AMENDED ORDINANCE NO. 17-032
ORDINANCE AMENDING TITLE 11, VEHICLES AND TRAFFIC, OF THE
SNOHOMISH COUNTY CODE CREATING A NEW CHAPTER ALLOWING THE
OPERATION OF WHEELED ALL-TERRAIN VEHICLES ON CERTAIN COUNTY ROADS
WITH POSTED SPEED LIMITS OF 35 MILES PER HOUR OR LESS

WHEREAS, the Washington State legislature passed Engrossed Substitute House
Bill (ESHB) 1632 in 2013, amending chapter 46.09 RCW Off-Road, Non-highway, and
Wheeled All-Terrain Vehicles (WATVs) to allow, among other things, counties to regulate
the operation of non-highway vehicles on streets, roads, or highways; and

WHEREAS, pursuant to RCW 46.09.310(19), WATVs are described and classified
as non-highway vehicles; and

WHEREAS, RCW 46.09.455 sets forth prohibited and authorized uses of WATVs
that include the authorization of operation of WATVs on any public roadway of the state
having a speed limit of thirty-five (35) miles per hour or less subject to restrictions and
requirements; and

WHEREAS, RCW 46.09.455(1)(c)(i) requires counties with a population of fifteen
thousand or more, who desire to allow operation of WATVs on county roadways, to approve
an ordinance that designate public roadways within county boundaries for said usage, not
including non-highway roads and trails; and

WHEREAS, RCW 46.09.455(1)(c)(iii) requires counties with a population of fifteen
thousand or more to list publicly and make accessible from the main page of the county
website any public roadways, not including non-highway roads and trails, that are
authorized for use by WATVs; and

WHEREAS, the county council desires to restrict WATV operation on county roads
only to persons possessing a valid license to operate a motor vehicle under chapter 46.20
RCW; and

WHEREAS, the county council finds that allowing WATVs, as described in chapter
46.09 RCW, promotes increased opportunities for tourism by providing a variety of outdoor
recreation activities in the county; and

WHEREAS, the county council finds that allowing WATVs, as described in chapter
46.09 RCW, preserves and protects the environment by providing users of WATVs an
optional place to operate outside of outdoor off-road areas and trails; and
WHEREAS, the county council held a public hearing on December 6, 2017 to hear public comment on the proposed amendment to title 11 SCC; and

WHEREAS, the county council finds that it is in the best interest of the public to adopt provisions to allow operation of WATVs on certain county roadways, as described in chapter 46.09 RCW, provided that they are operated on county maintained roads that have posted speed limits of 35 miles per hour or less, and to impose penalties for the violation thereof; and

WHEREAS, the county council concludes that title 11 SCC should be amended as set forth herein.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. A new chapter is added to title 11 of the Snohomish County Code to read:

Chapter 11.50

WHEELED ALL-TERRAIN VEHICLES (WATVs)

Sections:
11.50.010 Purpose and applicability.
11.50.020 Definitions.
11.50.030 Operation on county roads.
11.50.035 Operations by persons not possessing a valid license.
11.50.040 Roads designated for WATV use.
11.50.050 Prohibited activities.
11.50.060 Exemptions.
11.50.070 Reporting requirement.
11.50.080 Violations and penalties.
11.50.090 Disposition of traffic fines and forfeitures.
11.50.100 Severability.

11.50.010 Purpose and applicability.
The purpose of this chapter is to enact provisions in accordance with chapter 46.09 RCW regarding the use of wheeled all-terrain vehicles (WATVs). This chapter shall apply to operation of all WATVs on those county roads in unincorporated areas of Snohomish County, Washington designated in SCC 11.50.040.

11.50.020 Definitions.
(1) The definitions contained in chapters 46.04 and 46.09 RCW are adopted and incorporated by reference.
(2) For the purposes of this chapter, county road shall have the same meaning as a public road in SCC 13.02.350.

11.50.030 Operation on county roads.
(1) All WATVs operating on county roads must:
(a) Comply with all Washington State registration requirements in accordance with RCW 46.09.410 and 46.09.420 and WATV use permits in accordance with RCW 46.09.430; and
(b) Meet all equipment requirements, be certified by a Washington State licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop, and declaration requirements in accordance with RCW 46.09.457.

(2) All persons operating WATVs on county roads must meet all registration and licensing requirements as set forth in chapter 46.09 RCW.

(3) All persons operating WATVs on county 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 open county roads.

(4) Headlights meeting the requirements of RCW 46.37.030 and 46.37.040 and used at all times when the vehicle is in motion.

(5) Tail lamp meeting the requirements of RCW 46.37.525 and used at all times when the vehicle is in motion.

11.50.035 Operations by persons not possessing a valid license
Any person not possessing a valid license to operate a motor vehicle under chapter 46.20 RCW may not operate any WATV or off-road vehicles on county roads.

11.50.040 Roads designated for WATV use.
(1) The following county roads with a posted limit of 35 miles per hour (mph) or less are designated for WATV use:

<table>
<thead>
<tr>
<th>Road Name</th>
<th>From</th>
<th>To</th>
<th>Rd Log #</th>
<th>Beginning M. P.</th>
<th>Ending M. P.</th>
<th>Total Miles</th>
</tr>
</thead>
<tbody>
<tr>
<td>112 St SE</td>
<td>Sultan Basin Rd</td>
<td>End of 112 ST SE</td>
<td>53100</td>
<td>0.000</td>
<td>0.560</td>
<td>0.560</td>
</tr>
<tr>
<td>116 St SE</td>
<td>Sultan Basin Rd</td>
<td>End of 116 ST SE</td>
<td>53000</td>
<td>0.000</td>
<td>0.500</td>
<td>0.500</td>
</tr>
<tr>
<td>121 St SE / 327 Ave SE / 120 St SE / 331 Ave SE</td>
<td>Sultan Basin Rd</td>
<td>124 St SE</td>
<td>52900</td>
<td>0.000</td>
<td>0.800</td>
<td>0.800</td>
</tr>
<tr>
<td>124 St SE</td>
<td>Sultan Basin Rd</td>
<td>West to Sultan City Limits</td>
<td>52850</td>
<td>0.000</td>
<td>0.250</td>
<td>0.250</td>
</tr>
<tr>
<td>124 St SE</td>
<td>Sultan Basin Rd</td>
<td>East to End of 124 ST SE</td>
<td>52920</td>
<td>0.000</td>
<td>0.900</td>
<td>0.900</td>
</tr>
<tr>
<td>132 St SE / 339 Ave SE</td>
<td>Sultan City Limits</td>
<td>Sultan City Limits</td>
<td>52860</td>
<td>0.844</td>
<td>1.180</td>
<td>0.336</td>
</tr>
<tr>
<td>134 St SE</td>
<td>Trout Farm Rd</td>
<td>End of 134 St SE</td>
<td>52660</td>
<td>0.000</td>
<td>0.070</td>
<td>0.070</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Route 1</th>
<th>Route 2</th>
<th>Distance End-to-Start</th>
<th>Total End-to-Start</th>
</tr>
</thead>
<tbody>
<tr>
<td>303 Dr SE / 131 Pl SE / 302 Dr SE (Loop)</td>
<td>Trout Farm Rd</td>
<td>Trout Farm Rd</td>
<td>52680</td>
</tr>
<tr>
<td>323 AVE SE</td>
<td>Sultan Basin Rd</td>
<td>End of 323 AVE SE</td>
<td>53030</td>
</tr>
<tr>
<td>343 AVE SE</td>
<td>140 St SE (Sultan City Limits)</td>
<td>End of 343 AVE SE</td>
<td>53340</td>
</tr>
<tr>
<td>Old Owen Rd</td>
<td>Sultan City Limits</td>
<td>Reiner Rd</td>
<td>92666</td>
</tr>
<tr>
<td>Reiner Rd</td>
<td>Old Owen Rd</td>
<td>End of Reiner Rd</td>
<td>51350</td>
</tr>
<tr>
<td>Trout Farm Rd</td>
<td>Sultan City Limits</td>
<td>End of Trout Farm Rd</td>
<td>52650</td>
</tr>
<tr>
<td>Sultan Basin Rd</td>
<td>Sultan City Limits</td>
<td>End of paved road</td>
<td>95791</td>
</tr>
<tr>
<td>Kellogg Lake Rd</td>
<td>Sultan Basin Rd</td>
<td>132nd St SE</td>
<td>53750</td>
</tr>
<tr>
<td>Kellogg Lake Rd (short segment at the fork in the road between Sultan Basin Rd and Kellogg Lake Rd)</td>
<td>Sultan Basin Rd</td>
<td>Kellogg Lake Rd</td>
<td>53770</td>
</tr>
<tr>
<td>132nd St SE</td>
<td>Kellogg Lake Rd</td>
<td>End of 132nd St SE</td>
<td>53800</td>
</tr>
</tbody>
</table>

**Total miles designated for WATV use:** 22.286

**11.50.050 Prohibited activities.**

(1) No operator may use any WATV to pull a sled, toboggan, inner tube, wagon, trailer, or any other similar device.

(2) No person shall operate WATV vehicles side-by-side in a single lane of traffic.

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

**11.50.060 Exemptions.**

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.
11.50.070 Reporting requirement.  
The director of the department of public works and the sheriff, or their respective designees, shall report to the county council every two years during the third quarter regarding traffic safety data and reports related to WATV use in the county.

11.50.080 Violations and penalties.  
(1) It is a violation of this chapter for any person or WATV to operate on county 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; provided, conduct that constitutes a criminal traffic offense may be charged as such and subject to the maximum penalties allowed for such offenses.

(2) In addition to the penalties provided in this chapter, the owner and/or operator of any non-highway vehicle shall be liable for any damage to property including, but not limited to, damage to trees, shrubs, or growing crops as the result of operating a WATV. The owner of such property may recover from the person responsible three times the amount of the damage per RCW 46.09.490(2).

11.50.090 Disposition of traffic fines and forfeitures.  
All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any provision of this chapter shall be paid into the Snohomish County current expense fund and shall be available for general county purposes.

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

Section 2. Consistent with the requirements of RCW 46.09.455(1)(c)(iii), the Council authorizes the Department of Information Technology to make accessible from the main page of the county website a listing of all public roadways, not including non-highway roads and trails, that are authorized for use by WATVs, such listing to be consistent with MAP 1: Snohomish County Roads Designated for WATV Use, which is attached hereto and incorporated by reference into this ordinance.

Section 3. Sunset. Snohomish County Code chapter 11.50 is repealed two years after the effective date of this ordinance.
PASSED this 6th day of December, 2017.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Chairperson

ATTEST:

Asst. Clerk of the Council

( ) APPROVED
( ) EMERGENCY
( ) VETOED

DATE:

County Executive

ATTEST:

Cora E. Salmer

Approved as to form only:

Deputy Prosecuting Attorney
Sultan Basin Rd continues northeast from this point. Refer to map inset below.

Reiner Rd ends at the intersection of Lake Chaplain/Old Pipeline Rd that is jurisdiction of the City of Everett.

Sultan Basin Rd WATV permitted route ends approximately 3 miles from the end of county maintained road where it transitions from a paved to gravel road.