

ORDINANCE NO. 17-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO TITLE 12, TRAFFIC, ADDING CHAPTER 12.52, WHEELED ALL-TERRAIN VEHICLES, AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the city of Pullman (the "City"), Washington, is a non-charter code city, by virtue of the Constitution and the laws of the State of Washington;

WHEREAS, pursuant to chapter 35A.11 RCW, the City Council (the "Council") may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, RCW 46.09.455 1(d) authorizes any city or town to regulate the operation of wheeled all-terrain vehicles, on streets, roads, or highways within its boundaries; and

WHEREAS, the Council finds that it is in the City's best interest to amend Title 12, Traffic, to add a new Chapter, titled "Wheeled All-Terrain Vehicles" to allow and regulate limited use of wheeled all-terrain vehicles, as defined herein, to operate on the streets, roads, or highways within the City's boundaries; and

NOW, THEREFORE, the City Council of city of Pullman, do ordain as follows:

THE CITY COUNCIL OF THE CITY OF PULLMAN, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1: That Chapter 12.52 entitled "Wheeled All-Terrain Vehicles" shall be created and hereby adopted and shall read as follows:

Sections:

12.52.010 Definitions.

12.52.020 Use of wheeled all-terrain vehicle on city streets.

12.52.030 Restrictions on use of wheeled all-terrain vehicle on city streets.

12.52.040 Equipment requirements of a wheeled all-terrain vehicle.

12.52.060 Duty to obey traffic-control devices and rules of the road.

12.52.080 Prohibited areas.

12.52.090 Use for Official Purpose Authorized

12.52.09~~0~~5 Violation - Penalty.

12.52.100 Severability.

Section 2: There is hereby added a new section 12.52.010 to the Pullman City Code to read as follows:

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

- (1) "City" means the City of Pullman, its elected officials, its employees, and its agents.
- (2) "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.
- (3) "Motorcycle helmet" has the same meaning as provided in RCW 46.37.530 as it now exists or may hereafter be amended.

- (4) "Rules of the road" means all the rules that apply to vehicle or pedestrian traffic as set forth in state statute, rule or regulation.
- (5) "Sidewalk" shall have the meaning set forth in RCW 35.69.010 as existing or amended.
- (6) "Wheeled all-terrain vehicle" means
 - (a) any motorized non-highway vehicle with handlebars that are 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 designed roads that 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 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;
 - (ii) has a minimum weight of at least 900 pounds;
or
 - (iii) has a wheelbase of over 61 inches.

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

Section 3: There is hereby added a new section 12.52.020 to the Pullman City Code to read as follows:

12.52.020 Use of wheeled all-terrain vehicle on city streets.

Subject to the restrictions and requirements set forth in this chapter and Ch 46.09 RCW, 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 city street having a speed limit of 35 miles per hour or less.

Section 4: There is hereby added a new section 12.52.030 to the Pullman City Code to read as follows:

12.52.030 Restrictions on use of wheeled all-terrain vehicle on city streets.

- (1) A person who operates a wheeled all-terrain vehicle on city streets as authorized in this Chapter, and all passengers riding in or upon a wheeled all-terrain vehicle, must wear a securely fastened motorcycle helmet while the vehicle is in motion, except as allowed per RCW 46.09.470(3)(a);
- (2) A person may not operate a wheeled all-terrain vehicle upon a city street with a speed limit in excess of 35 miles per hour; however, a person may cross a city street with a speed limit in excess of 35 miles per hour at an uncontrolled 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, or begins or ends on a residential or commercial driveway and the opposite, intersecting city street has a speed limit of 35 mph or less;
- (3) ~~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, as it now exists or may hereafter be amended, or search and rescue, as defined in RCW 38.52.010, as it now exists or may hereafter be amended, or a general authority Washington law enforcement agency as defined in RCW 10.93.020, as it now exists or may hereafter be amended, within the scope of the agency's official duties; and~~

~~(4)~~ A person may only operate a wheeled all-terrain vehicle on city streets with the appropriate current and proper on-road vehicle registration affixed to the rear of the wheeled all-terrain vehicle in compliance with RCW Ch. 46.09.442, and

(5) No passengers under the age of five may be transported in a wheeled all-terrain vehicle.

Section 5: There is hereby added a new section 12.52.040 to the Pullman City Code to read as follows:

12.52.040 Equipment requirements of a wheeled all-terrain vehicle. A wheeled all-terrain vehicle operated on a city street must comply with all equipment requirements of RCW 46.09.457 including, but not limited to, headlights, tail lamps, stop lamps, reflectors, turn signals, mirrors, windshields, horns, brakes, spark arresters, and muffling devices. An adequate and operating muffling device must be installed and must comply at all times with RCW 46.09.470, as it now exists or may hereafter be amended.

Section 6: There is hereby added a new section 12.52.060 to the Pullman City Code to read as follows:

12.52.060 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 that applicable 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 wheeled all-terrain vehicle upon a city street is subject to all of the duties Chapters 46.09 and 46.61 RCW et seq. imposes on an operator of a vehicle, except those provisions which by their nature have no application.

Section 7: There is hereby added a new section 12.52.080 to the Pullman City Code to read as follows:

12.52.080 Prohibited areas.

- (1) It is unlawful to operate a wheeled all-terrain vehicle on a sidewalk, except for the purposes set forth in PCC 11.42.
- (2) It is unlawful to operate a wheeled all-terrain vehicle in a park, except on a park drive or in a designated parking lot.
- (3) City vehicles are exempt from this section.

Section 8: There is hereby added a new section 12.52.090 to the Pullman City Code to read as follows:

12.52.090 Use for Official Purpose Authorized. A City employee or other authorized person may operate a wheeled all-terrain vehicle upon any city street, sidewalk or path while being used for official City purposes, or 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, as it now exists or may hereafter be

amended, or a general authority Washington law enforcement agency as defined in RCW 10.93.020, as it now exists or may hereafter be amended, within the scope of the agency's official duties.

Section 9: There is hereby added a new section 12.52.095 to the Pullman City Code to read as follows:

12.52.09~~05~~ 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 which constitutes a criminal traffic offense may be charged as such and is subject to the maximum penalties allowed for such offenses.

Section 9~~10~~: There is hereby added a new section 12.52.100 to the Pullman City Code to read as follows:

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

Section 1~~01~~: This ordinance, or a summary thereof, shall be published in the official newspaper of the city of Pullman. This ordinance shall be in full force and take effect five (5) days after publication.

PASSED by the City Council of the city of Pullman at a regular meeting held on the _____ day of _____, 2017.

SIGNED by the Mayor in Authentication and Approval Thereof on the _____ day of _____, 2017.

Mayor Glenn A. Johnson

ATTEST:

Finance Director Leann L. Hubbard

Approved as to Form:

City Attorney

Summary Published: _____

DRAFT