

ORDINANCE #2009-02

AN ORDINANCE OF THE CITY OF REPUBLIC, WASHINGTON, authorizing the operation of off-road vehicles and snowmobiles within the city limits of the City of Republic and within designated usage areas, prohibiting certain conduct thereon and providing penalties for violations.

WHEREAS, the City of Republic recognizes that the expanding popularity of off-road vehicles and snowmobiles may provide opportunities for a wide variety of uses and outdoor recreational activities and the commerce that is derived therefrom; and

WHEREAS, RCW 46.09.180 authorizes municipalities to regulate the operation of non-highway vehicles on public lands, waters and other properties under its jurisdiction, and on streets, roads and highways within its boundaries; and

WHEREAS, RCW 46.10.110 allows snowmobiles to be operated upon a public roadway or highway when the City gives notice that such roadway or highway is open to snowmobiles for all-terrain vehicle use; and

WHEREAS, the City of Republic is desirous of defining areas of use and establishing rules to regulate the operation of non-highway vehicles and snowmobiles to promote and facilitate responsible non-highway vehicle and snowmobile activities and recreation within the City of Republic.

NOW THEREFORE, the City Council of the City of Republic, Washington, do ordain as follows:

SECTION 1: There is hereby added to the Republic Municipal Code a new Chapter 10.20 to read as follows:

10.20.010 - **Definitions**

"Non-highway vehicles," "off-road vehicles" or "ORV" means any non-street licensed vehicle when used for recreational purposes on non-highway highways, roads, streets, trails or a variety of other natural terrain. Such vehicles include, but are not limited to, all-terrain vehicles, four-wheel drive vehicles, dune buggies, trail bikes and motorcycles not otherwise licensed as operational on highways of the state of Washington.

"Snowmobile" means any self-propelled vehicle capable of traveling over snow or ice, which utilizes as it means of propulsion an endless belt of tread or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, which is steered wholly or in part by skis or sled-type runners, and which is not otherwise registered as or subject to the Motor Vehicle Excise Tax in the state of Washington.

"Non-highway road" means any highway or road, owned or managed by a public agency, or any private highway, road or street for which the owner has granted an easement for public use for which appropriations from the Motor Vehicle Fund for the state of Washington were not used for original construction in the last 25 years or maintenance in the last 4 years.

"ORV trail" means a multiple use corridor designated by the City of Republic and maintained for recreational use by ORV's and/or snowmobiles.

"City street" or "city alley" means any city street or alley inside the City of Republic owned or maintained by the City of Republic.

"Highway" means any highway or road, owned or managed by a public agency, and not otherwise owned or maintained by the City of Republic.

"Parking areas" means any public or private parking area located inside the City of Republic.

10.20.020 - Operation of ORV's and Snowmobiles in the City of Republic.

1. Except as otherwise provided in this chapter, it is lawful to operate an ORV or snowmobile upon roads, city streets, city alleys, ORV trails, non-highway roads and in parking areas that have been designated pursuant to Section 10.20.040 of this chapter.

2. Persons operating ORV's and/or snowmobiles must comply with all state laws and city regulations including, but not limited to:

a. For the operation of ORV's, the operating regulations set forth in RCW 46.09.120, as amended.

b. For the operation of snowmobiles, the operating regulations set forth in RCW 46.10.090, as amended.

c. No person under the age of 13 years may operate an ORV within the city limits of the City of Republic.

d. No person under the age of 13 years shall operate a snowmobile within the city limits of the City of Republic, and no person between the ages of 13 and 16 years of age shall operate a snowmobile within the city limits of the City of Republic unless they have taken a snowmobile safety education course and have been certified as qualified to operate a snowmobile by an instructor designated by the state of Washington as qualified to conduct such a course and issue such a certificate, and they have on their person at the time that they are operating a snowmobile evidence of such certification, provided, that persons between the ages of 13 and 16 years who have not been certified as qualified snowmobile operators may operate a snowmobile under the direct supervision of a qualified snowmobile operator.

e. No person shall operate any ORV or snowmobile within the city limits of the City of Republic between the hours of 10:00 p.m. and 6:00 a.m.

f. Notwithstanding Section 10.20.020(e) above, any ORV or snowmobile being operated between the hours of dusk and dawn shall be equipped with a lighted headlight and a lighted taillight, which shall remain on between dusk and dawn. In addition, any ORV or snowmobile that is currently equipped with an operational lighted headlight and an operational lighted taillight shall have said lights on at all times of operation within the city limits of the City of Republic.

g. The maximum speed limit for operating an ORV or snowmobile within the city limits of the City of Republic is 10 miles per hour (mph) or the posted speed limit, which ever is slower.

h. When a person operating an ORV or snowmobile approaches livestock, horses, horseback riders, horses being driven or horse drawn carts, wagons or any other conveyance that involves livestock or horses, the ORV and/or snowmobile shall stop and shut off its engine.

i. All ORV's and snowmobiles operated on city streets, alleys, roads, highways or non-highway roads shall be operated on the right side of such city street, alley, road, highway or non-highway road at all times.

j. All ORV's and snowmobiles that cross any city streets or highways will do so at a 90-degree angle to the center of the street or highway being crossed. All ORV's and snowmobiles will yield to all other traffic while crossing city streets, roads, highways or non-highway roads.

k. No ORV's or snowmobiles shall be operated in such a manner such as to harass pets, animals, game, wildlife or people.

l. Except for an ORV equipped with seatbelts and roll bars or an enclosed passenger compartment, any person who operates or rides an ORV or snowmobile on a city street, highway, city alley, road, ORV trail or non-highway road must wear upon his or her head a motorcycle helmet fastened securely while in motion. For the purpose of this section, "motorcycle helmet" has the same meaning as provided in RCW 46.37.530, as amended.

10.20.030 – **Penalties–Civil Liability**

1. Any person found to be in violation of any provision of this chapter shall be deemed to have committed a traffic infraction, and any person found to have committed such traffic infraction shall be assessed a civil penalty of not more than \$250.00 for each violation.

2. In addition to any penalty provided for in this chapter, the owner and/or operator of any ORV or snowmobile 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 livestock. Any injured person, owner of property or livestock, that is damaged may recover treble damages, as well as costs, expenses and reasonable attorney's fees.

10.20.040 – **Designated Usage Areas, Paths and Trails**

1. In addition to any private property publicly designated as open for ORV or snowmobile usage, the City of Republic,

pursuant to RCW 46.09.180, designates the city streets, city alleys, highways, parking areas, non-highway roads and ORV trails shown on the attached map as the only permissible areas for ORV and/or snowmobile usage within the city limits of the City of Republic.

SECTION 2. Severability: If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the other remaining parts of this Ordinance.

SECTION 3. Effective Date: This Ordinance shall become effective from and after its passage by the Council, approval by the Mayor, and five days after publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC AT A REGULAR MEETING ON THIS 21st DAY OF January, 2009.

Shirley A. Couse, Mayor

ATTEST:

Margo Sattler, Clerk/Treasurer

APPROVED AS TO FORM:

W. Scott DeTro, City Attorney