

**ORDINANCE 897**

**AN ORDINANCE OF THE CITY OF TENINO, WASHINGTON,  
ADDING CHAPTER 18.20, WHEELED ALL-TERRAIN VEHICLES, TO  
THE TENINO MUNICIPAL CODE**

**WHEREAS**, RCW 46.06.455 (Authorized and Prohibited Uses for Off-road Vehicles) authorizes Cities to approve or prohibit the use of Wheeled All-Terrain Vehicles (WATV's) on City Streets; and

**WHEREAS**, the City Council of the City of Tenino deliberated upon the subject of WATV's on City Streets during their regularly scheduled meetings on February 12, 2019 and again on February 26, 2019, wherein public comment was invited on the subject ; and

**WHEREAS**, the City Council of the City of Tenino finds approving the use of Wheeled All-Terrain Vehicles to be in the best interests of the City.

**NOW THEREFORE, the City Council of the City of Tenino, Washington, do ordain as follows:**

**Section I.** It is the intention of the City Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Tenino, Washington, and the section of the code and this ordinance may be renumbered to accomplish that intention.

**Section II.** A new chapter, numbered 18.20, and titled "Wheeled All-Terrain Vehicles," shall be added to the Tenino Municipal Code as described in Exhibit A attached hereto, made part hereof, and incorporated herein by reference.

Adopted by the Tenino City Council this 26<sup>th</sup> day of February, 2019.

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Wayne Fournier, Mayor

Attest:

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John C. Millard, Clerk/Treasurer

First reading: February 12, 2019  
Second reading: February 26, 2019

Approved as to Form:

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Richard L. Hughes, City Attorney

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# Chapter 18.20, Tenino Municipal Code WHEELED ALL-TERRAIN VEHICLES

### 18.20.001 - Definitions.

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

“City” means the City of Tenino, Washington, its elected officials, its employees, and its agents.

“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. This includes that portion of Old Highway 99 from the westernmost point at which the speed limit is reduced to 35 MPH to the easternmost junction of State Route 507 and also includes those portions of State Route 507 that are also designated as Sussex Avenue and Wichman Street, as follows:

Sussex Avenue from west to east between the intersection of Morningside Drive and Stitham Lane.

Wichman Street from south to north between the intersection of 6<sup>th</sup> Avenue and Morningside Drive.

“Motorcycle helmet” means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chin strap type retention system, with the manufacturer's certification applied in accordance with 49 C.F.R. Sec. 571.218 indicating that the motorcycle helmet meets standards established by the United States department of transportation.

“Rules of the Road” means all the rules that apply to vehicle or pedestrian traffic as set forth in State statute, rule, or regulation.

“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.

“Wheeled All-Terrain Vehicle (WATV)” means:

a. Any motorized nonhighway 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

b. A utility-type vehicle designed for and capable of travel over designated roads that travels on four or more low-pressure tires of 20 psi or less, has a maximum

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width less than 74 inches, has a maximum weight less than 2,000 pounds, has a wheelbase of 110 inches or less, and satisfies at least one of the following:

- i. Has a minimum width of 50 inches; or
  - ii. Has a minimum weight of at least 900 pounds; or
  - iii. Has a wheelbase of over 61 inches.
- c. A wheeled all-terrain vehicle is an off-road vehicle for the purpose of this chapter.

### **18.20.005 – Use of wheeled all-terrain vehicles on City streets.**

Subject to the restrictions and requirements set forth in this Chapter, a person who is at least 18 years of age and who possesses 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.

### **18.20.010 – Restrictions on use of wheeled all-terrain vehicles on City streets.**

- A. No person under the age of 18 may operate a WATV on City streets. Such a person may cross a City street while operating a WATV if, at that crossing, signs indicate that wheeled all-terrain or off-road vehicles may be crossing, or on a nonhighway road designated for off-road vehicle use, under the direct supervision of a person eighteen years of age or older possessing a valid license to operate a motor vehicle under RCW 46.20.
- B. Passengers are only allowed in WATV's being operated on City streets if the WATV is designed for two or more passengers. No passengers under the age of five (5) are allowed.
- C. The operator and any passenger in a wheeled all-terrain vehicle must wear a properly fastened motorcycle helmet while the vehicle is in motion.
- D. A person may not operate a wheeled all-terrain vehicle upon any City street with a speed limit in excess of 35 MPH.
- E. Any 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 38.52.010, or a law enforcement agency as defined in RCW 16.52.011 within the scope of the agency's official duties

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### 18.20.010 – Equipment requirements of a wheeled all-terrain vehicle.

A. A person may operate a WATV on the City's streets only if the WATV meets the following criteria:

1. Headlights meeting the requirements of RCW 46.37.030 and 46.37.040 and used at all times when the vehicle is in motion upon a highway;
2. At least one tail lamp meeting the requirements of RCW 46.37.525 and used at all times when the vehicle is in motion upon a highway; 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 highway;
3. A stop lamp meeting the requirements of RCW 46.37.200;
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. Outside of hours of darkness, the operator must comply with RCW 46.37.200 or 46.61.310;
6. A mirror attached to either the right or left handlebar, which must be located to give the operator a complete view of the highway 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;
7. 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;
8. A horn or warning device meeting the requirements of RCW 46.37.380;
9. Brakes in working order;
10. A spark arrester and muffling device meeting the requirements of RCW 46.09.470; and
11. For utility-type vehicles, as described under RCW 46.09.310(19), seat belts meeting the requirements of RCW 46.37.510.

B. A person who operates a wheeled all-terrain vehicle upon a public roadway must provide a declaration that includes the following:

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1. Documentation of a safety inspection to be completed by a licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop in the state of Washington that must outline the vehicle information and certify under oath that all wheeled all-terrain vehicle equipment as required under this section meets the requirements outlined in state and federal law. A person who makes a false statement regarding the inspection of equipment required under this section is guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040;
2. Documentation that the licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop did not charge more than fifty dollars per safety inspection and that the entire safety inspection fee is paid directly and only to the licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop;
3. A statement that the licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop is entitled to the full amount charged for the safety inspection;
4. A vehicle identification number verification that must be completed by a licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop in the state of Washington;
5. A release, on a form to be supplied by the department, signed by the owner of the wheeled all-terrain vehicle and verified by the department, county auditor or other agent, or subagent appointed by the director that releases the state, counties, cities, and towns from any liability; and
6. A statement that outlines that the owner understands that the original wheeled all-terrain vehicle was not manufactured for on-road use and that it has been modified for use on public roadways.

C. This section does not apply to emergency services vehicles, vehicles used for emergency management purposes, or vehicles used in the production of agricultural and timber products on and across lands owned, leased, or managed by the owner or operator of the wheeled all-terrain vehicle or the operator's employer.

### **18.20.015 – Registration requirements of a wheeled all-terrain vehicle.**

A wheeled all-terrain vehicle operated on a City street must comply with all licensing and registration requirements of RCW 49.06.

### **18.20.020 – Duty to obey traffic-control devices and rules of the road.**

Unless a Police Officer directs otherwise, a person operating a WATV must obey all rules of the road that apply to vehicle or pedestrian traffic and must obey the instructions of all official traffic-control signals, signs, or other devices. A person operating a WATV upon a City street is subject to all of the duties RCW 46.61, *et seq*, imposes on an operator of a vehicle, except as to those provisions thereof which, by their nature, can have no application.

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### **18.20.030 Prohibited uses.**

- A. No person may operate or ride as a passenger in a wheeled all-terrain vehicle in a negligent or unsafe manner but must do so with reasonable regard for his or her own safety and for the safety of others.
- B. Only one person may occupy any seat on a wheeled all-terrain vehicle while the vehicle is in motion.
- C. No WATV may tow other vehicles or devices while on City streets.
- D. No person may operate a WATV side-by-side in a single lane of traffic.

### **18.20.040 – Prohibited areas.**

- A. It is unlawful to operate a wheeled all-terrain vehicle on a sidewalk.
- B. It is unlawful to operate a wheeled all-terrain vehicle in a park, unless a Special Event Permit has been granted by the City and such permit specifically provides for the operation of WATV's within a City park, except that wheeled all-terrain vehicles may use the City Park's paved parking lot or the gravel parking lot adjacent to the Quarry House.
- C. It is unlawful to operate a wheeled all-terrain vehicle on the Yelm-Tenino Trail. It is lawful to cross the Yelm-Tenino Trail where signs designate such a crossing.

### **18.20.045 – 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 for the first offense, exclusive of statutory assessments; provide, that conduct that constitutes a criminal traffic offense may be charged as such and is subject to the maximum penalties allowed for such offenses. Repeat offenses under this chapter shall be punished in accordance with the "General Penalty" provisions of TMC 1.16.01

### **18.20.050 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.

### **18.20.100 - Statutes adopted by reference.**

The following sections of Chapter 46.09 of the RCW, are adopted by reference: 46.09.440, 46.09.442, 46.09.444, 46.09.455, 46.09.457, 46.09.460.