

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6503

AN ORDINANCE repealing Chapter 11.55 All-Terrain Vehicles of the Bellevue City Code (BCC) and establishing a new, updated Chapter 11.55 BCC Wheeled All-Terrain and Nonhighway Vehicles.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 11.55 All-Terrain Vehicles of the Bellevue City Code is repealed in its entirety.

Section 2. A new Chapter 11.55 Wheeled All-Terrain and Nonhighway Vehicles is added to the Bellevue City Code to read as follows:

Chapter 11.55 WHEELED ALL-TERRAIN AND NONHIGHWAY VEHICLES

Sections:

- 11.55.010 Definitions.
- 11.55.020 Use of WATVs and Nonhighway vehicles on City streets.
- 11.55.030 Prohibited uses.
- 11.55.040 Violation – Penalty.

11.55.010 Definitions.

Unless otherwise specifically provided for herein, the definitions set forth in Chapter 46.09 RCW, as existing or hereafter amended, shall govern this chapter. In addition, when used in this chapter, the following words, terms, and phrases shall have the following meanings:

(1) “City” means the City of Bellevue, 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) “Nonhighway vehicle” means any motorized vehicle including an off-road vehicle (ORV), as defined by RCW 46.04.365, when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain.

Nonhighway vehicle does not include:

- (a) Any vehicle designed primarily for travel on, over, or in the water;
 - (b) Snowmobiles or any military vehicles; or
 - (c) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under Chapter 82.38 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.
- (4) "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 cyclists in accordance with BCC 14.60 or such portion of private property parallel and in proximity to a city street and dedicated to use by pedestrians or cyclists.
- (5) "Multi-Purpose Path" means a facility as defined by RCW 47.30.005 and dedicated for public use.
- (6) "Recreational Trail" means a travel way established by construction or use through public property for pedestrians and non-motorized transportation users for the purpose of providing opportunities for community recreation.
- (7) "Wheeled all-terrain vehicle" or "WATV" means
- (a) any motorized nonhighway vehicle with handlebars that are 50 inches or less in width, has a seat height of at least 20 inches, weighs less than 1,500 pounds, and has four tires having a diameter of 30 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 20 psi or less, has a maximum width less than 74 inches, has a maximum weight less than 2,000 pounds, has a wheelbase of 110 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
 - (iii) has a wheelbase of over 61 inches.

11.55.020 Use of WATVs and Nonhighway vehicles on City streets.

- (1) No person shall operate a WATV or a Nonhighway vehicle on any City street, Sidewalk, Multi-Purpose Path or Recreational Trail.
- (2) This section shall not apply to the following:
 - a. City or City authorized agent's operation of WATVs or Nonhighway vehicles in the performance of municipal work including improvement,

- construction, repair, maintenance and ordinary maintenance as defined in WAC 296-127-010;
- b. The operation of WATVs or Nonhighway vehicles used in the performance of official emergency functions 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
 - c. The operation of WATVs or Nonhighway vehicles owned and operated by the United States or a general or limited authority Washington law enforcement agency as defined in RCW 10.93.020 when used in the official performance of the agency's emergency response, law enforcement, or police powers.

11.55.030 Prohibited uses.

(2) No person shall operate or ride a WATV or a Nonhighway vehicle in a negligent or unsafe manner, as determined in the sole discretion of any law enforcement officer or city official responsible for enforcement of this chapter, but must operate it with reasonable regard for his or her own safety and for the safety of others.

(2) No person shall tow any trailers, devices, equipment or persons behind a WATV or a Nonhighway vehicle.

(3) No person shall carry or transport any other person or passenger on a WATV or Nonhighway vehicle, nor shall any other person ride on a WATV or Nonhighway vehicle, unless such WATV or Nonhighway vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the WATV or Nonhighway vehicle.

(4) No person shall operate a WATV or Nonhighway vehicle in violation of any federal, state, or local law, including but not limited to, Title 46 RCW, as existing or hereafter amended.

11.55.040 Violation – Penalty.

Any 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 as authorized by RCW 46.09.490, as existing or hereafter amended; provided, that conduct that constitutes a criminal traffic offense may be charged as such and is subject to the maximum penalties allowed for such offenses.

Section 3. This Ordinance shall take effect and be in force thirty (30) days after its passage and legal publication.

Passed by the City Council this _____ day of _____, 2020
and signed in authentication of its passage this _____ day of _____,
2020.

(SEAL)

Lynne Robinson, Mayor

Approved as to form:
Kathryn L. Gerla, City Attorney

Monica A. Buck, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published _____