

## Law Office of Steve Graham

---

North 147 Clark Avenue #10

PO Box 1077

Republic, WA 99166

(509)775-0515

FAX (509)775-0545

[lawoffice@rcabletv.com](mailto:lawoffice@rcabletv.com)

[grahamlaw@rcabletv.com](mailto:grahamlaw@rcabletv.com)

---

June 6th, 2008

Shannon Collins  
Assistant to Judge Michael Price  
Spokane County Superior Court, Room 305  
1116 West Broadway Avenue  
Spokane, WA 99260

RE: Quiet Comm. Coal. v. Ferry Co. et al., Ferry Co. Superior Court No.08-2-00020-0

Dear Shannon:

Enclosed is a bench copy of an amended ordinance that I will be asking the judge to take judicial notice of this afternoon.

Sincerely,



STEPHEN T. GRAHAM

Attorney at Law

Cc: Andrew Salter, Karen Lindholdt, Mike Sandona

# FERRY COUNTY ORDINANCE NO. 2008-06

## FERRY COUNTY OFF HIGHWAY VEHICLE ORDINANCE

WHEREAS; RCW Chapter 46.09 allows the county legislative authority to regulate the operation of Off Highway Vehicle on public lands, waters, other properties, streets, roads, highways under its jurisdiction; and

WHEREAS; Article 11, Section 11 of the Washington State Constitution empowers local governments to make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws; and

WHEREAS; the Commissioners enact this ordinance to supersede Ordinance No. 2007-06. The purpose of this ordinance (and the superseding of Ordinance No. 2007-06) is to broaden and increase the recreational opportunities for Off Highway Vehicles; The Commissioners find that OHV use on limited-traffic county rights-of-way has less impact that OHV use elsewhere.

WHEREAS the Commissioners find that the earlier ordinance limited the Off Highway Vehicle routes and did not allow enough interconnectivity for OHV enthusiasts on extended rides.

NOW THEREFORE BE IT ORDAINED by the Ferry County Board of Commissioners, the use of Off Highway Vehicles on county roads and right-of-ways, effective June 6, 2008, are designated as follows, subject to the requirements below, including, but not limited to, the provisions in Section 2.D.:

### Section 1, Off Highway Vehicle (OHV) Roads in Ferry County

Russell Rd #212	From Swan Lake Rd # 217.3 miles to Okanogan Co. Line
Iron Mt Rd #232	From Hall Creek Rd #99 1.13 miles to Refrigerator Canyon Rd #233
Refrigerator Canyon Rd #233	From Hall Creek Rd #99 3.76 miles to USFS # 2053
Sheridan Rd #253	From Trout Creek #257 4.04 miles to USFS #2086
Trout Creek Rd #257	From Sheridan Rd #253 .75 miles to SR20
Emanuel Creek Rd #572	From Lundimo Meadow #570 .53 miles to USFS #2150
Lundimo Meadow #570	The entire length westward to to Emanuel Creek Rd #572
Old Kettle Falls Rd #280	The entire length
Old Kettle Falls Rd E #292	From Old Kettle Falls Rd #280 1.31 miles to USFS #2040
Jack Mays Pride #287	From Old Kettle Falls #280 .87 miles to Fish Hatchery Rd #284
Deadman Creek #460	From Intersection of #460/#470 6.43 miles to USFS #9565
Jackknife Cutoff #467	From Jackknife Lookout #465 2.7 miles to Deadman Ck Rd #460
Anderson Rd #470	From Deadman Creek Rd #460 3.05 miles to USFS #5073

Matsen Creek Rd #480	All of Matsen Creek Road
West Fork Trout Creek Rd #514	From N Trout Creek Rd #514 8.57 miles to USFS #2086
North Fork Trout Creek Rd #517	From Rose Valley Rd #545 2.5 miles to USFS # 2148
Bamber Creek Rd #523	From Job Corp 3.71 miles to USFS #2148
Hodgson-Lakin Rd #593	From Renner Lake Rd #590 3.5 miles to Hodgson Spur Road
Hodgson Spur Rd #594	From Hodgson-Lakin Road to Boulder Creek Road
Day Creek Rd #651	From Lone Ranch Rd #666 7.8 miles to Boulder Creek Rd #602
4th of July Creek Rd #646	From Danville to Perelandra Circle Rd
Boundary Rd #665	From Wall Street .67 miles to Lone Ranch Creek Rd #666
Lone Ranch Creek Rd #666	All of Lone Ranch Creek Road up to USFS #9030
Hall Creek Rd #99	From Snow Park 22 miles to Rainy Ridge Rd
Long Alec Creek Rd #582	From Boulder Creek Rd #602 5.48 miles to DNR Boundary
Herron Creek Rd #290	All of Heron Creek Road
Fish Hatchery Rd #284	All of Fish Hatchery Road
Miras Creek Rd	From the end of Heron Creek Road to Lambert Creek Rd
Lambert Creek Rd	Entire length
Renner Lake Rd #590	From Matsen Ck. #480 3.55 miles to Hodgson-Lakin Rd. #593
Knob Hill Rd #199	From Flag Hill Rd #264 3.1 miles to Trout Ck Road #517
Klondike Road #270	From Republic City Limits 4.55 miles to West Curlew Lake Rd #203
West Curlew Lake Rd #203	From Klondike Rd #270 8.07 miles to the end.
Customs Rd #530	From Curlew to Catherine Creek Road
Catherine Creek	All of Catherine Creek
Boulder Creek Rd #602	All of Boulder Creek Road
Wall St (Danville)	All of Wall Street.
Kettle River Road #510	From Bamber Creek Rd .68 miles to Customs Rd #530
River Street #629	From Ferry St. #620 .26 miles to Boulder Ck. #602
Ferry Street #620	All of Ferry Street
Nancy Creek Road	From the County Gravel Pit, .3 mile to Forest Service road #550
Vulcan Mountain Road	From Stotts RV to USFS 2113

BE IT FURTHER ORDAINED, that designated Ferry County Roads and right-of-ways, segments of roads, and shoulder trails designated for OHV use which provide access between OHV recreation areas as well as local access on non highway roads be regulated as provided for in RCW 46.09.

## Section 2, Operating an Off Highway Vehicle (OHV) in Ferry County

Unless otherwise specified, violation of any portion of this ordinance shall be a traffic infraction punishable by a fine not exceeding \$500 (five hundred dollars).

- A. OHV's operating on Ferry County roads and right-of-ways must comply with state requirements for registration, OHV use permits and equipment laws.
- B. Persons operating OHVs on Ferry County roads and rights of way must comply with all State and County laws for operating OHVs.
1. In addition to State laws, Ferry County requires operators of OHVs to be at least 16 years of age and possess a current valid driver's license or be accompanied by a licensed adult 18 years of age or older (RCW 46.09.117).
  2. OHV equipment must comply with state regulations (RCW 46.09.120).
  3. Spinning of tires or intentional throwing of gravel with tires is hereby prohibited on public property and shall be considered "Negligent Driving" in the second degree under RCW 46.61.525.
  4. Persons operating an OHV on designated streets within the town of Curlew shall operate only during the daylight hours.
- C. The maximum speed limit for operating an OHV on Ferry County roads and right-of-ways shall be 25 miles per hour (MPH) or the posted speed limit, whichever is slower.
1. The speed limit for operating an OHV when approaching livestock, horses, horseback riders or horses being driven shall be 5 mph.
  2. The speed limit for an OHV when passing within 300 feet of an occupied dwelling on dirt or gravel roads or right-of-ways shall be 5 mph.
  3. All OHV travel on Ferry County roads shall be single file on the right edge of the road.
  4. All OHV highway and road crossings will be at a ninety-degree angle to the center of the road or highway being crossed. All OHVs must stop prior to crossing public or private highways and roads.
  5. The speed limit for operating an OHV within the Community of Curlew on Ferry and River Street shall be 10 mph.

6. OHVs must be operated in such a manner so as to cause no more dust than a full-size motor vehicle under similar road and weather conditions.

- D. Conditions of Use. Any otherwise lawful use of an OHV is permissible under this ordinance. The following roads or connections provided for in Section 1 are subject to additional restrictions:

Knob Hill Rd #199	From Flag Hill Rd #264 3.1 miles to Trout Ck Road #517
Klondike Road #270	From Republic City Limits 4.55 miles to West Curlew Lake Rd #203
West Curlew Lake Rd #203	The entire length of West Curlew Lake Road from Klondike Rd to Fish Hatchery Road
Customs Rd #530	From Curlew to Catherine Creek Rd.
Boulder #602	From Curlew to Hodgson Lakin Road
Wall St (Danville)	From Danville .25 miles to Boundary Road #665
Kettle River Road #510	From Bamber Creek Rd .68 miles to Customs Rd #530

- E. Additional Restrictions. The road sections or connections as enumerated in Section D above are subject to the following requirements.

1. OHV use on such roads is allowed only by a permit issued by signed approval of the County Sheriff and the County Road Engineer.
2. A necessary condition precedent for the issuance of such permit is that OHV users or a sponsoring non-profit must obtain an insurance policy with limits up to \$1,000,000 (one million dollars) indemnifying the county for claims.
3. The OHV users or the sponsoring non-profit for the event must compensate, in advance, the Sheriff of Ferry County for all required overtime in his department, including any reserve deputies, directly related to the event.
4. The County Engineer shall limit all motor vehicle traffic during the OHV use or the event to 15 mph.
5. All OHV use on these roads shall be subject to a 15 mph speed limit. Any violations by OHV users of this provision or any other provision shall be grounds for revocation of the permit.

- F. **Off Road Vehicle Recreational Facilities.** RCW 46.09.020 defines Off Road Vehicle Recreational Facilities as including "... but are not limited to, ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use areas, designated for ORV use by the managing authority that are intended primarily for ORV recreational users." Although the below is list is not exhaustive or limiting, the following trails, trailheads, campgrounds, and ORV use areas, and ORV parking areas in Ferry County are designated as ORV Recreational Facilities:

1. All US Forest Service Designated OHV Routes are designated as county ORV Trails, and it is the intent of this Ordinance to connect these and other OHV Trails to the City of Republic.
2. The first 150 feet of Ruby Rd coming north from Highway 20 is hereby designated for parking by OHV users. Parking shall be limited to either side of the road in the non-traveled section of the county road way, shall be limited to 48 hours in duration, and shall not occur on private property. This section of Ruby Rd is designated a trailhead to permit recreationalists to keep trailers for dropping off or picking up OHVs travelling to or coming from the City of Republic.
3. The last Southeast 150 feet of Old Kettle Falls Road ending on the border of State and Federal lands is hereby designated for parking by OHV users. Parking shall be limited to either side of the road in the non-traveled section of the county road way, shall be limited to 48 hours in duration, and shall not occur on private property. This section of Old Kettle Falls Road is designated a trailhead for OHV users to end their ride and to provide other recreational opportunities as allowed on State and Federal land.
4. The last Northeast 150 feet of Fish Hatchery Road is hereby designated for parking by OHV users. Parking shall be limited to either side of the road in the non-traveled section of the county road way, shall be limited to 48 hours in duration, and shall not occur on private property. This section of Fish Hatchery Road is designated a trailhead for OHV users to end their ride and to provide other recreational opportunities as allowed on State and Federal land.
5. The last eastern 150 feet of Lundimo Meadow Road connecting Highway 21 is hereby designated for parking by OHV users. Parking shall be limited to either side of the road in the non-traveled section of the county road way, shall be limited to 48 hours in duration, and shall not occur on private property. This section of Lundimo Meadow Road is designated a trailhead to permit recreationalists to keep trailers for dropping off or picking up OHVs travelling to or coming from the City of Republic.
6. The last western 150 feet of Fourth of July Creek Road is hereby designated for parking by OHV users. Parking shall be limited to

- either side of the road in the non-traveled section of the county road way, shall be limited to 48 hours in duration, and shall not occur on private property. This section of Fourth of July Creek Road is designated a trailhead for OHV users to end their ride and to provide other recreational opportunities as allowed on State and Federal land.
7. The last eastern 150 feet of Long Alec Road is hereby designated for parking by OHV users. Parking shall be limited to either side of the road in the non-traveled section of the county road way, shall be limited to 48 hours in duration, and shall not occur on private property. This section of Long Alec Road is designated a trailhead for OHV users to end their ride and to provide other recreational opportunities as allowed on State and Federal land.
  8. The first 150 feet of Hodgson-Lakin Road coming West from Highway 395 is hereby designated for parking by OHV users. Parking shall be limited to either side of the road in the non-traveled section of the county road way, shall be limited to 48 hours in duration, and shall not occur on private property. This section of Hodgson-Lakin Road is designated a trailhead to permit recreationalists to keep trailers for dropping off or picking up OHVs travelling to or coming from the City of Republic.
  9. The first 150 feet of Deadman Creek Road coming West from Highway 395 is hereby designated for parking by OHV users. Parking shall be limited to either side of the road in the non-traveled section of the county road way, shall be limited to 48 hours in duration, and shall not occur on private property. This section of Deadman Creek Road is designated a trailhead to permit recreationalists to keep trailers for dropping off or picking up OHVs travelling to or coming from the City of Republic.
  10. The first 150 feet of Mattson Creek Road coming West from Highway 395 is hereby designated for parking by OHV users. Parking shall be limited to either side of the road in the non-traveled section of the county road way, shall be limited to 48 hours in duration, and shall not occur on private property. This section of Mattson Creek Road is designated a trailhead to permit recreationalists to keep trailers for dropping off or picking up OHVs travelling to or coming from the City of Republic.
  11. The last western 150 feet of Anderson Road is hereby designated for parking by OHV users. Parking shall be limited to either side of the road in the non-traveled section of the county road way, shall be limited to 48 hours in duration, and shall not occur on private property. This section of Anderson Road is designated a trailhead for OHV users to end their ride and to provide other recreational opportunities as allowed on State and Federal land.
  12. The first 150 feet of Vulcan Mountain Road coming West from Highway 21 is hereby designated for parking by OHV users. Parking shall be limited to either side of the road in the non-traveled section of

- the county road way, shall be limited to 48 hours in duration, and shall not occur on private property. This section of Vulcan Mountain Road is designated a trailhead to permit recreationalists to keep trailers for dropping off or picking up OHVs travelling to or coming from the City of Republic.
13. The first 150 feet of Lambert Creek Road coming East from Highway 21 is hereby designated for parking by OHV users. Parking shall be limited to either side of the road in the non-traveled section of the county road way, shall be limited to 48 hours in duration, and shall not occur on private property. This section of Lambert Creek Road is designated a trailhead to permit recreationalists to keep trailers for dropping off or picking up OHVs travelling to or coming from the City of Republic.
  14. The last 150 feet of Lambert Creek Road is hereby designated for parking by OHV users. Parking shall be limited to either side of the road in the non-traveled section of the county road way, shall be limited to 48 hours in duration, and shall not occur on private property. This section of Lambert Creek Road is designated a trailhead for OHV users to end their ride and to provide other recreational opportunities as allowed on State and Federal land.
  15. The Stotts RV Park on 5 Vulcan Mountain Road in Curlew.

G. Severability Clause. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

H. Effective Date. This ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

///

///

///

///

DATED this 6<sup>th</sup> Day of June, 2008.

BOARD OF FERRY COUNTY COMMISSIONERS

*Ronald J Bond*

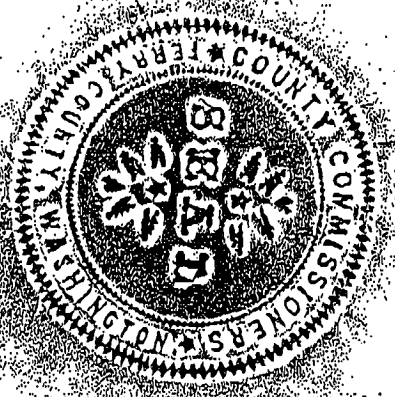
RONALD "JOE" BOND, Chairman

*Brad L Miller*

BRAD L. MILLER, Vice Chair

*Mike L Blankenship*

MIKE L. BLANKENSHIP, Member



ATTEST:

*Debbie Bechtel*

Debbie Bechtel, Clerk of the Board

APPROVED AS TO FORM:

*Mike Sandona*

Mike Sandona, Prosecutor