

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE:

AGENDA ITEM:	
Proposed Ordinance Addressing Wheeled All-Terrain Vehicles (WATVS) Operating on City Streets	
PREPARED BY:	DIRECTOR APPROVAL:
Assistant Chief Jim Lawless	
DEPARTMENT:	
Police	
ATTACHMENTS:	
Proposed Ordinance (Chapter 11.70 – Wheeled All-Terrain Vehicles (WATVS))	
BUDGET CODE:	AMOUNT:
SUMMARY:	

For several years, the topic of allowing for the operation of Wheeled All-Terrain Vehicles (WATVS) on City streets has been a topic of discussion amongst both members of the community, as well as members of the City Council. This issue has been discussed during numerous Public Safety Committee meetings, including several meetings during the latter part of 2021. It was the desire of Council President Norton to bring forward a draft ordinance for full Council review/discussion at the beginning of 2022.

The proposed ordinance would allow for the operation of WATV's upon the City streets where the speed limit is 35 mph or less, so long as the vehicle meets certain design requirements (including seatbelts, head/tail/brake lights, turn signals/windshield), the operator is 18 yoa or older and possesses a valid driver's license, and no child under 5 yoa is being transported.

It should be noted that numerous surrounding jurisdictions, including those that border Marysville (Lake Stevens, Snohomish County), have similar ordinances that allow for WATV operation upon city/county streets.

RECOMMENDED MOTION: I move to approve Ordinance No. _____.
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CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
WASHINGTON, REGARDING THE LEGAL OPERATION OF WHEELED
ALL-TERRAIN VEHICLES AND ADDING A NEW CHAPTER 11.70 TO THE
MUNICIPAL CODE.**

WHEREAS, state law permits a city to authorized the operation of wheeled all-terrain vehicles on city streets; and

WHEREAS, the City Council believes citizens will benefit from having an alternative mode of transportation; and

WHEREAS, cities adjacent to Marysville have authorized wheeled all-terrain vehicles to operate on city streets.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. A new chapter 11.70 is added to the municipal code as set forth in Exhibit A.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be 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, phrase or word of this ordinance.

SECTION 3. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

SECTION 4. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2022.

CITY OF MARYSVILLE

By _____

JON NEHRING, MAYOR

Attest:

By _____
_____, DEPUTY CITY CLERK

Approved as to form:

By _____
JON WALKER, CITY ATTORNEY

Date of publication: _____

Effective Date (5 days after publication): _____

EXHIBIT A

Chapter 11.70 WHEELED ALL-TERRAIN VEHICLES (WATVS)

Sections:

- 11.70.010 Definitions**
- 11.70.020 Use of Wheeled All-Terrain Vehicles on City Streets Approved**
- 11.70.030 Restrictions on Use of Wheeled All-Terrain Vehicles on City Streets**
- 11.70.040 Equipment Requirements of Wheeled All-Terrain Vehicles**
- 11.70.050 Registration Requirements of a Wheeled All-Terrain Vehicle**
- 11.70.060 Duty to Obey Traffic Control Devices and Rules of the Road**
- 11.70.070 Prohibited Uses**
- 11.70.080 Prohibited Areas**
- 11.70.090 Violation - Penalty**
- 11.70.100 Listing on City Website**

11.70.010 Definitions.

Unless otherwise specifically provided for herein, the definitions set forth in Chapter 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:

- (1) "City" means the City of Marysville, Washington, including its elected officials, employees, and 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) "MMC" means the Marysville Municipal Code.
- (4) "Motorcycle helmet" has the same meaning as provided in RCW 46.37.530.
- (5) "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.
- (6) "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.
- (7) "Wheeled all-terrain vehicle" or "WATV" means:
 - (1) 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: (a) has a minimum width of fifty, inches (b) has a minimum weight of at least nine hundred pounds, or (c) has a wheelbase of over sixty-one inches; and
 - (2) has a steering wheel for steering control; and
 - (3) has non-straddle seating with the ~~operator and passenger~~occupants sitting side-by-side in the vehicle, manufactured primarily for recreational non-highway all-terrain use as further defined by the State Model Traffic Ordinance.

11.70.020 Use of Wheeled All-Terrain Vehicles on City Streets Approved.

Subject to the restrictions set forth in Chapter 46.09 RCW and the other requirements set forth in this Chapter, any person, 18 years of age or older, 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.

11.70.030 Restrictions on Use of Wheeled All-Terrain Vehicles on City Streets.

- (1) Any person who operates or rides as a passenger in a wheeled all-terrain vehicle must wear a securely fastened motorcycle helmet while the WATV is in motion, unless the WATV is equipped with seat belts and roll bars or an enclosed passenger compartment;
- (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 a controlled 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;
- (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, or search and rescue, as defined in RCW 38.52.010, or a law enforcement agency, as defined in RCW 16.52.011;
- (4) A person who operates a wheeled all-terrain vehicle shall carry proof of current liability insurance in compliance with, and with overage limits at least equivalent to the amounts set forth in, Chapter 46.29 RCW; and
- (5) Wheeled all-terrain vehicles, and the use thereof, are subject to Chapter 46.55 RCW.

11.70.040 Equipment and Declaration Requirements.

Any wheeled all-terrain vehicle operated on a City street shall include the following equipment (which equipment shall be used and operated as further prescribed herein) and shall comply with the following operational requirements, as applicable:

- (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;
- (2) One tail lamp meeting the requirements of RCW 46.37.525 and used at all times when the vehicle is in motion; 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 be used at all times when the vehicle is in motion;
- (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;
- (6) Outside of hours of darkness, the person operating the WATV must comply with RCW 46.37.200 or 46.61.310 to signal turns;
- (7) Must have two mirrors meeting the requirements of RCW 46.37.400;
- (8) A windshield meeting the requirements of RCW 46.37.430, unless the person operating the WATV wears glasses, goggles, or a face shield while operating the WATV, of a type conforming to rules adopted by the Washington State Patrol;
- (9) A horn or warning device meeting the requirements of RCW 46.37.380;
- (10) Brakes in working order;

- (11) A spark arrester and muffling device meeting the requirements of RCW 46.09.470; and
- (12) ~~For utility type vehicles, as described under RCW 46.09.310(19), s~~Seat belts meeting the requirements of RCW 46.37.510.
- (13) A person operating a WATV must comply with the declaration requirements described in RCW 46.09.457(1)(b).

11.70.050 Registration Requirements of a Wheeled All-Terrain Vehicle.

Any wheeled all-terrain vehicle operated on a City street must comply with all applicable registration requirements of Chapter 46.09 RCW.

11.70.060 Duty to Obey Traffic Control Devices and Rules of the Road.

A person operating a wheeled all-terrain 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. Without limitation of the foregoing, a person operating a wheeled all-terrain vehicle upon a City street is subject to all of the rules and regulations set forth in Chapter 46.61 RCW that are applicable to the use and operation of a vehicle.

11.70.070 Prohibited Uses.

- (1) No person shall operate or ride a wheeled all-terrain vehicle in a negligent or unsafe manner, but must operate it with reasonable regard for his or her own safety and for the safety of others.
- (2) No person shall tow any trailers, devices, equipment or persons behind the wheeled all-terrain vehicle.
- (3) No person shall operate a wheeled all-terrain vehicle side-by-side in a single lane of traffic.
- (4) No person shall carry or transport any other person or passenger on a wheeled all-terrain vehicle, nor shall any other person ride on a wheeled all-terrain vehicle, unless such wheeled all-terrain vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons.
- (5) No person shall transport a child under the age of five on a wheeled all-terrain vehicle.

11.70.080 Prohibited Areas.

- (1) It is unlawful to operate a wheeled all-terrain vehicle on a sidewalk.
- (2) It is unlawful to operate a wheeled all-terrain vehicle in a park, except in a designated parking lot.
- (3) It is unlawful to operate a wheeled all-terrain vehicle on any pedestrian trail, bicycle path or bridge where the operation of motorized vehicles is prohibited.
- (4) It is unlawful to operate a wheeled all-terrain vehicle on- any street with a speed limit in excess of 35 miles per hour, which include without limitation: (a) State Route 528 between mile posts 2.54 (74th Drive Northeast vicinity) and State Route 9; (b) Smokey Point Boulevard north of 136th Street Northeast; and (c) that portion 51st Avenue Northeast with a speed limit of 40 miles per hour. State Route 528 between mile posts 2.54 (74th Drive Northeast vicinity) and State Route 9, except to cross at an approximate 90-degree angle.

11.70.090 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.

11.70.100 Listing on City Website.

All City streets upon which wheeled all-terrain vehicles have been approved for operation pursuant to this chapter shall be listed publicly and made accessible from the main page of the City's website.