

1 APPROVED: 12/06/17  
2 EFFECTIVE :12/21/17  
3

4 SNOHOMISH COUNTY COUNCIL  
5 Snohomish County, Washington  
6

7 AMENDED ORDINANCE NO. 17-032  
8

9 ORDINANCE AMENDING TITLE 11, VEHICLES AND TRAFFIC, OF THE  
10 SNOHOMISH COUNTY CODE CREATING A NEW CHAPTER ALLOWING THE  
11 OPERATION OF WHEELED ALL-TERRAIN VEHICLES ON CERTAIN COUNTY ROADS  
12 WITH POSTED SPEED LIMITS OF 35 MILES PER HOUR OR LESS  
13

14 WHEREAS, the Washington State legislature passed Engrossed Substitute House  
15 Bill (ESHB) 1632 in 2013, amending chapter 46.09 RCW Off-Road, Non-highway, and  
16 Wheeled All-Terrain Vehicles (WATVs) to allow, among other things, counties to regulate  
17 the operation of non-highway vehicles on streets, roads, or highways; and  
18

19 WHEREAS, pursuant to RCW 46.09.310(19), WATVs are described and classified  
20 as non-highway vehicles; and  
21

22 WHEREAS, RCW 46.09.455 sets forth prohibited and authorized uses of WATVs  
23 that include the authorization of operation of WATVs on any public roadway of the state  
24 having a speed limit of thirty-five (35) miles per hour or less subject to restrictions and  
25 requirements; and  
26

27 WHEREAS, RCW 46.09.455(1)(c)(i) requires counties with a population of fifteen  
28 thousand or more, who desire to allow operation of WATVs on county roadways, to approve  
29 an ordinance that designate public roadways within county boundaries for said usage, not  
30 including non-highway roads and trails; and  
31

32 WHEREAS, RCW 46.09.455(1)(c)(iii) requires counties with a population of fifteen  
33 thousand or more to list publicly and make accessible from the main page of the county  
34 website any public roadways, not including non-highway roads and trails, that are  
35 authorized for use by WATVs; and  
36

37 WHEREAS, the county council desires to restrict WATV operation on county roads  
38 only to persons possessing a valid license to operate a motor vehicle under chapter 46.20  
39 RCW; and  
40

41 WHEREAS, the county council finds that allowing WATVs, as described in chapter  
42 46.09 RCW, promotes increased opportunities for tourism by providing a variety of outdoor  
43 recreation activities in the county; and  
44

45 WHEREAS, the county council finds that allowing WATVs, as described in chapter  
46 46.09 RCW, preserves and protects the environment by providing users of WATVs an  
47 optional place to operate outside of outdoor off-road areas and trails; and  
48

1 WHEREAS, the county council held a public hearing on December 6, 2017 to hear  
2 public comment on the proposed amendment to title 11 SCC; and  
3

4 WHEREAS, the county council finds that it is in the best interest of the public to  
5 adopt provisions to allow operation of WATVs on certain county roadways, as described in  
6 chapter 46.09 RCW, provided that they are operated on county maintained roads that have  
7 posted speed limits of 35 miles per hour or less, and to impose penalties for the violation  
8 thereof; and  
9

10 WHEREAS, the county council concludes that title 11 SCC should be amended as  
11 set forth herein.  
12

13 NOW, THEREFORE, BE IT ORDAINED:  
14

15 Section 1. A new chapter is added to title 11 of the Snohomish County  
16 Code to read:  
17

## 18 Chapter 11.50

### 19 WHEELED ALL-TERRAIN VEHICLES (WATVs)

#### 20 Sections:

- 21 11.50.010 Purpose and applicability.
- 22 11.50.020 Definitions.
- 23 11.50.030 Operation on county roads.
- 24 11.50.035 Operations by persons not possessing a valid license.
- 25 11.50.040 Roads designated for WATV use.
- 26 11.50.050 Prohibited activities.
- 27 11.50.060 Exemptions.
- 28 11.50.070 Reporting requirement.
- 29 11.50.080 Violations and penalties.
- 30 11.50.090 Disposition of traffic fines and forfeitures.
- 31 11.50.100 Severability.
- 32
- 33
- 34

#### 35 11.50.010 Purpose and applicability.

36 The purpose of this chapter is to enact provisions in accordance with chapter  
37 46.09 RCW regarding the use of wheeled all-terrain vehicles (WATVs). This chapter  
38 shall apply to operation of all WATVs on those county roads in unincorporated areas  
39 of Snohomish County, Washington designated in SCC 11.50.040.  
40

#### 41 11.50.020 Definitions.

42 (1) The definitions contained in chapters 46.04 and 46.09 RCW are adopted  
43 and incorporated by reference.

44 (2) For the purposes of this chapter, county road shall have the same  
45 meaning as a public road in SCC 13.02.350.  
46

#### 47 11.50.030 Operation on county roads.

48 (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:

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

303 Dr SE / 131 PI SE / 302 Dr SE (Loop)	Trout Farm Rd	Trout Farm Rd	52680	0.000	0.340	0.340
323 AVE SE	Sultan Basin Rd	End of 323 AVE SE	53030	0.000	0.250	0.250
343 AVE SE	140 St SE (Sultan City Limits)	End of 343 AVE SE	53340	0.250	0.513	0.263
Old Owen Rd	Sultan City Limits	Reiner Rd	92666	6.180	6.680	0.500
Reiner Rd	Old Owen Rd	End of Reiner Rd	51350	0.000	3.220	3.220
Trout Farm Rd	Sultan City Limits	End of Trout Farm Rd	52650	0.983	2.190	1.207
Sultan Basin Rd	Sultan City Limits	End of paved road	95791	0.960	10.360	9.400
Kellogg Lake Rd	Sultan Basin Rd	132nd St SE	53750	0.950	4.070	3.120
Kellogg Lake Rd (short segment at the fork in the road between Sultan Basin Rd and Kellogg Lake Rd)	Sultan Basin Rd	Kellogg Lake Rd	53770	0.000	0.110	0.110
132nd St SE	Kellogg Lake Rd	End of 132nd St SE	53800	0.000	0.460	0.460

**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.

1       **11.50.070 Reporting requirement.**

2           The director of the department of public works and the sheriff, or their  
3       respective designees, shall report to the county council every two years during the  
4       third quarter regarding traffic safety data and reports related to WATV use in the  
5       county.  
6

7       **11.50.080 Violations and penalties.**

8           (1) It is a violation of this chapter for any person or WATV to operate on  
9       county roads inconsistent with this chapter. Any person violating this chapter shall be  
10      guilty of a traffic infraction punishable in accordance with chapter 46.63 RCW;  
11      provided, conduct that constitutes a criminal traffic offense may be charged as such  
12      and subject to the maximum penalties allowed for such offenses.

13          (2) In addition to the penalties provided in this chapter, the owner and/or  
14      operator of any non-highway vehicle shall be liable for any damage to property  
15      including, but not limited to, damage to trees, shrubs, or growing crops as the result  
16      of operating a WATV. The owner of such property may recover from the person  
17      responsible three times the amount of the damage per RCW 46.09.490(2).  
18

19      **11.50.090 Disposition of traffic fines and forfeitures.**

20          All fines or forfeitures collected upon conviction or upon the forfeiture of bail  
21      of any person charged with a violation of any provision of this chapter shall be paid  
22      into the Snohomish County current expense fund and shall be available for general  
23      county purposes.  
24

25      **11.50.100 Severability.**

26          If any provision of this ordinance or its application to any person or  
27      circumstance is held invalid, the remainder of the ordinance or the application of the  
28      provision to other persons or circumstances is not affected.  
29

30          Section 2.     Consistent with the requirements of RCW 46.09.455(1)(c)(iii),  
31      the Council authorizes the Department of Information Technology to make accessible from  
32      the main page of the county website a listing of all public roadways, not including non-  
33      highway roads and trails, that are authorized for use by WATVs, such listing to be  
34      consistent with MAP 1: Snohomish County Roads Designated for WATV Use, which is  
35      attached hereto and incorporated by reference into this ordinance.  
36

37          Section 3.     Sunset. Snohomish County Code chapter 11.50 is repealed  
38      two years after the effective date of this ordinance.  
39  
40

1 PASSED this 6<sup>th</sup> day of December, 2017.  
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4 SNOHOMISH COUNTY COUNCIL  
5 Snohomish County, Washington  
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8   
9 Chairperson

10 ATTEST:

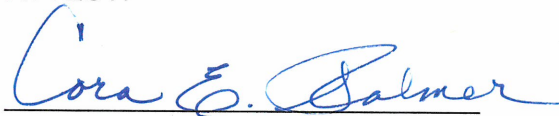
11   
12 Asst. Clerk of the Council  
13

14 (☒) APPROVED  
15 (☐) EMERGENCY  
16 (☐) VETOED  
17

18 DATE:   
19  
20  
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County Executive

24 ATTEST:

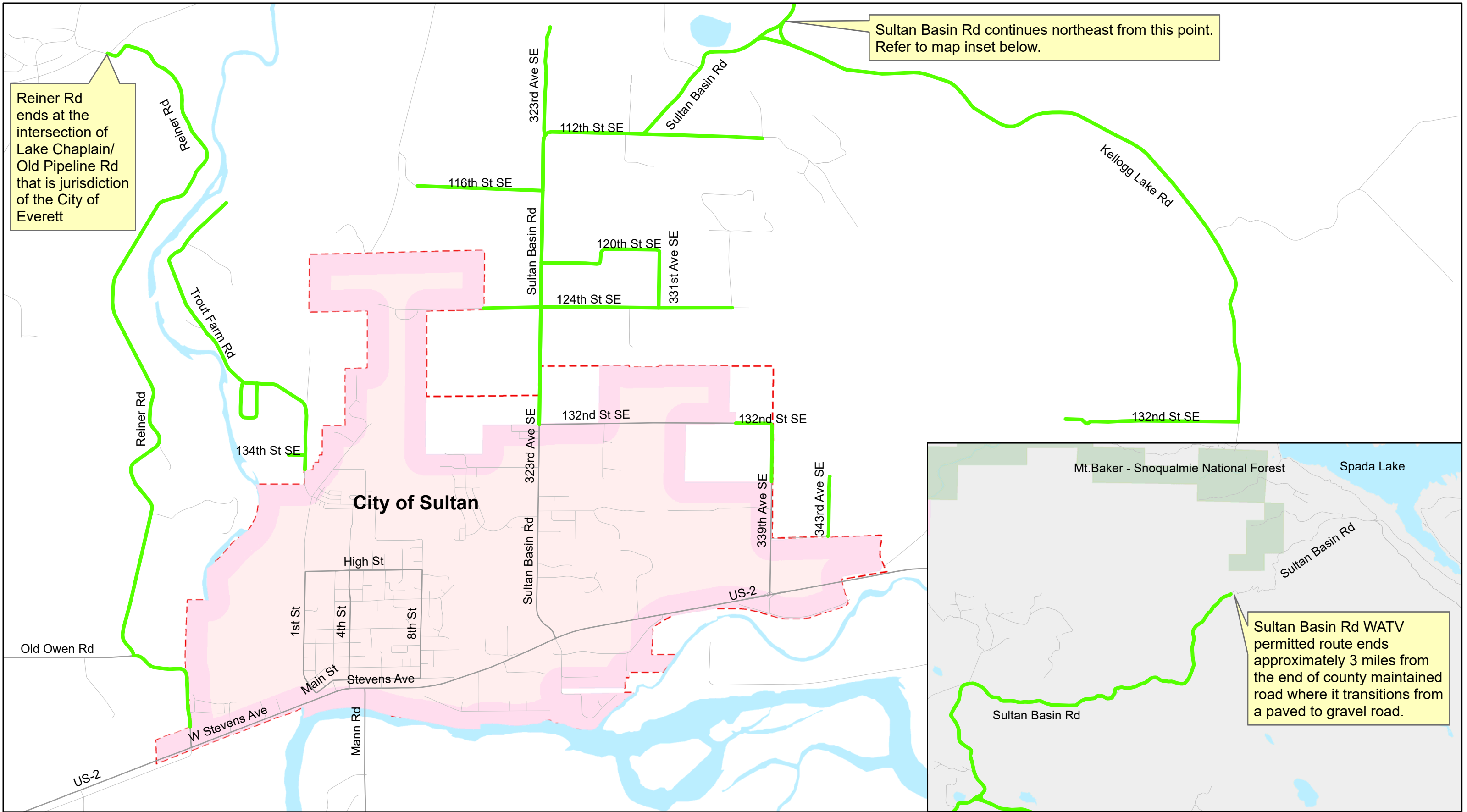
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30 Approved as to form only:  
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33

34 Deputy Prosecuting Attorney

D-9





**MAP 1: Snohomish County Roads Designated for WATV Use**

*Pursuant to RCW 46.09.455(d)(i), a person may not operate a WATV on a public roadway within the boundaries of a city or town, not including nonhighway roads and trails, unless the city or town by ordinance has approved the operation of WATVs.*

	Water		Tulalip Reservation
	Local Road		Incorporated City
	Arterial Roadway		Waterbody
	National Forest		Urban Growth Area Boundary
	WATV_permitted_routes		County Boundary

0 0.25 0.5 1  
Miles

N  
W E  
S

All maps, data, and information set forth herein ("Data"), are for illustrative purposes only and are not to be considered an official citation to, or representation of, the Snohomish County Code. Amendments and updates to the Data, together with other applicable County Code provisions, may apply which are not depicted herein. Snohomish County makes no representation or warranty concerning the content, accuracy, currency, completeness or quality of the Data contained herein and expressly disclaims any warranty of merchantability or fitness for any particular purpose. All persons accessing or otherwise using this Data assume all responsibility for use thereof and agree to hold Snohomish County harmless from and against any damages, loss, claim or liability arising out of any error, defect or omission contained within said Data. Washington State Law, Ch. 42.56 RCW, prohibits state and local agencies from providing access to lists of individuals intended for use for commercial purposes and, thus, no commercial use may be made of any Data comprising lists of individuals contained herein.