

Ordinance 903

An ordinance amending Title 11, Traffic, of the Clallam County Code (CCC) by creating a new Chapter relating to the operation of wheeled all-terrain vehicles (WATVs) within Clallam County

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

**Section 1. Section .010, Purpose, is created to read as follows:**

The purpose of this Chapter is to implement RCW 46.09 regarding the use of wheeled all-terrain vehicles (WATVs) on County roads.

**Section 2. Section .020, Definitions, is created to read as follows:**

The definitions contained in RCW 46.04 and 46.09 as now enacted or subsequently amended are adopted and incorporated by reference.

**Section 3. Section .030, Operation on County roads, is created to read as follows:**

(1) All WATVs operating on County roads must comply with all Washington State registration requirements, WATV use permits, and equipment laws.

(2) All persons operating WATVs on County roads must meet all registration and licensing requirements as set forth in RCW 46.09.

(3) All persons operating WATVs on County roads must obey all traffic laws including but not limited to rules of the road, traffic law or code, parking regulations, and road closures or restrictions, unless otherwise expressly exempt in RCW 46.09. WATV operators must obey posted speed limits while travelling on open County roads.

**Section 4. Section .040, Roads open to WATVs, is created to read as follows:**

(1) All County roads with a posted speed limit of 35 miles per hour (mph) or less and as set forth in CCC 11.04.010 through .040 are open to WATVs.

(2) All County roads with a posted speed limit in excess of 35 mph are closed to WATVs, except where a person operating a WATV must cross a road with a posted speed limit in excess of 35 mph to get to another open segment. Roads closed to WATVs are set forth in CCC 11.04.050 through .070.

**Section 5. Section .050, Vehicles not considered WATVs for purposes of this Chapter, is created to read as follows:**

The following vehicles are not considered WATVs

(1) Dune buggies

(2) Go carts

(3) Handmade unlicensed vehicles

(4) Golf carts

(5) Other vehicles not meeting the definition of "wheeled all-terrain vehicle" as set forth in RCW 46.09.310(19).

**Section 6. Section .060, Prohibited activities, is created to read as follows:**

No operator may use any WATV to pull a sled, toboggan, inner tube, wagon, trailer, or any other similar device, to pull another person thereon. Using a trailer or other similar device must be

in compliance with manufacturer's guidelines and must include the use of a rigid tow bar connected to the WATV and the trailer. Violation of this Chapter shall be an infraction with a penalty of \$125.

**Section 7. Section .070, Exemptions, is created to read as follows:**

This Chapter shall not apply to the following:

(1) An appropriate local, state, and/or federal agency that engages in emergency management, as defined by state law, or to those individuals associated with such agencies and engaged in search and rescue operations, as defined by state law, or law enforcement agencies when operation of any such vehicle is in accordance with the scope of the official duties of the agency.

(2) This ordinance may be suspended by County resolution for parades, as authorized by the State of Washington in conjunction with Clallam County, or any parades authorized by Clallam County where permission from the State of Washington is not required.

**Section 8. Section .080, Violations and penalties, is created to read as follows:**

(1) It is a violation of this Chapter for any person or WATV to operate on County roads inconsistent with this Chapter. Persons violating this Chapter may be subject to traffic infractions, misdemeanors, gross misdemeanors, and/or civil penalties.

(2) Violations of this Chapter for infractions, misdemeanors, and gross misdemeanors shall be governed by Washington State law proscribing the applicable punishment.

(3) In addition to the penalties provided in this Chapter, the owner and/or operator of any non-highway vehicle shall be liable for any damage to property including, but not limited to, damage to trees, shrubs, or growing crops as the result of operating a WATV. The owner of such property may recover from the person responsible three (3) times the amount of the damage per RCW 46.09.490 (2).

**Section 9. Section .090, Severability, is created to read as follows:**

Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portion of this ordinance or its application to other persons or circumstances.

ADOPTED this thirtieth day of June 2015

BOARD OF CLALLAM COUNTY COMMISSIONERS

  
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Jim McEntire, Chair

  
\_\_\_\_\_  
Mike Chapman

ATTEST:

  
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Trish Holden, CMC, Clerk of the Board

  
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Bill Peach