

**BOARD OF COUNTY COMMISSIONERS  
COUNTY OF KITTITAS  
STATE OF WASHINGTON**

**ORDINANCE No. 2014-\_\_\_\_**

**AMENDING KITTITAS COUNTY CODE 10.24 TO ALLOW THE OPERATION OF WHEELED ALL-TERRAIN VEHICLES, AS DESCRIBED IN RCW 46.09, ON COUNTY MAINTAINED ROADS WITH POSTED SPEED LIMITS OF 35 MILES PER HOUR OR LESS**

- WHEREAS:** Washington State's Engrossed Substitute House Bill (ESHB) 1632, passed by the State of Washington during the 2013 2<sup>nd</sup> Special Session, amended the Revised Code of Washington (RCW) 46.09 "Off-Road, Non-Highway, and Wheeled All-Terrain Vehicles," allowing counties to regulate the operation of non-highway vehicles on streets, roads, or highways; and
- WHEREAS:** On October 28, 2013, during the Board of County Commissioners (BOCC) and Public Works study session, the BOCC requested Public Works Department staff to work with the Kittitas County's Sheriff's Office to consider whether or not to allow non-highway vehicles to operate on county maintained roads; and
- WHEREAS:** RCW 46.09.310(19) defines "wheeled all-terrain vehicles" and classifies them as non-highway vehicles; and
- WHEREAS:** RCW 46.09.455(1) describes authorized and prohibited uses of wheeled all-terrain vehicles, which includes allowing them to be operated on public roadways having a speed limit of thirty-five miles per hour or less; and
- WHEREAS:** RCW 46.09.455(1)(c)(i) requires counties, with population of fifteen thousand or more, who desire to allow the operation of wheeled all-terrain vehicles on county roadways, not including non-highway roads and trails, must approve an ordinance to designate county roadways for said usage; and
- WHEREAS:** RCW 46.09.455(1)(c)(iii) requires Kittitas County to list publicly, and make accessible from the main page of the county web site, those public roadways that wheeled all-terrain vehicles may operate upon; and
- WHEREAS:** Kittitas County's Sheriff's Office, the Public Works Department, and interested individuals met on January 15, 2014, January 29, 2014, and March 12, 2014 to discuss said usage on Kittitas County maintained roads; and
- WHEREAS:** The Kittitas County's Sheriff's Office and Department of Public Works has determined that the safety requirements for wheeled all-terrain vehicles, as described in RCW 46.09, with the additional requirement that wheeled all-terrain vehicles have head lights that are utilized at all times, provides for a level of safety similar to other street legal vehicles that are allowed to travel on public roads; and
- WHEREAS:** The Kittitas County's Sheriff's Office and Department of Public Works has determined that allowing wheeled all-terrain vehicles, as described in RCW 46.09,

provides increased opportunities for a variety of outdoor recreation activities in Kittitas County; and

**WHEREAS:** The Kittitas County's Sheriff's Office and Department of Public Works has determined that the county should allow operation of wheeled all-terrain vehicles, as described in RCW 46.09, with the additional requirement that wheeled all-terrain vehicles have head lights that are utilized at all times, on county maintained roads that have posted speed limits of 35 miles per hour or less; and

**WHEREAS:** The Kittitas County Board of County Commissioners held two public hearings, one on April 15, 2014 at the Kittitas County Courthouse in Ellensburg and the other on April 16, 2014 at the Kittitas County Upper District Court in Cle Elum, to hear public comment on the proposed amendment to Kittitas County Code Section 10.24; and

**NOW, THEREFORE BE IT ORDAINED** That the Kittitas County Board of County Commissioners, after due deliberation and in the best interest of the public, does hereby approve the operation of wheeled all-terrain vehicles, as described in RCW 46.09, with the additional requirement that wheeled all-terrain vehicles have head lights that are utilized at all times, on county maintained roads with posted speed limits of 35 miles per hour or less.

**BE IT FURTHER ORDAINED** That the Kittitas County Code Section 10.24 be amended, as shown in Exhibit A, to allow the operation of wheeled all-terrain vehicles, as described in RCW 46.09, on county maintained roads with posted speed limits of 35 miles per hour or less.

**BE IT FURTHER ORDAINED** That all users of wheeled all-terrain vehicles on public roadways and rights of way within Kittitas County shall strictly comply with the provisions of Chapter 49.09 RCW and any other provisions of the local, state and federal laws, codes or regulations.

**BE IT FURTHER ORDAINED** That the list of county maintained roads that are authorized for operation of wheeled all-terrain vehicles be made accessible to the public on the main page of the county web site.

ADOPTED this day of \_\_\_\_\_ 2014.

**BOARD OF COUNTY COMMISSIONERS  
KITITAS COUNTY, WASHINGTON**

\_\_\_\_\_  
Paul Jewell, Chairman

\_\_\_\_\_  
Gary Berndt, Vice-Chairman

ATTEST:  
CLERK OF THE BOARD

\_\_\_\_\_  
Obie O'Brien, Commissioner

\_\_\_\_\_  
Julie A. Kjorsvik

## EXHIBIT A

### Chapter 10.24 ALL-TERRAIN VEHICLES

#### Sections

[10.24.010](#) Plan adopted.

[10.24.020](#) Wheeled all-terrain vehicle operation on county roads.

**10.24.010 Plan adopted.**

The board of county commissioners adopts the Kittitas County All-Terrain Vehicle Action Plan. (Res. 75-67, 1975).

**[10.24.020](#) Wheeled all-terrain vehicle operation on county roads.**

[The operation of wheeled all-terrain vehicles, as described in RCW 46.09, with the additional requirement that wheeled all-terrain vehicles have head lights that are utilized at all times, shall be allowed on county maintained roads that have posted speed limits of 35 miles per hour or less.](#)