

ORDINANCE 952

AN ORDINANCE OF THE CITY OF POMEROY, WASHINGTON, RELATING TO TITLE 10, VEHICLES AND TRAFFIC, ADDING CHAPTER 10.54, MOTORIZED RECREATION VEHICLES; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Pomeroy (the "City"), Washington, is a non-charter code city, by virtue of the Constitution and the laws of the State of Washington; and

WHEREAS, pursuant to Chapter 35A.11 RCW, the City Council (the "Council") may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, RCW 46.09.360 authorizes cities to regulate operation of off-road vehicles on streets, roads, or highways within its boundaries, RCW 46.09.455 authorizes cities to regulate operation of wheeled all-terrain vehicles on streets, roads, or highways within its boundaries, and RCW 46.08.175 authorizes cities to create a golf cart zone for the purpose of permitting the incidental operation of golf carts upon a street or highway ; and

WHEREAS, the Council finds that it is in the City's best interest to amend Title 10, Vehicles and Traffic, to add a new Chapter, titled "Motorized Recreation Vehicles" to allow and regulate limited use of motorized recreational vehicles on streets, roads, or highways within the City's boundaries;

NOW, THEREFORE, the City Council for the City of Pomeroy, Washington, does ordain as follows:

SECTION 1. That Chapter 10.54 entitled "Motorized Recreation Vehicles" shall be created and hereby adopted and shall read as follow:

Chapter 10.54

MOTORIZED RECREATIONAL VEHICLES

Sections:

- 10.54.010** **Definitions.**
- 10.54.020** **Responsible operation.**
- 10.54.030** **Unlawful activities.**
- 10.54.040** **Exemptions.**
- 10.54.050** **Violations – Penalty.**
- 10.54.060** **Civil liabilities.**
- 10.54.070** **Roads listing.**

8.25.010 Definitions.

For the purposed of this chapter, motorized recreation vehicles "MRVs" shall refer to any of the following, except where singled out:

- A. Wheeled All-Terrain Vehicle (WATV) - any motorized non-highway vehicle (all-terrain vehicle "ATV") 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 a utility-type vehicle ("UTV," "side-by-side") 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:
 - 1. Has a minimum width of 50 inches;
 - 2. Has a minimum weight of at least 900 pounds; or
 - 3. Has a wheelbase of over 61 inches.
- B. Off-Road Vehicle (ORV) – any 2, 3, or 4 wheel motorized vehicle that is used for recreational purposes on non-highway roads, trails, or natural terrain.
- C. Golf Cart - a gas-powered or electric-powered four-wheeled vehicle originally designed and manufactured for operation on a golf course for sporting purposes and has a speed attainable in one mile of not more than 20 miles per hour. A golf cart is not a non-highway vehicle or off-road vehicle as defined in RCW 46.04.365.
Note: Golf carts are limited to "zones" and are limited to streets having a speed limit of twenty-five miles per hour or less by state statute.
- D. Specific types of vehicles excluded from this ordinance are dune buggies, rails, go carts, homemade unlicensed vehicles, and rally cars.

10.54.020 Responsible operation.

Persons operating MRVs on City streets must comply with all state and local laws, including statutes for operating MRVs.

A. WATVs & ORVs

- 1. A person may not operate a WATV or ORV upon a public roadway of this state without obtaining a valid driver's license issued to Washington residents in compliance with Chapter 46.20 RCW or possessing a valid driver's license issued by the state of the person's residence if the person is a nonresident.

2. A person who operates a WATV or ORV is granted all rights and is subject to all duties applicable to the operator of a motorcycle under RCW 46.37.530 and Chapter 46.61 RCW, unless otherwise stated in this act, except that they may not be operated side-by-side in a single lane of traffic.
3. A person who operates a WATV or ORV on city streets , and all passengers riding in or upon such vehicle, must wear a securely fastened motorcycle helmet while the vehicle is in motion, except for vehicles equipped with seatbelts and roll bars or an enclosed passenger compartment. For purposes of this section, "motorcycle helmet" has the same meaning as provided in RCW 46.37.530.
4. ORV equipment must comply with state regulations RCW 46.09.470 as follows:
 - a. A headlight and taillight, illuminated between the hours of dusk and dawn;
 - b. An adequate braking device;
 - c. A spark arrester approved by the department of natural resources;
 - d. An adequate and operating muffling device which effectively limits vehicle noise to no more than eighty-six decibels on the "A" scale at fifty feet as measured by the Society of Automotive Engineers (SAE) test procedure J 331a, except that a maximum noise level of one hundred and five decibels on the "A" scale at a distance of twenty inches from the exhaust outlet shall be acceptable substitute in lieu of the Society of Automotive Engineers test procedure J 331a.
5. WATVs and ORVs may only be operated on roads where the speed limit for all types of vehicles is 35 mph or less.

B. WATVs

1. All WATVs operated on public roadways must be street licensed, display valid tabs and have registrations readily accessible.
2. A person who operates a WATV on a public roadway must be able to provide a DOL required declaration meeting all requirements of RCW 46.07.457(b).
3. A person who operates a WATV on a public roadway 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 RWC 46.37.525 and used at all times when the vehicle is in motion. If it is a UTV as described under RCW 46.09.310, it must have two tail lamps meeting the requirements of RCW 46.37.070.
 - c. One 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, turn signals meeting the requirements of RCW 46.37.200;
- f. A mirror attached to either the right or left handlebar. A UTV, as described under RCW 46.09.310(19), must have two mirrors meeting the requirements of RCW 46.37.400;
- g. 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;
- h. A horn or warning device meeting the requirements of RCW 46.37.380;
- i. A brake system maintained in good working order;
- j. A spark arrester and muffling device meeting the requirements of RCW 46.09.470; and
- k. For UTVs, as described under RCW 46.09.310(19), seat belts meeting the requirements of RCW 46.37.510.

C. Golf Carts

- 1. Golf carts are limited to golf cart zones and may only be operated on streets having a speed limit of twenty-five miles per hour or less.
- 2. Every person operating a golf cart is granted all rights and is subject to all duties applicable to the driver of a vehicle under chapter 46.61 RCW.
- 3. Every person operating a golf cart must be at least sixteen years of age and must have completed a driver education course or have previous experience driving as a licensed driver.
- 4. A person who has a revoked license under RCW 46.20.285 may not operate a golf cart.
- 5. Golf carts must be equipped with reflectors, seat belts, and rearview mirrors when operated upon streets and highways.

10.54.030 Unlawful Activities.

MRV unlawful activities shall include the following and any other violation of federal, state, or county statutes or ordinances.

- A. It is unlawful for any person to operate an MRV in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation.
- B. It is unlawful to operate an MRV on a city sidewalk.

- C. It is unlawful to trespass on private roadways and property or to endanger the property of another.
- D. It is a misdemeanor for any person to operate an MRV while under the influence of intoxicating liquor or a controlled substance.
- E. It is a gross misdemeanor to operate an MRV in such a way as to endanger human life.
- F. It is a gross misdemeanor to operate an MRV in such a way as to run down or harass any wildlife or animal, nor carry, transport, or convey any loaded weapon in or upon, nor hunt from, any MRV except by permit issued by the director or fish and wildlife under RCW 77.32.237; PROVIDED, that it shall not be unlawful to carry, transport, or convey a loaded pistol in or upon an MRV if the person complied with the terms and conditions of chapter 9.41 RCW.

10.54.040 Exemptions.

- A. 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.
- B. Some applicable segments of this chapter may be suspended while in parades which have been authorized by the state of Washington, any department, board, commission, or political subdivision of the state of Washington.

10.54.050 Violations – Penalty

- A. Unless stated otherwise, violation of any section of this ordinance is a traffic infraction, punishable by a fine not less than \$25.00 or more than \$500.00. Any misdemeanor offense may be punishable by up to 90 days in jail and/or up to \$1,000.00 in fines. Any gross misdemeanor may be punishable by up to 365 days in jail and/or \$5,000.00 in fines.
- B. The parent or legal guardian of a child violating Section 10.54.020 (A)(1) of this ordinance, who knowingly allows the child to operate an MRV in violation of this ordinance is guilty of an infraction punishable by a fine not to exceed \$500.00

10.54.060 Civil liabilities.

In addition to the penalties provided in this ordinance, the owner and or operator of any MRV as described by the ordinance 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 these vehicles. The owner

of such property may recover from the person responsible three (3) times the amount of the damage.

10.54.070 Roads listing.

- A. WATVs and ORVs – All roads within the City of Pomeroy are open to use, EXCEPT THAT: WATV and ORVs shall not operate or park on SR12, Main Street, except to cross at a 90 degree angle at an intersection, except Elm Street, where the crossing will be 5th Street driving with traffic flow.
- B. Golf Carts – The golf cart zone is same as city limits, EXCEPT THAT: Golf carts shall not operate or park on SR12, Main Street, except to cross at a 90 degree angle at the intersection, except Elm Street, where the crossing will be 5th Street driving with traffic flow.

SECTION 2. If any section, sentence, clause, or phrase of 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 or constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 3. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY the City Council of the City of Pomeroy, Washington, at a regular meeting this 6th day of May, 2025.

Signed:



Jack Peasley, Mayor

Attest:



Diane L Taylor, City Clerk/Treasurer