility Terrain Vehicles on City Streets:**

Subject to the restrictions set forth in section 10.17.030, as existing or hereafter amended, and other requirements set forth in this chapter, any person eighteen (18) years of age or older with a valid driver's license issued by the state of the person's residence may operate a utility terrain vehicle upon a City street having a speed limit of thirty-five (35) miles per hour or less.

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### **10.17.030     Restrictions on Use of Utility Terrain Vehicles on City Streets:**

- A. Any person who operates or rides as a passenger in a Utility Terrain Vehicle must wear a securely fastened motorcycle helmet while the UTV is in motion, unless the UTV is equipped with seat belts and roll bars, or a fully enclosed passenger compartment. All passengers who are less than sixteen (16) years of age must wear a securely fastened motorcycle helmet that meets the standards established by the U.S. Department of Transportation regardless of the presence of seat belts, a roll cage or an enclosed passenger compartment.
  - B. A person may not operate a Utility Terrain Vehicle upon (list prohibited Streets)
  - C. A person may not operate a Utility Terrain Vehicle upon a city street with a speed limit in excess of thirty-five (35) miles per hour. However, a person may cross a city street with a speed limit in excess of thirty-five (35) miles per hour at a controlled intersection if the crossing begins and ends on a city street with a speed limit of thirty-five (35) miles per hour or less and occurs at an intersection of approximately degrees (90°).
  - D. A person may operate a Utility 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. Utility Terrain Vehicles, and the use thereof, are subject to the regulations and requirements set forth in Chapter 46.55 RCW.
  - F. No person may operate a Utility 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 on the request of a law enforcement officer.
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## **10.17.040     Equipment Requirements of Utility Terrian Vehicles:**

Any Utility Terrian Vehicle operated on a City street shall include the following equipment (which equipment shall be used and operated as further prescribed herein):

- 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. A utility-type vehicle, as described under RCW 46.09.310, must have two (2) 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 person operating the UTV must comply with RCW 46.37.200 or 46.61.310.
  - G. a utility-type vehicle, as described under RCW 46.09.310(19), must have two (2) mirrors meeting the requirements of RCW 46.37.400.
  - H. A windshield meeting the requirements of RCW 46.37.430, unless the person operating the UTV wears glasses, goggles, or a face shield while operating the UTV, 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. For utility-type vehicles, as described under RCW 46.09.310(19), seat belts meeting the requirements of RCW 46.37.510.
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### **10.17.050 Registration Requirements of a Utility Terrian Vehicle:**

Any Utility Terrian Vehicle operated on a City street must comply with all the registration requirements of Chapter 46.09 RCW .

### **10.17.060 Duty to Obey Traffic Control Devices and Rules of the Road:**

A. Unless a law enforcement officer directs otherwise, a person operating a Utility Terrian 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 Utility Terrian Vehicle upon a City street is subject to all of the duties that Chapter 46.61 RCW et seq. imposes on an operator of a vehicle, except as to those provisions thereof which by their nature can have no application.

B. Any person who operates or rides as a passenger in a Utility Terrian 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.

### **10.17.070 Prohibited Uses:**

A. No person shall operate or ride a Utility Terrian Vehicle in a negligent or unsafe manner, as determined in the sole discretion of any law enforcement officer or City official responsible for enforcement of this chapter but must operate it with reasonable regard for his or her own safety and for the safety of others.

B. No person shall tow any trailers, devices, equipment or person(s) behind the Utility Terrian Vehicle.

D. No person shall carry or transport any other person or passenger on a Utility Terrian Vehicle, nor shall any other person ride on a Utility Terrian Vehicle, unless such Utility Terrian Vehicle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) or more persons.

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E. Any other type of off-road vehicle or Wheeled All-Terrain Vehicle is expressly prohibited by this section for use on city streets. This prohibition is intended to include vehicles that have two to four seats (commonly referred to as "side-by-side") and are designed to be used on sand and other off-road uses such as a Polaris RZR, or similar models built by any manufacturer even if referred to by the manufacturer as a UTV. This also includes all ride on types normally referred to as "four wheelers or quads."

#### **10.17.080 Prohibited Areas:**

- A. It is unlawful to operate a Utility Terrain Vehicle on a sidewalk.
- B. It is unlawful to operate a Utility Terrain Vehicle in a City Park or upon any City bike paths, trails, etc. (except for City maintenance staff), other than in areas designated for motor vehicle operation.
- C. It is unlawful to operate a Utility Terrain Vehicle on any pedestrian trail or bridge where the operation of motorized vehicles is prohibited.

#### **10.17.090 Violation - Penalty:**

Any 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 as authorized by RCW 46.09.490, as existing or hereafter amended; provided, that conduct that constitutes a criminal traffic offense may be charged as such and is subject to the maximum penalties allowed for such offenses. A violation of section 10.17.030(F), however, constitutes a violation of the Lynden Municipal Code for which the violator is subject to a C-? penalty, as set forth in LMC chapter 1.24.040.

#### **10.17.100 Severability:**

Each separate provision of this chapter is independent of all other provisions. If any provision of this chapter, or any part thereof, is declared invalid, all other provisions, or parts thereof, remain valid and enforceable.

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