

**ORDINANCE NO. 2021-\_\_\_\_\_**

**AN ORDINANCE** relating to Traffic; Title 9, adding Chapter 9.56, Wheeled All-Terrain Vehicles.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:**

**Section 1.** Section 9.56, Wheeled All-Terrain Vehicles, is added as a new section to Title 9 of the Yakima Municipal Code, and reads as follows:

**Section 9.56  
Wheeled All-Terrain Vehicles**

- 9.56.010 Definitions.
- 9.56.020 Use of wheeled all-terrain vehicle on city streets.
- 9.56.030 Restrictions on use of wheeled all-terrain vehicle on city streets.
- 9.56.040 Equipment requirements for wheeled all-terrain vehicle.
- 9.56.050 Registration requirements of a wheeled all-terrain vehicle.
- 9.56.060 Duty to obey traffic-control devices and rules of the road.
- 9.56.070 Prohibited areas.
- 9.56.080 Violation – Penalty.
- 9.56.090 Listing on city website.

**9.56.010 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:

“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.

“Motorcycle helmet” has the same meaning as provided in RCW 46.37.530.

“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” means:

1. Any motorized nonhighway 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
2. 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. A wheeled all-terrain vehicle is an off-road vehicle for the purposes of Chapter 4.24 RCW.

**9.56.020 Use of wheeled all-terrain vehicle on city streets.**

Subject to the restrictions and requirements set forth in Chapter 46.09 RCW and in this chapter, 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 thirty-five miles per hour or less.

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

- A. A person who operates a wheeled all-terrain vehicle must wear a securely fastened motorcycle helmet while the wheeled all-terrain vehicle is in motion, except when the wheeled all-terrain vehicle is equipped with seat belts and roll bars, or an enclosed passenger compartment;
- B. A person may not operate a wheeled all-terrain vehicle upon Interstate 82, State Route Highway 12, or State Route Highway 24; however, a person may cross Interstate 82, State Route Highway 12, or State Route Highway 24, if the crossing begins and ends on a city street with a speed limit of thirty-five miles per hour or less and occurs at an intersection of approximately ninety degrees, and only at a controlled intersection;
- C. A person may not operate a wheeled all-terrain vehicle upon a city street with a speed limit in excess of thirty-five miles per hour; however, a person may cross a city street with a speed limit in excess of thirty-five miles per hour if the crossing begins and ends on a city street with a speed limit of thirty-five miles per hour or less and occurs at an intersection of approximately ninety degrees, and only at a controlled intersection;
- D. 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, within the scope of the agency's official duties;
- E. A wheeled all-terrain vehicle shall not be operated in a negligent or unsafe manner;
- F. No person shall tow any trailers, devices, equipment or persons behind the wheeled all-terrain vehicle;
- G. 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, or upon another seat firmly attached to the wheeled all-terrain vehicle. Passengers shall wear a securely fastened motorcycle helmet unless the passenger's seat has a seatbelt and the wheeled all-terrain

vehicle has a roll cage, or the wheeled all-terrain vehicle has an enclosed passenger compartment.

H. A person may not operate a wheeled all-terrain vehicle side-by-side with another wheeled all-terrain vehicle in a single lane of traffic; and

I. Wheeled all-terrain vehicles are subject to Chapter 46.55 RCW (Vehicle Towing and Impoundment).

**9.56.040 Equipment requirements for wheeled all-terrain vehicle.**

Any wheeled all-terrain vehicle operated on a city street must comply with the following equipment requirements:

A. Headlights meeting the requirements of RCW 46.37.030 and 46.37.040 and used at all times when the vehicle is in motion;

B. One tail lamp meeting the requirements of RCW 46.37.525 and used at all times when the vehicle is in motion upon a city street; 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 city street;

C. A stop lamp meeting the requirements of RCW 46.37.200;

D. Reflectors meeting the requirements of RCW 46.37.060;

E. During hours of darkness, as defined in RCW 46.04.200, turn signals meeting the requirements of RCW 46.37.200;

F. Outside of hours of darkness, the operator must comply with RCW 46.37.200 or 46.61.310;

G. A mirror attached to either the right or left handlebar, which must be located to give the operator a complete view of the city street 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;

H. 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;

I. A horn or warning device meeting the requirements of RCW 46.37.380;

J. Brakes in working order;

K. A spark arrester and muffling device meeting the requirements of RCW 46.09.470; and

L. For utility-type vehicles, as described under RCW 46.09.310(19), seatbelts meeting the requirements of RCW 46.37.510.

**9.56.050 Registration requirements of a wheeled all-terrain vehicle.**

A wheeled all-terrain vehicle operated on a city street must comply with all the registration requirements of Chapter 46.09 RCW.

**9.56.060 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 apply to vehicle or pedestrian traffic under the laws of the state and the city 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 that Chapter 46.61 RCW et seq. imposes on an operator of a vehicle, except as to those provisions thereof which by their nature can have no application.

**9.56.070 Prohibited areas.**

Wheeled all-terrain vehicles shall not be operated in the following areas:

- A. On a sidewalk;
- B. In a park, except on a park drive or in a designated parking lot; or
- C. On the Greenway Trail.

**9.56.080 Violation – Penalty.**

Any person violating this chapter shall be guilty of a traffic infraction punishable in accordance with chapter 46.63 RCW; provided, conduct that constitutes a criminal traffic offense may be charged as such and subject to the maximum penalties allowed for such offenses. A person who violates a provision of this chapter which does not constitute a violation of any other state or local traffic law is guilty of a traffic infraction and will be punished by the imposition of a monetary penalty of two hundred fifty dollars, exclusive of statutory assessments.

**9.56.090 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 such list must be made accessible from the main page of the city's website.

**Section 2.** This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

**PASSED BY THE CITY COUNCIL**, signed and approved this 21<sup>st</sup> day of September, 2021.

ATTEST:

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Patricia Byers, Mayor

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Sonya Claar Tee, City Clerk

Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_