

OKANOGAN COUNTY COMMISSIONERS

ORDINANCE 2018 - 9

*An ordinance adopting amendments to Okanogan County Code 10.10 Off-Road Vehicles making it a local class 1 civil infraction to operate any motorized vehicle, including Wheeled All-Terrain Vehicles (WATV's) or Off Road Vehicle (ORV's) except on designated roadways or other areas where they may be lawfully operated.*

**WHEREAS:** RCW 46.08.020 Precedence over local vehicle and traffic regulations allows local authorities to adopt additional vehicle and traffic regulations which are not in conflict with the provisions of this title, and

**WHEREAS:** RCW 46.09.360 Regulation by local political subdivisions or state agencies allows (1) Notwithstanding any of the provisions of this chapter, any city, town, county, or other political subdivision of this state, or any state agency, may regulate the operation of non-highway vehicles on public lands, waters, and other properties under its jurisdiction, and on streets, roads, or highways within its boundaries by adopting regulations or ordinances of its governing body, provided such regulations are not less stringent than the provisions of this chapter. However, the legislative body of a city or town with a population of less than three thousand persons may, by ordinance, designate a street or highway within its boundaries to be suitable for use by off-road vehicles. The legislative body of a county may, by ordinance, designate a road or highway within its boundaries to be suitable for use by off-road vehicles. (2) For purposes of this section, "off-road vehicles" does not include wheeled all-terrain vehicles, and

**WHEREAS:** RCW 46.09.455 (1)(c)(i) states a person may not operate a wheeled all-terrain vehicle on a public roadway within the boundaries of a county, not including non-highway roads and trails, with a population of fifteen thousand or more unless the county by ordinance has approved the operation of wheeled all-terrain vehicles on county roadways, not including non-highway roads and trails, and

**WHEREAS:** RCW 46.09.455 (1) (e) states any person who violates this subsection commits a traffic infraction, and

**WHEREAS:** The Okanogan Board of County Commissioners (BOCC) has determined that the illegal operation of WATV's and ORV's to be the leading cause of damage to critical areas and

**WHEREAS:** The BOCC has determined the illegal operation of other types of motorized vehicles contributes materially to the damage caused to critical areas, and

**WHEREAS:** The BOCC has determined it serves the public interest to protect critical areas from the illegal operation of motorized vehicles, including WATV's and ORV's and that enhanced local penalties for the illegal operation of motorized vehicles, including WATV's and ORV's will serve as a deterrent, and

**WHEREAS:** The BOCC has determined that by holding illegal operators accountable for their actions eligible roadways may be opened to responsible WATV and ORV operators to enjoy, and

**WHEREAS:** A proposed amendment to Okanogan County Code 10.10 Off-Road Vehicles was drafted which if adopted would make it illegal to operate any motorized vehicles, including WATV's and ORV's off of designated roadways; with some exceptions and would establish a progressive fine schedule which doubles the fine for operating WATV's and ORV's in designated sensitive areas, and

**WHEREAS:** A notice of proposal and SEPA threshold determination of non-significance was published in the newspaper(s) of record on May 23, 24, 2018, and

**WHEREAS:** A SEPA Final determination of non-significance and notice of public hearing was published in the newspaper(s) of record on June 20 and 21, 2018, and

**WHEREAS:** A public hearing was conducted by the BOCC on July 9, 2018 at 3:00 p.m. in the Commissioners Auditorium in the Virginia Grainger Building, and

**WHEREAS:** After hearing the public testimony given and examining the comments and documents provided the BOCC discussed amending the text of OCC 10.10, and

**WHEREAS:** The BOCC has determined additional deliberation on the amendments suggested to OCC 10.10 was in order, and

**WHEREAS:** The BOCC closed the public comment portion of the hearing and continued the hearing for further deliberation to July 16, 2018 at 4:00 p.m. in the BOCC auditorium, and

**WHEREAS:** The BOCC met for further deliberation at the date and time set and continued their discussion on the proposed revisions, taking into account the information provided by the public, and

**WHEREAS:** The BOCC considered and approved certain amendments to the proposed revisions to OCC 10.10, and

**WHEREAS:** The BOCC finds the amendments to OCC 10.10 to be consistent with the provisions found in RCW 46.09, and

**WHEREAS:** The BOCC finds adopting the amended OCC 10.10 serves the interest of the public,

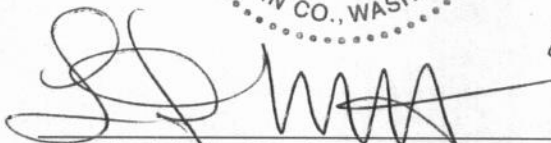
**BE IT THEREFORE ORDAINED:** The Okanogan Board of County Commissioners amends the proposed revisions to Okanogan County Code 10.10 Off-Road Vehicles and adopts them as found as attachment A to this ordinance.

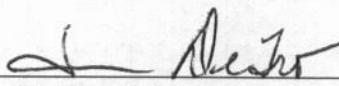
**ORDAINED** at Okanogan, Washington this 16<sup>th</sup> day of July 2018.


**BOARD OF COUNTY COMMISSIONERS  
OKANOGAN, WASHINGTON**

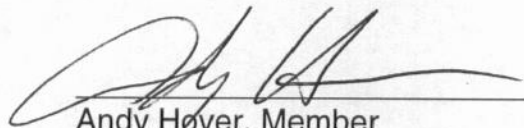


**ATTEST:**

  
Laleña Johns, Clerk of the Board

  
Jim DeTro, Chairman

  
Chris Branch, Member

  
Andy Hover, Member

10.10  
OFF ROAD VEHICLES

Sections:

- 10.10.010 Designation of roads open to off-road vehicles.**
- 10.10.020 Wheeled All-Terrain Vehicles Defined**
- 10.10.030 Continuation of prior designation of roadways for use**
- 10.10.040 Roads open to WATV and ORV use**
- 10.10.050 Map required**
- 10.10.060 Compliance with regulations**
- 10.10.070 Violation**
- 10.10.080 Penalty**
- 10.10.090 Purpose**

**10.10.010 Designation of roads open to off-road vehicles.**

Consistent with the provisions of Chapter 46.09 RCW, as amended by HB 1632, all public roadways and rights-of-way, or sections thereof, having a speed limit of 35 miles per hour or less may be approved and opened for the operation of wheeled all-terrain vehicles by ordinance of the Board of County Commissioners. (Ord. 2013-10 § 2, 2013).

**10.10.020 Wheeled All-Terrain Vehicles Defined.**

For the purpose of this chapter "Wheeled all-terrain vehicle" means (a) any motorized nonhighway vehicle with handlebars that is fifty inches or less in width, has a seat height of at least twenty inches, weighs less than one thousand five hundred pounds, and has four tires having a diameter of thirty inches or less, or (b) a utility-type vehicle designed for and capable of travel over designated roads that travels on four or more low-pressure tires of twenty psi or less, has a maximum width less than seventy-four inches, has a maximum weight less than two thousand pounds, has a wheelbase of one hundred ten inches or less, and satisfies at least one of the following: (i) Has a minimum width of fifty inches; (ii) has a minimum weight of at least nine hundred pounds; or (iii) has a wheelbase of over sixty-one inches

**10.10.030 Continuation of prior designation of roadways for use.**

All public roadways and rights-of-way opened by ordinance or resolution for off road vehicles or wheeled all-terrain vehicle use prior to January 1, 2013, shall remain open for wheeled all-terrain vehicle use. A list of the public roadways and rights-of-way opened for off road vehicles or wheeled all-terrain vehicle use prior to January 1, 2013, shall be maintained on the official county website. (Ord. 2013-10 § 3, 2013).

**10.10.040 Roads open to WATV or ORV use.**

A list of all public roadways and rights-of-ways open to use by WATV's or ORV's will be maintained by the public works department and placed on the official county website.

**10.10.050 List of roads required on person**

Anyone operating a WATV or ORV on any public roadway in Okanogan County open to that purpose shall be required to have a copy of the list of county roads open to WATV or ORV use in their possession while operating the vehicle.

**10.10.060 Compliance with regulations.**

All users of wheeled all-terrain vehicles or off road vehicles on public roadways and rights-of-way within Okanogan County shall strictly comply with the provisions of Chapter 46.09 RCW any other provisions of local, state and federal laws, codes or regulations. (Ord. 2013-10 § 4, 2013)

**10.10.070 Violation.**

It is illegal to operate any motor vehicle, including, wheeled all-terrain vehicles or off road vehicles in the unincorporated areas of Okanogan County except; on a roadway so designated by ordinance; or on private property with the permission of the owner; or on public land where such operation is allowed by the state or federal agency with management responsibilities over the land.

**10.10.080 Penalty.**

A violation of any of the above sections by any person, firm, or corporation is a Class 1 Civil Infraction punishable by a fine as listed:

- 1) Operating on a non-designated roadway-fine not to exceed \$250.00
- 2) Operating off of a designated or undesignated roadway-fine not to exceed \$500.00
- 3) Operating off of a designated or undesignated roadway in an identified critical area-fine not to exceed \$1000.00.

**10.10.090 Purpose.**

It is expressly the purpose of this Chapter to provide for and promote the health, safety and welfare of the general public. This Chapter is not intended to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by its terms.