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## **ORDINANCE NO. 738**

**AN ORDINANCE TO THE TOWN OF DARRINGTON, WA ADDING SECTION 10.17 TO CHAPTER 10  
VEHICLES AND SAFETY OF THE DARRINGTON MUNICIPAL CODE**

### **Chapter 10.17 WHEELED ALL-TERRAIN VEHICLES**

#### **Sections:**

- 10.17.010 Definitions**
- 10.17.020 Authorized for use on designated public roadway**
- 10.17.030 Roads Listing**
- 10.17.040 Equipment to comply with state law**
- 10.17.050 Operators to comply with state law**
- 10.17.060 Use for the good of the community**
- 10.17.070 Towing**
- 10.17.080 Exemptions**
- 10.17.090 Civil Liabilities**
- 10.17.100 Violations and Penalties**

#### **10.17.010 Definitions**

All definitions of RCW Title 46 pertaining to wheeled all-terrain vehicles as now existing or amended are hereby incorporated into this chapter.

A. Wheeled All-Terrain Vehicle (WATV). Per RCW 46.09.310 definition "Wheeled all-terrain vehicle" means (a) any motorized non-highway vehicle with handlebars that is fifty inches or less in width, has a seat height of at least twenty inches, weighs less than one thousand five hundred pounds, and has four tires having a diameter of thirty 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 twenty psi or less, has a maximum width less than seventy-four inches, has a maximum weight less than two thousand pounds, has a wheelbase of one hundred ten inches or less, and satisfies at least one of the following: (i) Has a minimum width of fifty inches; (ii) has a minimum weight of at least nine hundred pounds; or (iii) has a wheelbase of over sixty-one inches. It includes Side by Sides and 4-Wheelers (AKA - Quads, ATV's)"

#### 10.17.020 Authorized for use on designated public roadway

The operation of wheeled all-terrain vehicles is allowed within the Town of Darrington on the public roadways within the Town limits where the speed limit is 35 mph or less. Use on any other public roadway within the Town is prohibited.

#### 10.17.030 Roads Listing

- A. WATV. All roads open unless closed and identified in subsections (A)(1) and (2) of this section.
1. Roads closed list: none
  2. Local access roads only list: none

#### 10.17.040 Equipment to comply with state law regulations

Only wheeled all-terrain vehicles complying with the equipment requirements of RCW 46.09.457 as now existing or as may be hereinafter amended may be operated on allowed public roadways within the Town. All wheeled all-terrain vehicles operated on allowed public roadways of the Town shall at all times while in operation on allowed public roadways comply completely with the equipment requirements of RCW 46.09.457 as now existing or as may be hereinafter amended.

#### 10.17.050 Operators to comply with state law regulations

- A. A person is only allowed to operate a wheeled all-terrain vehicle on allowed public roadways under RCW Title 46. Operators shall operate a wheeled all-terrain vehicle only on allowed public roadways of the Town only in compliance with the standards and requirements of RCW Title 46. A person may not operate a WATV upon a public roadway of this state, not including non-highway roads and trails, without (a) first obtaining a valid driver's license issued to Washington residents in compliance with Chapter 46.20 RCW or (b) possessing a valid driver's license issued by the state of the person's residence if the person is a non-resident.
- B. Operators must travel in single file; no parallel group riding.
- C. Operators must yield to pedestrian crossings.

#### 10.17.060 Use for the good of the community

The use of wheeled all-terrain vehicles shall be permitted on town sidewalks only for plowing snow or other approved operations as designated by the Darrington Town Council. WATV's are allowed to plow snow in front of the owner's residence as well as any other person's residence upon request.

#### 10.17.070 Towing

WATV operators shall abide by the manufacturer's guidelines or specifications when towing approved devices. It will be unlawful for an WATV to pull any sled, toboggan, trailer or any other device except by means of a rigid tow bar connecting the same to such device. No person shall be pulled in any fashion by any WATV.

#### 10.17.080 Exemptions

Appropriate agency that engages in emergency management, as defined in RCW Title 37, 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, and Town of Darrington maintenance and operations within the scope of the agency's official duties are exempt.

#### 10.17.090 Civil Liabilities

In addition to the penalties provided in this chapter, the owner and/or operator of any WATV, traveling within the corporate limits of the Town of Darrington, found to have violated any provision of this chapter may be liable to a landowner for any damage to property or injury to

persons or animals. Any injured person or owner of property or animals damaged or injured may recover treble damages as well as costs, expenses and reasonable attorney's fees.

#### 10.17.100 Violations – Penalties

Failure to perform any act required, or the performance of any act prohibited, in this chapter shall be designated as a traffic infraction, unless so otherwise stated, and any person found to have committed such traffic infraction shall be subject to penalties governed by the Revised Code of Washington. Any violation of this chapter not covered by the Revised Code of Washington will be considered a violation of the Town of Darrington's Municipal Code which will be an infraction with a \$100 penalty for each offense

Passed and approved by the Town Council at a regular meeting this 14 day of March, 2018

  
Dan O. Rankin, Mayor

  
Dianne Allen, Clerk-Treasurer