

BOARD OF OKANOGAN COUNTY COMMISSIONERS

ORDINANCE NO 2013-4

AN ORDINANCE AMENDING CHAPTER 10.08 AND CHAPTER 10.10 OF THE OKANOGAN COUNTY CODE RELATING TO THE REGULATION OF SNOWMOBILES AND OFF ROAD VEHICLES.

WHEREAS, Okanogan County enacted Chapter 10.08 regarding regulation of Snowmobiles and Chapter 10.10 regarding regulation of Off-Road Vehicles; and,

WHEREAS, certain sections of OCC 10.08 are in conflict with Washington State law or are otherwise outdated and unnecessary; and,

WHEREAS, OCC requires updating to reflect re-codified state law and to add additional regulation for the general health, safety and welfare of the public; and,

WHEREAS, The Board of Okanogan County Commissioners deem the following regulations to be in the public interest and for the general health, safety and welfare of the citizens of the County; now therefore,

WHEREAS, as required by law, publication of the Public Hearing notice was placed in the newspaper of record and the Board of Okanogan County Commissioners held the Public Hearing on May 14, 2013, and heard all parties interested on said amendments;

NOW, THEREFORE, BE IT ORDAINED by the Board of the Okanogan County Commissioners:

Section 1. Chapter 10.08 of the Okanogan County Code is amended as shown on "Exhibit A", attached hereto and incorporated herein by this reference.

Section 2. Chapter 10.10 of the Okanogan County Code is amended as shown on "Exhibit B", attached hereto and incorporated herein by this reference.

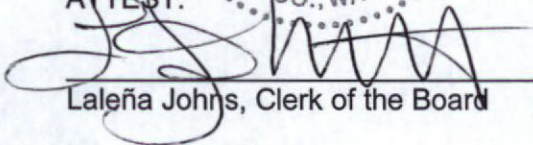
Section 3 – Severability. If any section of this Ordinance or its application to any person or circumstance, is held invalid, the remainder of the Ordinance, or the application of the provisions of the Ordinance to other persons or circumstances, is not affected.

Section 4 – Effective Date. This Ordinance shall take effect May 14th 2013.

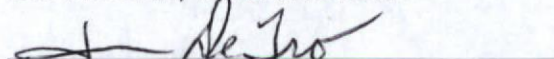
DATED at Okanogan, Washington this 14th day of May 2013.

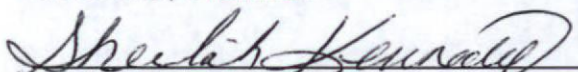


ATTEST:


Laleña Johns, Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON


Jim DeTro, Chairman


Sheilah Kennedy, Member

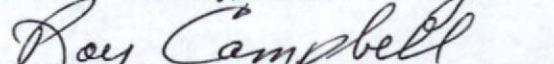

Ray Campbell, Member

EXHIBIT A

Chapter 10.08

SNOWMOBILES

Sections:

- 10.08.010 Designation of roads open to snowmobiles.
- 10.08.020 Crossing public roadways – Method.
- 10.08.030 Unlawful operations.
- 10.08.040 Endangering wildlife or hunting from snowmobiles prohibited.
- 10.08.050 Violation – Penalty.

10.08.010 Designation of roads open to snowmobiles.

A. All roadways shall be open for use by snowmobiles, as that word is defined in RCW 46.10.300; provided, however, that use of particular county roads by snowmobiles shall be designated by resolution of the board of county commissioners. Such resolutions are determined and declared to be without significant adverse environmental effect and exempt from the requirements of the State Environmental Policy Act of 1971.

B. The county road department shall post all roads upon which snowmobile use is permitted and make a yearly inspections of such posting. The county road department shall make available to the public a current list of those county roads, or portions thereof, upon which snowmobiling is permitted, and the dates during which said snowmobiling is permitted, (Ord. 76-11§ 2, 1976).

10.08.020 Crossing public roadways – Method.

It is lawful to drive or operate a snowmobile across public roadways and highways other than limited-access highways when the crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing, when the operator of the snowmobile yields the right-of-way to motor vehicles using the public highway or roadway, and when crossing is made at a place which is greater than 100 feet from any public roadway or highway intersection. (Ord. 76-11§ 3, 1976).

10.08.030 Unlawful operations.

It shall be unlawful for any person to operate any snowmobile:

- A. At a rate of speed greater than 25 miles per hour.
- B. While under the influence of intoxicating or habit forming drugs.
- C. In a manner so as to endanger the person or property of another.
- D. Without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for safety of others.
- E. Without an adequate braking device which may be operated either by hand or foot.

F. Without an adequate and operating muffling device which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise and, on snowmobiles manufactured after January 4, 1973, which shall effectively maintain such noise at a level of 82 decibels or below on the "A" scale at 100 feet under testing procedures as established by the Washington State Patrol; except snowmobiles used in organized racing events in an area designated for that purpose may use a bypass or cutout device.

G. Upon the paved portion or upon the shoulder or inside bank or slope of any public roadway or highway, or upon the median of any divided highway, except as provided in RCW 46.10.460 and 46.10.470.

H. In any area or in such a manner so as to expose the underlying soil or vegetation, or to injure, damage, or destroy trees or growing crops.

I. Upon or over any roadway except as permitted by this chapter as modified by resolution provided in OCC 10.08.010; provided, that this provision shall not apply in an emergency during the period of time when and at locations where snow upon the roadway or highway renders such impassable to travel by automobile.

J. Upon or across any private property which has been posted against trespassing snowmobilers or all-terrain vehicles.

K. Without proof of liability insurance covering such operation.

In an area designated by resolution for snowmobile use, and posted by appropriate signs, it shall be unlawful for any motor vehicle to operate at any time without headlights. (Ord. 94-13 § 1, 1994; Ord. 76-11 § 4, 1976).

10.08.040 Endangering wildlife or hunting from snowmobiles prohibited.

No person shall operate a snowmobile in such a way as to run down or harass any wildlife or animal, nor hunt from, any off-road vehicle except by permit issued by the director of 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 off-road vehicle if the person complies with the terms and conditions of chapter 9.41 RCW.

10.08.50 Violation – Penalty.

A. Except as provided in OCC 10.08.040, any person violating the provision of this chapter shall be guilty of a misdemeanor.

B. In addition to the penalties provided in subsection A of this section, the operator and/or owner of any snowmobile used with the permission of the owner shall be liable for the amount of any damage to trees, shrubs, growing crops, or other property injured as the result of travel by such snowmobiles over the property involved. (Ord. 76-11 § 6, 1976).

EXHIBIT B

Chapter 10.10 OFF-ROAD VEHICLES

Sections:

- 10.10.010. Designation of Roads Open to Off-Road Vehicles
- 10.10.020. Operating Violations
- 10.10.030. Additional Violations-Penalty

10.10.010. Designation of Roads Open to Off-Road Vehicles.

- A. Except as provided in OCC 10.10.020 and 10.10.030, it is lawful to operate an off-road vehicle upon a county road designated under this section.
- B. County roadways open for use by off-road vehicles shall be designated by ordinance of the board of county commissioners.
- C. The Okanogan County Public Works department shall post all roads upon which off-road vehicle use is permitted and make yearly inspections of such posting. The Okanogan County Public Works department shall make available to the public a current list of those county roads, or portions thereof, upon which off-road vehicles are permitted.
- D. Nothing in this section authorizes trespass on private property.

10.10.020. Operating Violations.

- A. It is a traffic infraction for any person to operate any off-road vehicle:
 - 1. At a rate of speed greater than the posted speed limit.
 - 2. Without a valid driver's license.
 - 3. In such a manner as to endanger the property of another.
 - 4. On lands not owned by the operator or owner of the off-road vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership.
 - 5. Without its head lamp and tail lamps lighted whenever such off road vehicle is in motion upon a county road as designated open for off-road vehicle use.
 - 6. On lands not owned by the operator or owner of the off-road vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership.
 - 7. Without a spark arrester approved by the department of natural resources.

8. Without 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 an acceptable substitute in lieu of the Society of Automotive Engineers test procedure J 331a when measured:

(a) At a forty-five degree angle at a distance of twenty inches from the exhaust outlet;

(b) With the vehicle stationary and the engine running at a steady speed equal to one-half of the manufacturer's maximum allowable ("red line") engine speed or where the manufacturer's maximum allowable engine speed is not known the test speed in revolutions per minute calculated as sixty percent of the speed at which maximum horsepower is developed; and

(c) With the microphone placed ten inches from the side of the vehicle, one-half way between the lowest part of the vehicle body and the ground plane, and in the same lateral plane as the rearmost exhaust outlet where the outlet of the exhaust pipe is under the vehicle.

9. On lands not owned by the operator or owner of the off-road vehicle upon the shoulder or inside bank or slope of any non-highway road or highway, or upon the median of any divided highway.

10. On lands not owned by the operator or owner of the off-road vehicle in any area or 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.

11. On lands not owned by the operator or owner of the off-road vehicle or on any non-highway road or trail, when these are restricted to pedestrian or animal travel.

12. On any public lands in violation of rules and regulations of the agency administering such lands; and

13. On a private non-highway road in violation of RCW 46.09.450 (3).

14. Without proof of liability insurance covering such operation.

B. It is a gross misdemeanor for any person to operate any off-road vehicle while under the influence of intoxicating liquor or a controlled substance.

C. 1. Except for an off-road vehicle equipped with seat belts and roll bars or an enclosed passenger compartment, it is a traffic infraction for any person to operate or ride an off-road vehicle on a non-highway road or highway road designated under OCC 10.10.010 without wearing upon his or her head a motorcycle helmet fastened securely while in motion. For purposes of this section, "motorcycle helmet" has the same meaning as provided in RCW 46.37.530.

2. Subsection C.1. of this section does not apply to an off-road vehicle operator operating on his or her own land.

3. Subsection C.1. of this section does not apply to an off-road vehicle operator operating on agricultural lands owned or leased by the off-road vehicle operator or the operator's employer.

10.10.030. Additional Violations-Penalty

A. No person may operate an off-road vehicle in such a way as to endanger human life.

B. No person shall operate an off-road vehicle in such a way as to run down or harass any wildlife or animal, nor hunt from, any off-road vehicle except by permit issued by the director of 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 off-road vehicle if the person complies with the terms and conditions of chapter 9.41 RCW.

C. For the purposes of this section, "hunt" means any effort to kill, injure, capture, or purposely disturb a wild animal or bird.

D. Violation of this section is a gross misdemeanor. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.