

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

**ORDINANCE NO**      2011-004

ORDINANCE AMENDING KITTITAS COUNTY CODE CHAPTER 10.32 AND  
REPEALING KITTITAS COUNTY CODE CHAPTERS 10.36 AND 10.37.

**WHEREAS**, Kittitas County Ordinance 92-14, 1992, established Kittitas County Code (KCC) Chapter 10.37 “Off-Road and Non-Highway Vehicles”; and

**WHEREAS**, Kittitas County Ordinances 90-8, 1990 & 92-25, 1992 established Kittitas County Code Chapter 10.36 “Off-Road Vehicles” ; and

**WHEREAS**, Kittitas County Ordinances 2004-03, 2004; 2002-15, 2002; 2000-4, 2000; 97-19, 1997; 97-11, 1997; 94-36, 1994; 94-29, 1994 and 82-12 (part), 1982, established Kittitas County Code Chapter 10.32 “Snowmobiles”; and

**WHEREAS**, Kittitas County Sheriff’s Office (KCSO) held townhall meetings during 2010 and 2011, to receive public input concerning these KCC Chapters; and

**WHEREAS**, KCSO desires to have Chapters 10.36 and 10.37 of KCC repealed and Chapter 10.32 of KCC amended to be more consistent with Title 46 RCW; and

**WHEREAS**, The Kittitas County Board of County Commissioners held a public hearing on May 11, 2011, to hear public comment on the proposed ordinance; and

**WHEREAS**, The Kittitas County Board of County Commissioners supports the policy of repealing Chapters 10.36 and 10.37 and amending Chapter 10.32 of the Kittitas County Code.

**NOW, THEREFORE, BE IT RESOLVED** that after holding a public hearing on May 11, 2011, and receiving public comment on the proposed ordinance, the Kittitas County Board of County Commissioners believes it is in the best interest of the public to repeal Chapters 10.36 and 10.37 and amend Chapter 10.32 of the Kittitas County Code as follows:

**Chapter 10.32  
SNOWMOBILES**

**Sections**

10.32.010 Roads Open for use.

10.32.020 Termination of use.

10.32.030 Repealed.

10.32.040 Crossing Public Roadways and Highways.

10.32.045 Lawful Operation on Public Highway or Road.

10.32.050 Violation - Penalty.

10.32.060 Purpose.

**10.32.010 Roads Open for Use.**

The following is a list of roads that shall be open to wintertime snowmobile traffic concurrently with motor vehicle traffic. The roads shall be posted as to their authorized use by snowmobiles:

1. Railroad Street in Easton (from Easton State Park easterly).
2. First Street in Easton.
3. Kachess Avenue in Easton.
4. Depot Street in Easton.
5. Alley Street in Easton.
6. Cross Street in Easton north to I-90 Interchange.
7. No. 277 Road in Easton.
8. No. 278 Road in Easton. Pelton Avenue in Easton. Cabin Creek Road in Easton.
9. Liberty Road from MP 0.73 (Jct U.S.F.S. Rd. No. 2017) easterly to end of road at MP 2.10.
10. Via Kachess.
11. Salmon La Sac Road (beginning at MP 1.15) westerly to end of road.
12. Kachess Lake Road (from the snow park to Cabin Creek Road).
13. Kachess Lake Road (from MP .78 to MP 1.77).
14. West Sparks Road (entire county road).
15. Sparks Road (entire county road).
16. Salmon La Sac Road (from MP 0.00 to MP 1.15).
17. Kachess River Road (from M.P. 0.00 to M.P. 0.48)
18. Evergreen Way (from M.P. 0.00 to M.P. 0.20

(Ord. 2004-03, 2004; Ord. 2002-15, 2002; Ord. 2000-4, 2000; Ord. 97-19, 1997; Ord. 97-11, 1997; Ord. 94-36, 1994; Ord. 94-29, 1994; Ord. 82-12 (part), 1982).

**10.32.020 Termination of Use.**

The Board of County Commissioners may terminate at any time the use of snowmobiles on specified county roads if the use is abused, if there is a safety concern and/or it is in the best interest of the county. (Ord. 82-12 (part), 1982).

**10.32.040 Crossing Public Roadways and Highways.**

It shall be lawful to drive or operate a snowmobile across public roadways and highways other than limited access highways when:

1. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and
2. The snowmobile is brought to a complete stop before entering the public roadway or highway; and
3. The operator of the snowmobile yields the right-of-way to motor vehicles using the public roadway or highway; and
4. The crossing is made at a place which is greater than one hundred feet from any public roadway or highway intersection.

(Ord. 82-12 (part), 1982).

**10.32.045 Lawful Operation on Public Highway or Road.**

Notwithstanding the provisions of KCC 10.32.040, it shall be lawful to operate a snowmobile upon a public roadway or highway:

1. Where such roadway or highway is completely covered with snow or ice and has been closed by the County to motor vehicle traffic during the winter months; or
2. When the County gives notice that such roadway or highway is open to snowmobiles; or
3. In an emergency during the period of time when and at locations where snow upon the roadway or highway renders such impassible to travel by automobile; or
4. When traveling along a designated snowmobile trail.

**10.32.050 Violation - Penalty.**

Any person violating this chapter shall be guilty of a traffic infraction the disposition of which is provided in Chapter 46.63 RCW. (Ord. 82-12 (part), 1982).

**10.32.060 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.

Chapter 10.37 - REPEALED

OFF-ROAD AND NON-HIGHWAY VEHICLES - REPEALED BY ORD. \_\_\_\_\_

Chapter 10.36 - REPEALED

OFF-ROAD VEHICLES REPEALED BY ORD. \_\_\_\_\_

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## **CODE WITH TRACKED CHANGES:**

Chapter 10.32

SNOWMOBILES

**Sections**

10.32.010 Roads open for use.

10.32.020 Termination of use.

10.32.030 ~~Operation standards~~ Repealed.

10.32.040 Crossing public roadways and highways.

10.32.045 Lawful Operation on Public Highway or Road.

10.32.050 Violation - Penalty.

10.32.060 Purpose.

**10.32.010 Roads open for use.**

The following is a list of roads that shall be open to wintertime snowmobile traffic concurrently with motor vehicle traffic. The roads shall be posted as to their authorized use by snowmobiles:

- 19. Railroad Street in Easton (from Easton State Park easterly).
- 20. First Street in Easton.
- 21. Kachess Avenue in Easton.
- 22. Depot Street in Easton.
- 23. Alley Street in Easton.
- 24. Cross Street in Easton north to I-90 Interchange.
- 25. No. 277 Road in Easton.
- 26. No. 278 Road in Easton. Pelton Avenue in Easton. Cabin Creek Road in Easton.
- 27. Liberty Road from MP 0.73 (Jct U.S.F.S. Rd. No. 2017) easterly to end of road at MP 2.10.
- 28. Via Kachess.
- 29. Salmon La Sac Road (beginning at MP 1.15) westerly to end of road.
- 30. Kachess Lake Road (from the snow park to Cabin Creek Road).
- 31. Kachess Lake Road (from MP .78 to MP 1.77).
- 32. West Sparks Road (entire county road).
- 33. Sparks Road (entire county road).
- 34. Salmon La Sac Road (from MP 0.00 to MP 1.15).
- 35. Kachess River Road (from M.P. 0.00 to M.P. 0.48)
- 36. Evergreen Way (from M.P. 0.00 to M.P. 0.20)

(Ord. 2004-03, 2004; Ord. 2002-15, 2002; Ord. 2000-4, 2000; Ord. 97-19, 1997; Ord. 97-11, 1997; Ord. 94-36, 1994; Ord. 94-29, 1994; Ord. 82-12 (part), 1982).

**10.32.020 Termination of use.**

The board of county commissioners may terminate at any time the use of snowmobiles on specified county roads if the use is abused, if there is a safety concern and/or it is in the best interest of the county. (Ord. 82-12 (part), 1982).

~~**10.32.030 Operation standards.**~~

~~It is unlawful for any reason to operate any snowmobile:~~

- ~~1. At a rate of speed greater than twenty-five miles per hour on roads used concurrently with motor vehicle traffic; exceptions may be granted for organized snowmobile races utilizing sections of roadway as approved by the board of county commissioners;~~
- ~~2. At a rate of speed greater than reasonable and prudent under existing conditions where such roadway or highway has been closed to motor vehicle traffic during winter months and such roadway is completely covered with snow or ice;~~
- ~~3. While under the influence of intoxicating liquor or narcotics or habit-forming drugs;~~
- ~~4. In a manner so as to endanger the person or property of another;~~
- ~~5. Without a lighted headlight and taillight;~~
- ~~6. Without an adequate braking device which may be operated either by hand or foot;~~
- ~~7. Without an approved safety helmet which must be worn by all operators and passengers;~~
- ~~8. 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 limit such noise at a level of eighty-two decibels, or below, on the "A" scale at one hundred feet under testing procedures as established by the Washington State Patrol; except that snowmobiles used in organized racing events in an area designated for the purpose may use a bypass or cutout device;~~

9. ~~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 46.10.100 and 46.10.110;~~
10. ~~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;~~
11. ~~Without a current registration decal affixed thereon, if not exempted under RCW 46.10.030 as nor hereinafter amended;~~
12. ~~On a public roadway, if the operator is under twelve years of age. Further, no person between the ages of twelve and sixteen years of age shall operate a snowmobile on a public roadway unless he has taken a snowmobile safety education course and has been certified by a qualified instructor and has on his/her person such certification. Persons under sixteen years of age who have not been certified as a qualified snowmobile operator may operate a snowmobile under the direct supervision of a qualified snowmobile operator;~~
13. ~~Upon a public roadway which is not posted by Kittitas County as being open to the operation of snowmobiles.~~

~~(Ord. 2002-22, 2002; Ord. 82-12 (part), 1982).~~

**10.32.040 Crossing public roadways and highways.**

It shall be lawful to drive or operate a snowmobile across public roadways and highways other than limited access highways when:

5. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and
6. The snowmobile is brought to a complete stop before entering the public roadway or highway; and
7. The operator of the snowmobile yields the right-of-way to motor vehicles using the public roadway or highway; and
8. The crossing is made at a place which is greater than one hundred feet from any public roadway or highway intersection.

(Ord. 82-12 (part), 1982).

**10.32.045 Lawful Operation on Public Highway or Road.**

Notwithstanding the provisions of KCC 10.32.040, it shall be lawful to operate a snowmobile upon a public roadway or highway:

1. Where such roadway or highway is completely covered with snow or ice and has been closed by the County to motor vehicle traffic during the winter months; or
2. When the County gives notice that such roadway or highway is open to snowmobiles; or
3. In an emergency during the period of time when and at locations where snow upon the roadway or highway renders such impassible to travel by automobile; or
4. When traveling along a designated snowmobile trail.

**10.32.050 Violation - Penalty.**

~~Any person violating this chapter shall be guilty of a misdemeanor traffic infraction- the disposition of which is provided in Chapter 46.63 RCW, and on conviction thereof such person shall be punished by a fine of not more than two hundred fifty dollars, or by imprisonment in the County Jail for not more than ninety days. (Ord. 82-12 (part), 1982).~~

**10.32.060 Purpose.**

~~Kittitas County Ordinance Repealing KCC 10.36 & 10.37  
"Off-Road Vehicles" and Amending KCC 10.32 "Snowmobiles"~~

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 benefitted by its terms.

## **Chapter 10.37 - REPEALED**

### **OFF-ROAD AND NON-HIGHWAY VEHICLES<sup>\*</sup> - REPEALED BY ORD.**

#### **Sections**

~~10.37.010 Applicability of provisions. 10.37.020 Definitions.~~

~~10.37.030 Operating violations.~~

~~10.37.040 Operating while under the influence of intoxicating liquor or controlled substance.~~

~~10.37.050 Endangering human life - Harassing wildlife - Loaded weapons - Hunting from non-highway vehicles.~~

~~10.37.060 Destroying trespass or other restrictive signs.~~

<sup>\*</sup>See also Ch. 10.36 for additional regulations on off-road vehicles.

#### **~~10.37.010 Applicability of provisions.~~**

~~The provisions of Sections 10.37.020 through 10.37.060 shall apply to all lands of this county. Nothing in any of the sections of this chapter shall be deemed to grant to any person the right or authority to enter upon private property without permission of the landowner or to in anyway diminish or alter the crimes of criminal trespass under the Revised Code of Washington. (Ord. 92-14 § 1, 1992).~~

#### **~~10.37.020 Definitions.~~**

~~As used in this chapter the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicates:~~

##### **~~Highway~~**

~~For purpose of this chapter only, means the entire width between the boundary lines of every way publicly maintained by the state is generally open to the use of the public for the purposes of vehicular travel as a matter of right.~~

##### **~~Hunt~~**

~~Any effort to kill, injure, capture, or purposely disturb a wild animal or wild bird.~~

##### **~~Non-highway road~~**

~~Any road owned or managed by a public agency, or any private road for which the owner has granted a permanent easement for public use of the road, other than a highway generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles and that is not built or maintained with appropriations from the motor vehicle fund.~~

##### **~~Non-highway vehicle~~**

~~Any motorized vehicle when used for recreation travel on trails and non-highway roads or for recreation cross-country travel on any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles include but are not limited to, off-road vehicles, two-, three-, or four-wheel vehicles, motorcycles, four-wheel drive vehicles, dune buggies, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive from any source other than muscle or wind. "Non-highway vehicle" does not include:~~

- ~~1. Any vehicle designed primarily for travel on, over, or in the water;~~
- ~~2. Snowmobiles or any military vehicles; or~~

~~3. Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.~~

**Operator**

~~Each person who operates, or is in physical control of, any non-highway vehicle.~~

**Owner**

~~The person other than the lien holder, having an interest in or title to a non-highway vehicle, and entitled to the use or possession thereof.~~

**Person**

~~Any individual, firm, partnership, association, or corporation.~~

~~(Ord. 92-14 § 2, 1992).~~

**10.37.030 Operating violations.**

~~It is a misdemeanor punishable under the same penalties set out in RCW 9A.20.021(3) for any person to operate any non-highway vehicle:~~

~~In such a manner as to endanger the property of another;~~

~~On lands not owned by the operator or owner of the non-highway 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;~~

~~On lands not owned by the operator or owner of the non-highway vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership;~~

~~Without a spark arrester approved by the department of natural resources;~~

~~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:~~

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

~~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~~

~~With the microphone placed ten inches from the side of the vehicle, one-half 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;~~

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

~~On lands not owned by the operator or owner of the non-highway 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;~~

~~On lands not owned by the operator or owner of the non-highway vehicle or on any non-highway road or trail which is restricted to pedestrian or animal travel; and~~

~~On any public lands in violation of rules and regulation of the agency administering such lands. (Ord. 92-14 § 3, 1992).~~

~~**10.37.040 Operating while under the influence of intoxicating liquor or controlled substance.**~~

~~It is a gross misdemeanor punishable by the same penalties set out in RCW 9A.20.021(2) for any person to operate any non-highway vehicle while under the influence of intoxicating liquor or a controlled substance. (Ord. 92-14 § 4, 1992).~~

~~**10.37.050 Endangering human life -- Harassing wildlife -- Loaded weapons -- Hunting from non-highway vehicles.**~~

~~No person may operate a non-highway vehicle in such a way as to endanger human life or to run down or harass any wildlife or animal, nor carry, transport, or convey any loaded weapon in or upon, nor hunt from any non-highway vehicle; provided, that it shall not be unlawful to carry, transport, or convey a loaded pistol in or upon a non-highway vehicle if the person complies with the terms and conditions of chapter 9.41 RCW.~~

~~Violation of this section is a gross misdemeanor punishable by the same provisions set out in RCW 9A.20.021(2). (Ord. 92-14 § 5, 1992).~~

~~**10.37.060 Destroying trespass or other restrictive signs.**~~

~~It is a gross misdemeanor punishable by the same penalties set out in RCW 9A.20.021(2) for any person to remove, mutilate or destroy any "no trespassing sign" or any other sign placed on private or public property which restricts access or prohibits, conditions or regulates the use of non-highway vehicles on private or public property. (Ord. 9214 § 6, 1992).~~

**Chapter 10.36 - REPEALED**  
**OFF-ROAD VEHICLES REPEALED BY ORD.**

**Sections**

~~10.36.010 Legislative findings and purpose.~~

~~10.36.020 Definitions.~~

~~10.36.030 Prohibitions.~~

~~10.36.040 Violation -- Penalty.~~

~~10.36.050 Signs and maps.~~

~~**10.36.010 Legislative findings and purpose.**~~

~~As the use of non-highway and of off-road vehicles has grown over the years off-road vehicle activities have increased around schools, residential areas, city limits and businesses. This results in certain areas in severe health and safety problems inasmuch as the high off-road vehicle traffic negatively impacts schools, residences, cities, businesses and individual citizens by causing dust, and property damage from dust, noise and the disruption of ordinary business and family life, environmental~~



destruction, and threats to the civil peace. In areas where these factors are particularly pronounced the use of non-highway and off-road vehicles has become a public nuisance. Given these developments the following sections of this chapter are adopted to protect the public peace, health and safety by establishing certain areas in which non-highway vehicles and off-road vehicles are prohibited. (Ord. 92-25 § 1, 1992; Ord. 90-8 § 1, 1990).

#### **10.36.020 Definitions.**

##### **Area "A" (South of Roslyn).**

Beginning at the section corner common to Sections 17, 18, 19 and 20, Township 20 North, Range 15 East, W.M., Kittitas County, State of Washington; which point is also the southwest corporate limits to the city of Roslyn; thence south along the west boundary of said Section 20 to the intersection with the north boundary of a public road commonly called "The Red Rock Road"; thence southeasterly along the northerly boundary of said road to the intersection with the southerly boundary of the No. 9 Mine Road located within the northeast quarter of the southeast quarter of said Section 20; thence northeasterly along the southerly boundary of said road to the westerly boundary of State Highway 903; thence southerly along the westerly boundary of said State Highway to the intersection with the easterly boundary of the Bullfrog Road; thence southerly along the easterly boundary of said road to the northerly boundary line of said Section 28; thence easterly along the northerly boundary of said section to the westerly boundary of the northeast quarter of the northwest quarter of said Section 28; thence southerly along the westerly boundary of the northeast quarter of the northwest quarter and the southeast quarter of the northwest quarter to the intersection with the northerly boundary of the Bonneville Power Administration's (BPA) transmission line; thence northeasterly along the northerly boundary to the easterly boundary of the northeast quarter of the northwest quarter of said Section 28 to the intersection with the southerly boundary line of the Cle Elum Roslyn School District property; thence southeasterly and northeasterly along said property boundary to the intersection with the southerly boundary of State Highway 903; thence northwesterly along the southerly boundary to the intersection with the northerly boundary line of Shaft Street as extended; thence northwesterly along the northerly boundary of said street to the intersection with the northerly boundary line of a public road commonly named "The No. 5 Mine Road"; thence easterly along the northerly boundary to the intersection with the southwesterly boundary of the Burlington Northern Railroad; thence northwesterly along the boundary to the intersection with the corporate limits to the City of Roslyn; thence southerly and westerly along said corporate limits to the southwest corner of said Section 17, which point is the true point of beginning.

##### **Area "B" (North and West of Cle Elum).**

Beginning at the intersection of the north corporate limits to the City of Cle Elum and the southerly boundary of the Bonneville Power Administration's (BPA) transmission line located along the south boundary line of the southeast quarter of the northwest quarter of Section 25, Township 20 North, Range 15 East, W.M., Kittitas County, State of Washington; thence northwesterly along the southerly boundary of said transmission to the intersection with the easterly boundary line of the Puget Sound Power and Light (PSP&L) electric transmission line located within the northeast quarter of the northeast quarter of Section 28 of said township and range; thence southerly along the easterly boundary of said transmission line to the intersection with the northerly boundary of Interstate 90, thence easterly along the northerly boundary of said interstate to the intersection with the west corporate limits to the city of Cle Elum; thence continuing northerly and easterly along said corporate limits to the true point of beginning.

##### **Area "C" (Surrounding the City of Roslyn).**

Beginning at the point of intersection of Washington State Route 970 and the north/south Section line between Section 36, Township 19 North, Range 15 East, and Section 31, Township 19 North, Range 16 East W.M. Kittitas County, State of Washington, thence westerly along

Washington State Route 970 to the Township Line between Township 19 North, Range 15 East and Township 20 North, Range 15 East, thence north along Township Line to the intersection of the Lanigan Springs Road and Cle Elum Airport Road; thence north along Lanigan Springs Road to its intersection with Bonneville Power Administration (BPA) Transmission line; thence westerly along BPA transmission line to its intersection with Greenhouse Road; thence northerly along Greenhouse Road to its intersection with Cle Elum Ridge Road; thence northwesterly along Cle Elum Ridge Road to its intersection with Spring Creek Road; thence southwesterly along Spring Creek Road to its intersection with the Salmon la Sac Road; thence southwesterly along the Spring Creek drainage to the Cle Elum Lake's waters edge; thence southeasterly along the waters edge of Cle Elum Lake to Cle Elum Lake Dam; thence southeasterly along the Cle Elum River to its intersection with the Yakima River; thence easterly along the Yakima River to its intersection with the north/south section line between Section 36, Township 19 North, Range 15 East and Section 31, Township 19 North, Range 16 East W.M.; thence north along section line to its intersection with Washington State Route 970 which point is the true point of beginning.

**Non-highway vehicle**

Any motorized vehicle when used for recreation travel on trails and non-highway roads or for recreation cross-country travel on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles include, but are not limited to, off-road vehicles, two, three, or four-wheel vehicles, motorcycles, four-wheel drive vehicles, dune buggies, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind. "Non-highway vehicle" does not include:

1. Any vehicle designed primarily for travel on, over, or in the water;
2. Snowmobiles or any military vehicles; or
3. Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

**Off-road vehicle (or "ORV")**

Any non-highway vehicle when used for cross-country travel on trails or on any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland and other natural terrain.

**Non-highway road**

Any road owned or managed by a public agency, or any private road for which the owner has granted a permanent easement for public use of the road, other than a highway generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles and that is not built or maintained with appropriations from the motor vehicle fund.

**Dealer**

A person, partnership, association, or corporation engaged in the business of selling off-road vehicles at wholesale or retail in this state.

(Ord. 92-25 § 2, 1992; Ord. 90-8 § 2, 1990).

**10.36.030 Prohibitions.**

Non-highway vehicle riding is prohibited in Area "A", Area "B" and Area "C" except when such vehicles are ridden on a non-highway vehicle dealer's property for purposes related to the sale, maintenance or repair of such vehicles, when such vehicles are being used for search, rescue or law enforcement purposes, when such vehicles are the only transportation capable of going to and from residences, or when such vehicles are being ridden by the landowner, his or her spouse or his or her children. Nothing

~~in this section shall permit the rental of or other commercial use of land for non-highway vehicle riding. (Ord. 92-25 § 3, 1992; Ord. 90-8 § 3, 1990).~~

~~10.36.040 Violation - Penalty.~~


~~It is a misdemeanor to violate Section 10.36.030 of this chapter punishable by a jail term not to exceed ninety days and fine not to exceed one thousand dollars. (Ord. 92-25 § 4, 1992; Ord. 90-8 § 4, 1990).~~

~~10.36.050 Signs and maps.~~

~~Funds generated from the funds collected pursuant to 10.36.040 shall be deposited as off-road vehicle revenue. The Kittitas County sheriff's department shall place and maintain signs prohibiting off-road vehicle riding around the parameters of Areas "A" and "B". The Kittitas County sheriff's department shall make copies of the ordinance codified in this chapter available at public libraries, city halls, and to businesses which sell or repair off-road vehicles. (Ord. 90-8 § 5, 1990).~~

ADOPTED this 11<sup>th</sup> day of May 2011.

**BOARD OF COUNTY COMMISSIONERS  
KITTTAS COUNTY, WASHINGTON**

  
\_\_\_\_\_  
Paul Jewell, Chair

  
\_\_\_\_\_  
Alan Crankovich, Vice-Chair  
**ABSENT**


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

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephanie Happold, Deputy Prosecuting Attorney  
WSBA#38112



CLERK OF THE BOARD

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