

**CITY OF MOXEE, WASHINGTON**  
**ORDINANCE NO. 815**

**AN ORDINANCE of the City Council of the City of Moxee Washington** allowing drivers 18 years or older to operate wheeled all-terrain vehicles on city streets with a speed limit of 35 miles per hour or less by enacting chapter 10.30 of the of City of Moxee municipal code. This ordinance also sets forth the effective date of the ordinance and provides that its provisions are severable from one another.

**WHEREAS**, the City of Moxee ("City") is a non-charter code City duly incorporated and operating under the laws of the State of Washington; and;

**WHEREAS**, on June 28, 2013, the Washington House of Representatives passed ESHB 1632 by a vote of 81-11 ; and

**WHEREAS**, on June 29, 2013, the Washington Senate passed ESHB 1632 by a vote of 39-5; and

**WHEREAS**, on July 3, 2013, Washington's Governor signed ESHB 1632; and

**WHEREAS**, on July 28, 2013, ESHB became effective law; and

**WHEREAS**, to be consistent with the legislative intent to ESHB 1632, the City Council of the City of Moxee ("City Council") finds that it is in the best interests of the City and its citizens to allow licensed drivers who have attained the age of 18 years to operate wheeled all-terrain vehicles on all City streets with speed limits of 35 miles per hour or less;

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

**Section 1.** The City Council enacts Moxee Municipal Code section 10.30.010 to read as follows.

**10.30.010 Definitions.**

When used in this chapter, the City defines the words and phrases listed below as follows:  
"City" means the City of City of Moxee, its elected officials, its employees, and its agents.

"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.

"Motorcycle helmet" has the same meaning as provided in RCW 46.37.530.

"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.

"Rules of the road". means all the rules that apply to vehicle or pedestrian traffic as set forth in state statute, rule, or regulation .

"Wheeled all-terrain vehicle" means;

(a) any motorized nonhighway vehicle with handlebars that is 50 inches or less in width, has a seat 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

(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, has a maximum weight less than two thousand pounds, has a wheelbase of 110 inches or less, and satisfies at least one of the following:

(i) Has a minimum width of 50 inches;

(ii) has a minimum weight of at least nine hundred pounds ; or

(iii) has a wheelbase of over 61 inches. A wheeled all-terrain vehicle is an off-road vehicle for the purposes of chapter 4.24 RCW.

**Section 2.** The City Council enacts Moxee Municipal Code section 10.30.020 to read as follows.

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

Subject the restrictions and requirements set forth in this Chapter, a person who has attained the age of 18 years and who has 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.

**Section 3.** The City Council enacts Moxee Municipal Code section 10.030.030 to read as follows.

**10.30.030 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, unless the wheeled all-terrain vehicle is equipped with seat belts and roll bars or an enclosed passenger compartment.
- B. A person may not operate a wheeled all-terrain vehicle upon State Route 24; however, a person may cross State Route 24 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 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;

- D. 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 16.52.01 L within the scope of the agency's official duties; and
- E. Wheeled all-terrain vehicles are subject to chapter 46.55 RCW.
- F. No person shall operate a wheeled all terrain vehicle on city streets without liability insurance in an amount equal to or greater than that required for the operation of motor vehicles in the State of Washington pursuant to RCW Title 46.

**Section 4.** The City Council enacts Moxee Municipal Code section 10.30.040 to read as follows.

**10.30.040 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 of hours of darkness, the operator must comply with RCW 46.37.200 or 46.61.310;
- G. A mirror attached to either 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 two hundred feet to the rear of the vehicle; 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;
- 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), seatbelts meeting the requirements of RCW 46.37.510.
- M. Must have an individual seat for each occupant designed to seat a person.

**Section 5.** The City Council enacts Moxee Municipal Code section 10.30.050 to read as follows.

**10.30.050 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.

**Section 6.** The City Council enacts Moxee Municipal Code section 10.30.060 to read as follows.

**10.30.060 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 imposes on an operator of a vehicle, except as to those provisions there of which by their nature can have no application.

**Section 7.** The City Council enacts Moxee Municipal Code section 10.30.070 to read as follows.

**10.30.070 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. No person may occupy a wheeled all-terrain vehicle unless that person is seated in a seat designed to carry a person. No person may tow any devices or persons behind a wheeled all-terrain vehicle.
- C. No person may operate a wheeled all-terrain vehicle side-by-side in a single lane of traffic.

**Section 8.** The City Council enacts Moxee Municipal Code section 10.30.080 to read as follows.

**10.30.080 Prohibited areas.**

- A. It is unlawful to operate a wheeled all-terrain vehicle on a sidewalk or other area where it is unlawful to operate a motor vehicle.
- 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.
- C. It is unlawful to operate a wheeled all-terrain vehicle on any bicycle trail or walking path or in any bicycle lane.

**Section 9.** The City Council enacts Moxee Municipal Code section 10.30.090 to read as follows.

**10.30.090 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 offense may be charged as such and is subject to the maximum penalties allowed for such offenses.

**Section 10.** The City Council enacts Moxee Municipal Code section 10.30.100 to read as follows.

**10.30.100 Severability.**

- A. The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall not as a result of said section, sentence, clause, or phrase be held unconstitutional or invalid.

**Section 11. Effective Date**

A. This ordinance shall take effect thirty (30) days after passage and publication.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MOXEE, WASHINGTON THIS 10<sup>TH</sup> DAY OF JUNE 2021.**

CITY OF MOXEE

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK-TREASURER

Attest to form:   
\_\_\_\_\_  
City Attorney