

ORDINANCE NO. 2013

AN ORDINANCE OF THE CITY OF OAK HARBOR,
WASHINGTON, ADOPTING CHAPTER 10.30 OF THE OAK
HARBOR MUNICIPAL CODE RELATING TO WHEELED ALL-
TERRAIN VEHICLES; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Chapter 46.09 RCW authorizes cities to approve the operation of wheeled all-terrain vehicles (WATVs) upon local public roadways provided such regulations are not less stringent than the provisions of Chapter 46.09 RCW; and

WHEREAS, the City Council finds it is in the best interest of the residents of the City to approve the operation of WATVs on all City streets where the speed limit is 35 miles per hour or less, subject to the limitations, conditions and requirements set forth herein;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAK HARBOR do ordain as follows:

Section One. Ch. 10.30, Adopted. A new Chapter 10.30 of the Oak Harbor Municipal Code, entitled "Wheeled All-Terrain Vehicles (WATVs)" is hereby adopted as follows:

Chapter 10.30 WHEELED ALL-TERRAIN VEHICLES (WATVs)

Sections:

10.30.010	Definitions
10.30.020	Use of wheeled all-terrain vehicles on City streets approved
10.30.030	Restrictions on use of wheeled all-terrain vehicles on City streets
10.30.040	Equipment requirements of wheeled all-terrain vehicles
10.30.050	Registration requirements of a wheeled all-terrain vehicle
10.30.060	Duty to obey traffic control devices and rules of the road
10.30.070	Prohibited uses
10.30.080	Prohibited areas
10.30.090	Violation - Penalty
10.30.100	Listing on City website

10.30.010 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 Oak Harbor, 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. "Motorcycle helmet" has the same meaning as provided in RCW 46.37.530.
4. "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.
5. "Sidewalk" shall have the meaning set forth in OHMC 11.14.020(11) as now set forth or as hereafter amended.
6. "Wheeled All-Terrain Vehicle" or "WATV" means (a) any motorized non-highway vehicle with handlebars that is 50 inches (50") or less in width, has a seat height of at least 20 inches (20"), weighs less than 1,500 pounds, and has four tires having a diameter of 30 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 20 psi or less, has a maximum width less than 74 inches (74"), has a maximum weight less than 2,000 pounds, has a wheelbase of 110 inches (110") or less, and satisfies at least one of the following: (i) has a minimum width of 50 inches (50"); (ii) has a minimum weight of at least 900 pounds; or (iii) has a wheelbase of over 61 inches (61").

10.30.020 Use of wheeled all-terrain vehicles on City streets approved.

Subject to the restrictions set forth in Chapter 46.09 RCW, OHMC 10.30.030 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 WATV upon a City street having a speed limit of 35 miles per hour or less.

10.30.030 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 WATV 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 WATV 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 16.52.01 I, within the scope of the agency's official duties;
4. A person who operates a WATV 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 the applicable regulations and requirements set forth in Chapter 46.55 RCW.

10.30.040 Equipment requirements of wheeled all-terrain vehicles.

Any WATV 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 upon a City street; however, a utility-type vehicle, as described under RCW 46.09.310(19), 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;
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 46.61.310 related to signal turns;
7. A mirror attached to either the right or left handlebar, which must be located to give the person operating the WATV a complete view of the City street for a distance of at least 200 feet to the rear of the WATV; 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;
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), seat belts meeting the requirements of RCW 46.37.510.

10.30.050 Registration requirements of a wheeled all-terrain vehicle.

Any WATV operated on a City street must comply with all applicable registration requirements of Chapter 46.09 RCW.

10.30.060 Duty to obey traffic control devices and rules of the road.

Unless a law enforcement officer directs otherwise, a person operating a WATV 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 WATV 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 are inapplicable.

10.30.070 Prohibited uses.

1. No person shall operate or ride a WATV 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 WATV.
3. No person shall operate a WATV side-by-side in a single lane of traffic.
4. No person shall carry or transport any other person or passenger on a WATV, nor shall any other person ride on a wheeled all-terrain vehicle, unless such WATV 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.

10.30.080 Prohibited areas.

1. It is unlawful to operate a WATV on a sidewalk.
2. It is unlawful to operate a WATV in a park, except in a designated parking lot.
3. It is unlawful to operate a WATV on any pedestrian trail, bicycle path or bridge where the operation of motorized vehicles is prohibited
4. It is unlawful to operate a WATV on State Route 20.

10.30.090 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.

10.30.100 Listing on City website.

All City streets upon which WATV 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.

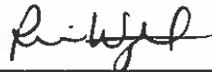
Section Two. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder or the Ordinance or the application of the provision to other persons or circumstances is not affected.

Section Three. Corrections. The City Clerk and codifiers of the Ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section Four. Effective Date. This Ordinance shall be in full force and effect five (5) days after publication, as provided by law.

ADOPTED by the City Council this 3rd day of December, 2024.

THE CITY OF OAK HARBOR

By 
Ronnie Wright, Mayor

Dated: 12/03/2024

Attest:


Julie Nester, City Clerk

Approved as to Form:


Hillary Evans, City Attorney

Published: December 11, 2024