

# DRAFT #2

## ORDINANCE 200\_\_-\_\_

AN ORDINANCE FOR THE CITY OF REPUBLIC, WASHINGTON adding Chapter 10.20 to the Republic Municipal Code relating to the use of Off Highway Vehicles inside the City of Republic.

WHEREAS, the City of Republic finds that off highway vehicles (OHV) may provide opportunities for a wide variety of outdoor recreation activities; and

WHEREAS, the City of Republic further finds that the limited amount of OHV recreation areas presents a challenge for OHV recreational users, natural resource land managers, and private landowners; and

WHEREAS, the City of Republic desirous to reduce conflicts between users and facilitate responsible OHV recreation; and

WHEREAS, the City of Republic finds that restrictions intended for motor vehicles may prevent OHV use on certain City Roads, including Forest Service, Highways, and private property; and

WHEREAS, RCW 46.09.180 allows the City legislative authority to regulate the operation of non-highway vehicles on public lands, water, other properties, streets, highways, and highways under its jurisdiction.

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

SECTION 1: Chapter 10.20 is added to the Republic Municipal Code, to read as follows:

### 10.20.010 Definitions

“Off-Highway vehicle” or “OHV” means any non-street licensed vehicle when used for recreational purposes on non-highway highways, trails, or a variety of other natural terrain. Such vehicles include, but are not limited to, all-terrain vehicles and motorcycles.

“Non-highway Vehicle” means any motorized vehicle including an OHV when used for recreational purposes on non-highway highways, trails, or a variety of natural terrain.

“Non-highway Highway” means any highway owned or managed by a public agency or any private highway for which the owner has granted an easement for public use for which appropriations from the motor vehicle fund were not used for original construction in the last twenty-five years or maintenance in the last four years.

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“OHV Trail” means a multiple use corridor designated by the managing authority and maintained for recreational use by motorized vehicles.

“City Street” means any street inside the City of Republic owned and maintained by the City of Republic.

### 10.20.020 Operating OHV’s in the City of Republic

- A. OHV’s operating on the City of Republic streets and right of way must comply with all state requirements for registration, OHV permits, and equipment laws.
- B. The OHV trail is to be used as a **pass through route** to get from one point to another. It is not to be used for any other reason than that.
- C. Persons operating OHV’s on the City of Republic streets and right of ways must comply with all State and City of Republic laws for operating OHV’s.
  1. In addition to state laws, the City of Republic requires operators of OHV’s with out adult supervision to be at least 16 years of age and possess a current valid driver’s license. Families with children under 16 years of age that have OHV’s like the 50cc, 90cc and the 150cc bikes WILL HAVE ADULT SUPERVISION AT ALL TIMES. Also with smaller OHV’s under 150cc it is recommended that the OHV have a safety flag. If under 16 years of age the rider WILL ride behind the adult.
  2. OHV equipment must comply with state regulations RCW 46.09.120
  3. City of Republic Streets and Right-Always are too used strictly for traveling from one destination to another. Spinning of tires or intentional throwing of gravel with tires shall be considered “Negligent Driving” in the second degree under RCW 46.61.525.
  4. Persons operating OHV on designated Streets within the City of Republic shall operate only during the daylight hours.
- D. The maximum speed limit for operating an OHV on a City of Republic Street is 10 miles per hour (MPH) or the posted speed limit, which ever 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. OHV travel on paved City of Republic Streets shall be with the OHV on the right side of the street at all times.
  3. All OHV’s that cross streets or highways will be at a ninety degree angle to the center of the street, highway, or highway being crossed. All OHV’s must stop prior to crossing public or private highways or highways. OHV’s will yield to all other traffic while crossing public or private highways or highways.

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## 10.20.030 Penalties

- A. Violation of any section of this chapter that **is not** a traffic infraction is guilty of a civil infraction, and upon finding of a violation thereof shall be subject to monetary penalty of not more than two hundred fifty dollars (\$250.00) for each violation.
- B. The OHV may be subject to impound for a period of ten (10) days. The parent or legal guardian of a child violating section 10.20.020 (C) (1) of this chapter, who knowingly allows a person under the age of sixteen (16) to operate an OHV in violation of this chapter is guilty of a civil infraction punishable by a fine not to exceed two hundred and fifty dollars (\$250.00).

## 10.20.040 Civil Liabilities

- A. In addition to the penalties provided in this chapter, the owner and or operator of any OHV as described in this chapter 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 an OHV. The owner of such property may recover from the person responsible three times the amount of damage.

## 10.20.050 Street Designation

- A. The City of Republic Council may change by Resolution the designated OHV pass through route providing access to or between OHV recreational areas and facilities (such as stores, gas stations, and hotels). Updating the resolution will be upon the discretion of the City Council based upon coordination input from the user groups and affected agencies.
- B. The following is a list of City Streets that are designated as a pass through route for OHV's:

Street Name	Begin	End

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SECTION 2: This Ordinance shall become effective from and after its passage by the Council, approval by the Mayor five (5) days after publication as required by law.

**PASSED THE BY CITY COUNCIL OF THE CITY OF REPUBLIC, this \_\_\_th day of September, 20\_\_.**

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SHIRLEY A. COUSE, MAYOR

ATTEST:

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CHRIS STEVENS, Clerk Treasurer

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