

**CITY OF BINGEN, WASHINGTON**

**ORDINANCE NO. 2014-04-631**

**AN ORDINANCE ADOPTING BINGEN MUNICIPAL CODE CHAPTER 10.40  
WHEELED ALL-TERRAIN VEHICLES**

WHEREAS, in 2013, Washington State Legislature passed the Off-Road Vehicles Bill (ESHB 1632) relating to regulating the use of off-road vehicles in certain areas; and

WHEREAS, ESHB 1632 provides that a city or town must approve the operation of wheeled all-terrain vehicles on city or town roadways, and;

WHEREAS, the City of Bingen desires to allow the operation of wheeled all-terrain vehicles on all public roadways within the city limits of the City of Bingen with a speed limit of 35 miles per hour or less; and

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

Section 1. Bingen Municipal Code Chapter 10.40, Wheeled All-Terrain Vehicles is adopted to read as follows:

**Chapter 10.40**

**WHEELED ALL-TERRAIN VEHICLES**

**Sections:**

- 10.40.010 Definitions.
- 10.40.020 Use of wheeled all-terrain vehicle on city streets.
- 10.40.030 Restrictions on use of wheeled all-terrain vehicle on city streets.
- 10.40.040 Equipment requirements of a wheeled all-terrain vehicle.
- 10.40.050 Registration requirements of a wheeled all-terrain vehicle.
- 10.40.060 Duty to obey traffic-control devices and rules of the road.
- 10.40.070 Prohibited uses.

10.40.080 Prohibited areas.

10.40.090 Violation – Penalty.

10.40.100 Severability.

**10.40.010 Definitions.**

When used in this chapter, the city defines the words and phrases listed below as follows:

- A. “City” means the City of Bingen, its elected officials, its employees, and its agents.
- B. “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.
- C. “Motorcycle helmet” has the same meaning as provided in RCW 46.37.530.
- D. “Rules of the road” means all the rules that apply to vehicle or pedestrian traffic as set forth in state statute, rule or regulation.
- E. “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.
- F. “Wheeled all-terrain vehicle” means
  - 1. any motorized nonhighway vehicle with handlebars that is 50 inches or less in width, has a set height of at least 20 inches, weighs less than 1,500 pounds, and has four tires having a diameter of 30 inches or less, or
  - 2. a utility-type vehicle designed for and capable of travel over designed roads that travels on four or more low-pressure tires of 20 psi or less, has a maximum width less than 74 inches, has a maximum weight less than 2,000 pounds, has a wheelbase of 110 inches or less, and satisfies at least one of the following:

- a. has a minimum width of 50 inches;
- b. has a minimum weight of at least 900 pounds; or
- c. has a wheelbase of over 61 inches.

A wheeled all-terrain vehicle is an off-road vehicle for purposes of Chapter 4.24 RCW.

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

Subject the restrictions and requirements set forth 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 35 miles per hour or less including State Highway 14 and State Highway 141.

**10.40.030 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 vehicle is in motion, including any passengers;
- B. 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;
- C. 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; and
- D. Wheeled all-terrain vehicles are subject to Chapter 46.55 RCW.

**10.40.040 Equipment requirements of a wheeled all-terrain vehicle.**

A 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 hours of darkness, the operator must comply with RCW 46.37.200 or 46.61.310;
- G. A mirror attached to their 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 200 feet to the rear or the vehicle; however, a utility-type vehicle, as described in 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), seat belts meeting the requirements of RCW 46.37.510.

**10.40.050 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.

**10.40.060 Duty to obey traffic-control devices and rules of the road.**

Unless a police 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 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 a operator of a vehicle, except as to those provisions thereof which by their nature can have no application.

**10.40.070 Prohibited uses.**

- A. No person may 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.
- B. Passengers are only allowed in wheeled all-terrain vehicle designed for two or more passengers. No passengers under the age of five are allowed. No wheeled all-terrain vehicle operator may tow other devices or person behind a wheeled all-terrain vehicle. All passengers must wear a securely fastened motorcycle helmet while the vehicle is in motion

- C. No operator may operate a wheeled all-terrain vehicle parallel to another wheeled all-terrain vehicle in a single lane of traffic.

**10.40.080 Prohibited areas.**

- A. It is unlawful to operate a wheeled all-terrain vehicle on a sidewalk.
- B. It is unlawful to operate a wheeled all-terrain vehicle in a park, except on a park drive or in a designated parking lot.

**10.40.090 Violation – Penalty.**

A 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 not to exceed \$250.00, exclusive of statutory assessments; 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.

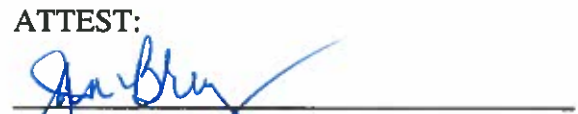
**10.40.100 Severability.**

Each separate provision of this chapter is independent of all other provisions. If any provision of the chapter, or any part thereof, is declared invalid, all other provisions, or parts thereof, remain valid and enforceable.

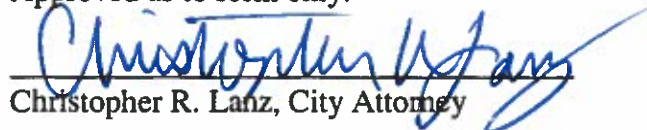
**PASSED BY THE CITY COUNCIL OF THE CITY OF BINGEN, and effective five (5) days after the first date of posting or publication.**

**DATED** this 15<sup>th</sup> day of April, 2014.

  
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Mayor Betty J. Barnes

ATTEST:  
  
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Jan Brending, City Clerk

Approved as to form only:

  
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Christopher R. Lanz, City Attorney