

CITY OF KENNEWICK  
ORDINANCE NO. 5816

AN ORDINANCE RELATING TO VEHICLES AND TRAFFIC AND ADDING  
A NEW CHAPTER 11.92 TO THE KENNEWICK MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS  
FOLLOWS:

**Section 1.** There is hereby added a new Chapter 11.92 to the Kennewick Municipal Code to read  
as follows:

**CHAPTER 11.92 WHEELED ALL TERRAIN VEHICLES**

- 11.92.010: Definitions.
- 11.92.020: Use of Wheeled All-Terrain Vehicle on City Streets.
- 11.92.030: Restrictions on Use of Wheeled All-Terrain Vehicle on City Streets.
- 11.92.040: Equipment Requirements of a Wheeled All-Terrain Vehicle.
- 11.92.050: Registration Requirements of a Wheeled All-Terrain Vehicle.
- 11.92.060: Duty to Obey Traffic-Control Devices and Rules of the Road.
- 11.92.070: Prohibited Uses.
- 11.92.080: Prohibited Areas.
- 11.92.090: Violation - Penalty.
- 11.92.100: Severability.

**11.92.010 Definitions.**

When used in this chapter, the City defines the words and phrases listed below as  
follows:

- (1) “City” means the City of Kennewick, its elected officials, its employees, and its agents.
- (2) “City Street” means every way, lane, road, street, boulevard, and every way or place in the City open as a matter of right to public vehicular traffic inside the city limits.
- (3) “Motorcycle Helmet” has the same meaning as provided in RCW 46.37.530.
- (4) “Rules of the Road” means all the rules that apply to vehicle or pedestrian traffic as set forth in state statute, rule or regulation.
- (5) “Sidewalk” means that property between the curb lines or the lateral lines of a city street and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a city street and dedicated to use by pedestrians.
- (6) “Wheeled All-Terrain Vehicle” or “WATV” means:
  - (a) A utility-type vehicle designed for and capable of travel over designated roads that travels on four or more low-pressure tires of 20 psi or less, has a

maximum width less than 74 inches, has a maximum weight less than 3,000 pounds, has a wheelbase of 120 inches or less, and satisfies at least one of the following:

- (i) Has a minimum width of 50 inches;
- (ii) Has a minimum weight of at least 900 pounds; or
- (ii) Has a wheelbase of over 61 inches;
- (b) Has a steering wheel for steering control; and
- (c) Has nonstraddle seating with the operator and passenger sitting side by side in the vehicle manufactured primarily for recreational nonhighway all-terrain use.

(Ord. 5816 Sec. 1, 2019)

#### **11.92.020: Use of Wheeled All-Terrain Vehicle on City Streets:**

Subject to the restrictions and requirements set forth in this chapter, a person who has attained the age of eighteen (18) years and who has a valid driver's license issued by the state of the person's residence may operate a wheeled all-terrain vehicle upon a city street having a speed limit of 35 miles per hour or less.

(Ord. 5816 Sec. 1, 2019)

#### **11.92.030: Restrictions on Use of Wheeled All-Terrain Vehicle on City Streets:**

- (1) Any person who operates or rides as a passenger in a wheeled all-terrain vehicle must wear a securely fastened motorcycle helmet while the WATV is in motion, unless the WATV is equipped with roll bars or an enclosed passenger compartment;
- (2) Any person who operates or rides as a passenger in a wheeled all-terrain vehicle must wear a securely fastened seat belt as required in RCW 46.61.688(3). Passengers less than sixteen (16) years of age are required to be restrained as defined in RCW 46.61.687.
- (3) No passengers under the age of five (5) years of age may be transported in a wheeled all-terrain vehicle;
- (4) A person may not operate a wheeled all-terrain vehicle upon a city street with a speed limit in excess of 35 miles per hour; however, a person may cross a city street with a speed limit in excess of 35 miles per hour at a controlled intersection if the crossing begins and ends on a city street with a speed limit of 35 miles per hour or less and occurs at an intersection of approximately 90 degrees;
- (5) A person may operate a wheeled all-terrain vehicle upon any city street while being used under the authority or direction of an appropriate agency that engages in emergency management, as defined in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law enforcement agency, as defined in RCW 16.52.011, within the scope of the agency's official duties;
- (6) Wheeled all-terrain vehicles are subject to Chapter 46.55 RCW; and
- (7) No person may operate a wheeled all-terrain vehicle upon a city street without having proof of current liability insurance with liability limits of at least the amounts provided in and in compliance with the requirements as set forth in RCW 46.29.090, as now enacted or hereafter amended. Written proof of such

financial responsibility must be provided on the request of a law enforcement officer.

(Ord. 5816 Sec. 1, 2019)

#### **11.92.040: Equipment Requirements of a Wheeled All-Terrain Vehicle:**

A wheeled all-terrain vehicle operated on a city street must comply with the following equipment requirements:

- (1) Headlights meeting the requirements of RCW 46.37.030 and 46.37.040 and used at all times when the vehicle is in motion;
- (2) Two tail lamps meeting the requirements of RCW 46.37.070(1) and to be used at all times when the vehicle is in motion upon a city street;
- (3) A stop lamp meeting the requirements of RCW 46.37.200;
- (4) Reflectors meeting the requirements of RCW 46.37.060;
- (5) During hours of darkness, as defined in RCW 46.04.200, turn signals meeting the requirements of RCW 46.37.200;
- (6) Outside of hours of darkness, the operator must comply with RCW 46.37.200 or 46.61.310;
- (7) Two mirrors meeting the requirements of RCW 46.37.400;
- (8) A windshield meeting the requirements of RCW 46.37.430, unless the operator wears glasses, goggles, or a face shield while operating the vehicle, of a type conforming to rules adopted by the Washington State Patrol;
- (9) A horn or warning device meeting the requirements of RCW 46.37.380;
- (10) Brakes in working order;
- (11) A spark arrester and muffling device meeting the requirements of RCW 46.09.470;
- (12) Seatbelts meeting the requirements of RCW 46.37.510; and
- (13) Must have an individual seat for each occupant designed to seat a person.

(Ord. 5816 Sec. 1, 2019)

#### **11.92.050: Registration Requirements of a Wheeled All-Terrain Vehicle:**

A wheeled all-terrain vehicle operated on a city street must comply with all the registration requirements of Chapter 46.09 RCW.

(Ord. 5816 Sec. 1, 2019)

#### **11.92.060: Duty to Obey Traffic-Control Devices and Rules of the Road:**

Unless a police officer directs otherwise, a person operating a wheeled all-terrain vehicle must obey all rules of the road that apply to vehicle or pedestrian traffic and must obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles. A person operating a wheeled all-terrain vehicle upon a city street is subject to all of the duties that Chapter 46.61 RCW et seq. imposes on an operator of a vehicle, except as to those provisions thereof which by their nature can have no application.

(Ord. 5816 Sec. 1, 2019)

**11.92.070: Prohibited Uses:**

- (1) No person may operate or ride a wheeled all-terrain vehicle in a negligent or unsafe manner, but must operate it with reasonable regard for his or her own safety and for the safety of others.
- (2) No person may occupy a wheeled all-terrain vehicle unless that person is seated in a seat designed to carry a person.
- (3) No person may operate a wheeled all-terrain vehicle side-by-side in a single lane of traffic.

(Ord. 5816 Sec. 1, 2019)

**11.92.080: Prohibited Areas:**

- (1) It is unlawful to operate a wheeled all-terrain vehicle on a sidewalk or other area where it is unlawful to operate a motor vehicle.
- (2) It is unlawful to operate a wheeled all-terrain vehicle upon any city park bike paths, trails, walkways, etc. except for city maintenance staff, other than in areas designated for motor vehicle operation.
- (3) It is unlawful to operate a wheeled all-terrain vehicle on any bicycle trail or walking path or in any bicycle lane.

(Ord. 5816 Sec. 1, 2019)

**11.92.090: Violation – Penalty:**

A person who violates a provision of this chapter is guilty of a traffic infraction and will be punished by the imposition of a monetary penalty not to exceed \$250.00, exclusive of statutory assessments; provided, that conduct that constitutes a criminal offense may be charged as such and is subject to the maximum penalties allowed for such offenses.

(Ord. 5816 Sec. 1, 2019)

**11.92.100: Severability:**

If any section, subsection, sentence, clause, paragraph, phrase, or word of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, paragraph, phrase or word of this chapter.

(Ord. 5816 Sec. 1, 2019)

**Section 2.** This ordinance shall be in full force and effect five days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 20<sup>th</sup> day of August, 2019, and signed in authentication of its passage this 20<sup>th</sup> day of August, 2019.

Attest:

\_\_\_\_\_  
DON BRITAIN, Mayor

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TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5816 filed and recorded  
in the office of the City Clerk of the City of  
Kennewick, Washington this 21<sup>st</sup> day of  
August, 2019.

Approved as to Form:

\_\_\_\_\_  
LISA BEATON, City Attorney

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TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION \_\_\_\_\_