CITY OF STANWOOD
Stanwood, Washington

ORDINANCE 1412

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON RELATING TO AND ALLOWING WATV USE ON PUBLIC ROADWAYS WITHIN THE CITY BY ENACTING A NEW CHAPTER 10.94 STANWOOD MUNICIPAL CODE ENTITLED "WHEELED ALL-TERRAIN VEHICLES, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Washington State Legislature enacted RCW 46.09.455 in 2013 authorizing a City to allow the operation of wheeled all-terrain vehicles (WATV) within a city and, if allowed, to designate the public roadways available for use, and requiring the public roadways allowed for use to be listed publicly and made accessible from the main page of the city website; and

WHEREAS, the City wishes to authorize use of WATV's consistent with the requirements of state law and to establish an effective date when such use may begin;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new Chapter 10.94 Stanwood Municipal Code entitled "Wheeled All-Terrain Vehicles" is hereby enacted reading as follows:

Chapter 10.94

WHEELED ALL-TERRAIN VEHICLES

Sections

10.94.010 Definitions

10.94.020 Authorized for use on designated public roadway

10.94.030 Public listing on main page of City Website

10.94.040 Equipment to comply with State Law

10.94.050 Operators to comply with State Law

10.94.060 Violations

10.94.010 Definitions

All definitions of Title 46 RCW pertaining to wheeled all-terrain vehicles as now existing or amended are hereby incorporated into this Chapter.

10.94.020 Authorized for use on designated public roadway

The operation of wheeled all-terrain vehicles is allowed within the City of Stanwood on the public roadways within the City where the speed limit is 35 mph or less. Use on any other public roadway within the City is prohibited.

10.94.030 Public Listing on main page of City Website

The public roadways within the City on which the operation of wheeled all-terrain vehicles is allowed shall be listed on the main page of the City of Stanwood Website. A

copy of said list of allowed public roadways shall also be made available at the Stanwood Police Department.

10.94.040 Equipment to comply with State Law

Only wheeled all-terrain vehicles complying with the equipment requirements of RCW 46.09.457 as now existing or as may be hereinafter amended may be operated on allowed public roadways within the City. All wheeled all-terrain vehicles operated on allowed public roadways of the City shall at all times while in operation on allowed public roadways comply completely with the equipment requirements of RCW 46.09.457 as now existing or as may be hereinafter amended.

10.94.050 Operators to comply with State Law

Only operators allowed to operate a wheeled all-terrain vehicle on a public roadway under Title 46 RCW shall be allowed to operate a wheeled all-terrain vehicle on the allowed public roadways of the City. Operators shall operate a wheeled all-terrain vehicle on allowed public roadways of the City only in compliance with the standards and requirements of Title 46 RCW.

10.94.060 Violations

All operating violations as specified in RCW 46.09.470 and RCW 46.09.485 as now existing or as may be hereinafter amended are operating violations in the City which shall be enforced in accordance with State law.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall take effect from and after five (5) days after its passage and publication as required by law.

PASSED AND APPROVED by the Stanwood City Council this 24th day of March, 2016.

CITY OF STANWOOD

Leonard Kelley, Mayor

ATTEST:

By: _____
Jan Berg, Interim City Clerk

APPROVED AS TO FORM:

By: _____
Grant Weed, City Attorney

Date of Publication: March 29, 2016

Effective Date: April 4, 2016