

**ORDINANCE NO. 23-1668**

**AN ORDINANCE OF THE CITY OF LYNDEN, AMENDING LYNDEN MUNICIPAL  
CODE SECTION 10, ADDING CHAPTER 10.17 WHEELED ALL-TERRAIN  
VEHICLES USE BY PUBLIC ENTITIES**

An Ordinance of the City of Lynden Amending Lynden Municipal Code Title 10: Vehicles and Traffic, adding Chapter 10.17 entitled Wheeled All-Terrain Vehicles use by Public Entities.

WHEREAS, Chapter 46.09 RCW allows cities to authorize the operation of wheeled all-terrain vehicles on public roadways within their jurisdiction through legislative action; and

WHEREAS, the Lynden City Council intends to authorize the operation of wheeled all-terrain vehicles by public entities for the purposes of conducting official duties, subject to the limitations, conditions and requirements set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the City of Lynden as follows:

Section 1. Title 10 of the Lynden Municipal Code is hereby amended to add a new chapter 10.17 entitled Wheeled All-Terrain Vehicles.

Chapter 10.17

WHEELED ALL TERRAIN VEHICLES

Sections

10.17.010 Definitions

10.17.020 Use of Wheeled All-Terrain Vehicles on City Streets

10.17.030 Registration Requirements of a Wheeled All-Terrain Vehicle

10.17.040 Duty to Obey Traffic-Control Devices and Rules of the Road

10.17.050 Prohibited Uses

10.17.060 Violation-Penalty

10.17.070 Severability

### **10.17.010 Definitions**

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

- A. "City" means the City of Lynden, 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. "Rules of the Road" means all the rules that apply to vehicle or pedestrian traffic as set forth in state statute, rule or regulation.
  - D. "Sidewalk" means that property between the curb lines or the lateral lines of a city street and the adjacent property parallel and in proximity to a city street and dedicated to use by pedestrians.
  - E. "Wheeled All-Terrain Vehicle" or "WATV" means:
    - (1) A utility-type vehicle designed 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 of less than 74 inches, has a maximum weight of less than 2,000 pounds, has a wheel base 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 900 pounds; or
      - (c) Has a wheelbase of over 61 inches;
      - (d) Has a steering wheel for steering control; and
  - F. Has non-straddle seating with the operator and passenger sitting side by side in the vehicle; manufactured primarily for recreational non-highway all-terrain use.
- "Public Entity" means any agency of any political subdivision of the State of Washington, to include cities, counties and school districts (whether public or private).

### **10.17.020 Use of Wheeled All-Terrain Vehicles on City Streets:**

Subject to the restrictions and requirements set forth in this chapter, Use of Wheeled All-Terrain Vehicles that are owned and operated by the city or other public entity may be used on city streets to move between one maintenance location to another within the city limits. These WATV's must meet the following criteria:

- (a) Definition of WATV for purposes of this chapter will be those set forth in RCW 46.09.310 (19) (b)
- (b) The WATV must be equipped with all safety equipment required under RCW 46.09.457
- (c) WATV's may only be operated on city streets by a licensed driver aged 18 or older.
- (d) The WATV must have a bed for carrying cargo or a maintenance service box.
- (e) WATV's may only be operated on streets with a speed limit of 35mph or less.
- (f) WATV's may cross streets with a speed limit in excess of 35mph at a controlled crossing.
- (g) All publicly owned WATV's shall be clearly marked with the agency name and logo.
- (h) WATV's must be equipped with amber lights that are capable of flashing, and that are visible from both front and rear. Lights must be flashing when the vehicle is in use.
- (i) Prior to being put into use on city streets, all publicly owned WATV's shall be registered with and inspected by the Lynden Police Department, and annually thereafter.
- (j) No publicly owned WATV may be operated on city streets by anyone other than the approved agency.

**10.17.030 Registration Requirements of a Wheeled All-Terrain Vehicle:**

A WATV operated on a city street must comply with all registration requirements of the city, as listed in section 10.17.020 above.

**10.17.040 Duty to Obey Traffic-Control Devices and Rules of the Road:**

Unless otherwise directed by a police officer, a person operating a WATV must obey all the rules of the road that apply to vehicle or pedestrian traffic and must obey the

instructions of official traffic-control signals, signs, and other devices applicable to vehicles.

**10.17.050 Prohibited Uses:**

(a) No person may operate a WATV in a negligent or unsafe manner, but instead must operate it with reasonable regard for his/her own safety and for the safety of others.

(b) No person may occupy a WATV unless that person is seated in a seat designed to carry a person.

(c) No person may tow any devices or persons behind a WATV.

**10.17.060 Violation-Penalty:**

A person who violates a provision of this chapter is guilty of a traffic or other infraction as prescribed by RCW 46.09.470 or any applicable section of Lynden Municipal Code (LMC), exclusive of any statutory assessments; provided, that any conduct that constitutes a criminal offense may be charged as such and is subject to the maximum penalties allowed for such offense.

**10.17.070 Severability:**

If any section, subsection, sentence, clause, paragraph, phrase, or word of this chapter should be held 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.**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

**Section 3 – Effective Date.**

This ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor, otherwise as provided by law, five (5) days after the date of its publication.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE, \_\_\_ IN FAVOR \_\_\_  
AGAINST AND SIGNED BY THE MAYOR THIS 17<sup>th</sup> DAY OF APRIL, 2023.

\_\_\_\_\_  
Scott Korthuis, Mayor

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY