

ORDINANCE NO. 1516

THE CITY OF WOODLAND, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE WOODLAND MUNICIPAL CODE FOR THE ADDITION OF MUNICIPAL CODE LANGUAGE REGULATING THE USE OF WHEELED ALL-TERRAIN VEHICLES (WATVS) ON WOODLAND PUBLIC ROADS AND AUTHORIZE PUBLICATION BY SUMMARY.

WHEREAS, Woodland Municipal Code (WMC) 19.08 authorizes the City Council to make decisions on zoning code amendments; and

WHEREAS, the Planning Commission held a workshop on this item on May 19th, 2022; and

WHEREAS, the Planning Commission held a public hearing on this topic on June 16th, 2022; and

WHEREAS, notice for the public hearing has been published in the newspaper of record and posted as required by code; and

WHEREAS, the City Council scheduled a workshop for July 5th, 2022 to consider the proposed ordinance; and

WHEREAS, all procedural requirements of the WMC for these amendments have been met; and

WHEREAS, the Woodland City Council has reviewed the following amendments to the WMC and found them to be acceptable and appropriate.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODLAND AS FOLLOWS:

Section 1. New Section

New Section - WMC 10.35 – The code is amended to read as found in Attachment A.

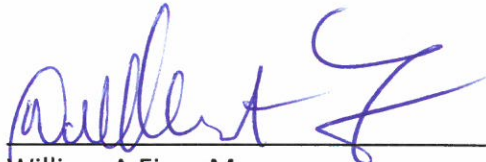
Section 2: Severability. If any section, sentence, clause or phrase in this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phase of this Ordinance.

Section 3: Effective Date. This ordinance shall become effective five (5) days after its summary publication in this media or paper of record as required by law.

ADOPTED this 18th day of July 2022.

CITY OF WOODLAND, WASHINGTON

Approved:




William A Finn, Mayor

Attest:



Georgina D. Anderson, Deputy Clerk-Treasurer

Approved as to form:



Frank F. Randolph, City Attorney

Attachment A

WMC 10.35 – Wheeled All-Terrain Vehicles

WMC 10.35.010 – Purpose and Applicability

The purpose of this chapter is to enact provisions in accordance with 46.09 RCW regarding the use of Wheeled All-terrain vehicles (“WATV”). This chapter shall apply to the operation of all WATVs within the City Limits of Woodland, Washington.

WMC 10.35.020 – Definitions

- A) The definitions in Chapters 46.04 and 46.09 RCW are adopted and incorporated by reference, with the following exceptions:
- 1) “Wheeled all-terrain vehicle” or “WATV” includes ATV, UTV, and OTV as defined below.
 - 2) “All-terrain vehicle” or “ATV” means any motorized nonhighway vehicle with handlebars that is 51 inches or less in width, have a seat height of at least 20 inches, weigh less than 1500 pounds, and have four tires having a diameter of 30 inches or less.
 - 3) “Utility all-terrain vehicle” or “UTV” means 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, 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.
 - 4) “Off-road vehicle” or “ORV” means a non-street-registered vehicle when used for recreational purposes on non-highway roads, trails, or a variety of other natural terrain. “Off-road vehicle” or “ORV” includes, but is not limited to, all-terrain vehicles, four-wheel drive vehicles, and dune buggies.

WMC 10.35.030 – Operation on City Roads

WATVs may operate on Public Roads within the City of Woodland not explicitly exempted within WMC 10.35.045 (A) provided that they:

- A) Comply with all Washington State registration requirements in accordance with RCW 46.09.410 and RCW 46.09.420. In addition, decals are required by RCW 46.09.410(7) and shall be affixed securely to the ORV where it is clearly visible.

- B) Meet all legal equipment requirements, be certified by a Washington State licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop, and all requirements in accordance to RCW 46.09.457.
- C) All persons operating WATVs on city roads must meet all registration and licensing requirements as set forth in Chapter 46.09 RCW, with the following additions:
 - 1) Registration must be provided to a duly licensed law enforcement officer upon request;
 - 2) Documentation of safety inspection required by RCW 46.09.457(1)(b)(i) must be carried in the vehicle or on the rider's person and provided to a duly licensed law enforcement officer upon request.
- D) All persons operating WATVs on city 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 exempted by Chapter 46.09 RCW. WATV operators must obey posted speed limits while traveling on City streets per WMC Chapter 10.08.
When operated on Woodland public streets, any singular WATV shall be considered the equivalent of a road-legal automobile, and shall be operated in a manner consistent with all relevant municipal and state codes, and it is the sole responsibility of the operator of any WATV to adhere to WMC Title 10 and WAC 308-330, as adopted by WMC 10.04.010.
- E) Headlights meeting the requirements of RCW 46.37.030 and 46.37.040 and taillights meeting the requirements of RCW 46.37.525 must be used at all times the vehicle is in motion.
- F) All occupants of a WATV shall wear a DOT approved helmet unless it has an Original Equipment Manufacturing (OEM) Roll Over Protection System (ROPS).
- G) The operator and all passengers in a utility all-terrain vehicle shall wear safety belts. Safety belts are required even if not provided by the manufacturer.

WMC 10.35.040 – Operations by persons not possessing a valid license

All persons operating WATVs on Woodland public roads are responsible for maintaining an active ATV insurance policy and be able to provide accurate documentation of active registration, driving license, and insurance upon reasonable request by any state certified law enforcement officer.

WMC 10.35.050 – Exceptions

This chapter shall not apply to 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.

WMC 10.35.060 – Violations and penalties

- A) It is a violation of this chapter for any person or WATV to operate on city roads inconsistent with this chapter. Any person violating this chapter shall be guilty of a traffic infraction punishable in accordance with Chapter 46.63 RCW. Conduct that constitutes a criminal traffic offense may also be charged as such and subject to the maximum penalties allowed for such offenses.
- B) In addition to the penalties provided in this chapter, the owner and/or operator of any nonhighway vehicle shall be liable for any damage caused to property, including, but not limited to trees, shrubs, or growing crops. The owner of such property may recover from the person responsible three times the amount of actual damages per RCW 46.09.490(2).

WMC 10.35.070 – Insurance Required

All persons operating WATVs on Woodland public roads are responsible for maintaining an active ATV insurance policy and be able to provide accurate documentation of active registration and insurance upon reasonable request by any state certified law enforcement officer.

WMC 10.35.080 – Exhaust

All WATVs shall comply with all applicable smog and noise regulations per RCW 46.37.390.

WMC 10.35.090 – Roads Designated for WATV use

- A) City roads that have a speed limit of 35 or less are designated for WATV use, outside of:
 - 1) Pacific Avenue between CC Street and West Scott Avenue;
 - 2) Atlantic Avenue between Lewis River Road and East Scott Avenue;
- B) Boundaries of roads designated under this chapter start and stop at intersections of these roads with other roads not designated.

WMC 10.35.100 – Prohibited Activities

- A) No operator may use any WATV to pull a sled, toboggan, inner tube, wagon, trailer, or any other similar device.
- B) No person shall operate any WATV while under the influence of alcohol, marijuana, or other intoxicant, or while otherwise considered legally impaired per RCW 46.61.502. As implemented within WMC 10.04.010, city law enforcement officers shall be authorized to

impound vehicles whenever the driver of the vehicle is arrested for a violation of RCW 46.61.502, RCW 46.61.504, RCW 46.20.342, or RCW 46.20.420 pursuant to RCW 46.55.113.

- C) No person shall operate or park any WATV on any sidewalk, walkway, pedestrian trail or bridge where the operation of motorized vehicles is prohibited.


SUMMARY OF ORDINANCE NO. 1516
OF THE CITY OF WOODLAND, WASHINGTON

On July 18, 2022, the City Council of the City of Woodland, Washington, approved Ordinance No. 1516, the main point which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND AMENDING THE WOODLAND MUNICIPAL CODE TO ADOPT REGULATIONS FOR THE USE OF WHEELED ALL-TERRAIN VEHICLES ON PUBLIC ROADS IN WOODLAND AND AUTHORIZE PUBLICATION BY SUMMARY.

The full text of this Ordinance will be mailed upon request.

APPROVED by the City Council at their meeting on July 18th, 2022.


Georgina D. Anderson, Deputy Clerk-Treasurer

