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ORDINANCE NO. 490 AMENDING WALLA WALLA COUNTY CODE TO ENACT A NEW CHAPTER 10.32, AUTHORIZING WHEELED ALL TERRAIN VEHICLES ON COUNTY ROADS WITH SPEED LIMITS OF 35 MILES PER HOUR OR LESS

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1. **Walla Walla County Commissioners**
- 2.
- 3.

Additional names on page ____ of document.

Grantee

1. **The Public**
- 2.
- 3.

Additional names on page ____ of document.

Legal description (i.e.: lot and block or section township and range)

n/a

Additional legal is on page ____ of document.

Assessors Parcel Numbers

n/a

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**BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON**

ORDINANCE NO. 490

AMENDING WALLA WALLA COUNTY CODE TO ENACT A NEW CHAPTER 10.32, AUTHORIZING WHEELED ALL TERRAIN VEHICLES ON COUNTY ROADS WITH SPEED LIMITS OF 35 MILES PER HOUR OR LESS.

WHEREAS, Revised Code of Washington (RCW) 46.09.455 authorizes counties with populations of 15,000 or more to allow the operation of wheeled all-terrain vehicles (WATVS) on county roadways having speed limits of 35 miles per hour or less, not including non-highway roads and trails; and

WHEREAS, wheeled all-terrain vehicles are defined and regulated by state law; and

WHEREAS, the Board of County Commissioners held a public hearing on August 16, 2021 to consider the proposed amendments and to receive public comment;

NOW THEREFORE,

BE IT ORDAINED, by the Walla Walla County Board of County Commissioners that:

Section I. The Board of County Commissioners Makes the Following Findings of Fact:

1. Wheeled all-terrain vehicles are currently not allowed on County roads, with certain exceptions, including by special permit issued pursuant to WWCC Chapter 10.30.
2. On March 29, 2021, a public workshop was held with the Board and the Walla Walla County Public Works Department to discuss the possibility of allowing WATV's to utilize County Roads.
3. On May 12, 2021 a SEPA Determination of Non-Significance (DNS) was issued by the County (State SEPA # 202102378). This threshold determination was filed with the Department of Ecology and published in the Walla Walla Union Bulletin and on the Community Development Department's website. No comments on, or appeals of, the threshold decision were received.
4. On August 2, 2021 the Board of County Commissioners set a public hearing for August 16, 2021.
5. Notices of Public Hearing were published in the Walla Walla Union-Bulletin on August 5, 2021 and August 12, 2021.
6. On August 16, 2021, the Board of County Commissioners held a public hearing. The public could testify in the Board Chambers or via the County Webex system.
7. The Board continued the Public Hearing until August 23, 2021.



Section II. The Board of County Commissioners Makes the Following Conclusions of Law:

1. The proposed amendments to Walla Walla County Code are consistent with state laws regarding Wheeled All-Terrain Vehicles.
2. The proposed amendments to Walla Walla County Code are in the public interest.

Section III. Adoption of the amendments to Walla Walla County Code Chapter 10.32:

Based on its review of the requirements of RCW 46.09 and reports from the County Engineer, the Board of County Commissioners hereby adopts the amendments to Walla Walla County Code, as shown on the attached Exhibit A.

Section IV. Effective Date and Savings.

This Ordinance is effective upon signing.

Section V. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section VI. Engineer to prepare list of authorized roads.

Pursuant to RCW 46.09.455 (1)(c)(iii) the County Engineer shall prepare, and the Clerk of the Board shall post on the County website, a list of County roads authorized for Wheeled All Terrain Vehicle use.

Section VII. Publication.

This Ordinance will be published by an approved summary consisting of the title.

PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 30th day of August 2021.

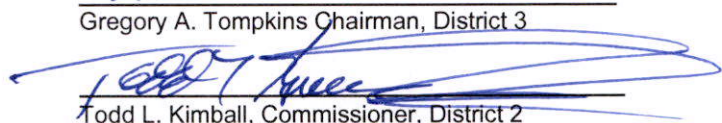
Attest:



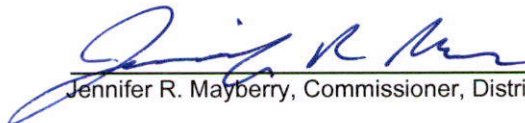
Diane L. Harris, Clerk of the Board



Gregory A. Tompkins Chairman, District 3



Todd L. Kimball, Commissioner, District 2




Jennifer R. Mayberry, Commissioner, District 1

Constituting the Board of County Commissioners
of Walla Walla County, Washington



Approved as to form:



Jesse D. Nolte, Chief Civil Deputy Prosecuting Attorney

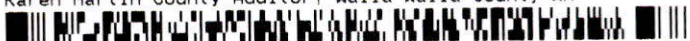


EXHIBIT A

CHAPTER 10.32 WHEELED ALL-TERRAIN VEHICLES

10.32.010 Applicability.

This Chapter shall apply to operation of wheeled all-terrain vehicles (WATVs) on County roads in Walla Walla County, Washington.

10.32.020 Definitions.

All definitions contained in RCW Chapters 46.04 and 46.09 as they exist are or hereafter amended are adopted by reference and shall apply to this Chapter.

10.32.030 Operation of Wheeled All-Terrain Vehicles on County Roads.

- A. Wheeled all-terrain vehicles on county roads must:
 - 1. Comply with all Washington State registration requirements and WATV use permits in accordance with RCW 46.09.
 - 2. Meet all equipment requirements, be certified by a Washington State licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop and meet all declaration requirements in accordance with RCW 46.09.
- B. Any person operating a wheeled all-terrain vehicle on a county roadway must:
 - 1. Possess a valid license to operate a motor vehicle under RCW Chapter 46.20;
 - 2. Meet all registration, equipment and licensing requirements as set forth in RCW Chapter 46.09;
 - 3. Carry proof of current liability insurance in compliance with, and with coverage limits at least equivalent to, the amounts set forth in RCW Chapter 46.29; and
 - 4. Obey all traffic laws including, but not limited to, rules of the road, traffic laws or codes, parking regulations, and road closures or restrictions, unless otherwise expressly exempted by RCW Chapter 46.09.
- C. Except as otherwise provided in RCW Chapter 46.09, nothing in this Chapter shall exempt any operator or owner of a nonhighway vehicle from any rule of the road, traffic law or code, parking regulation, road use restriction, or road closure.

10.32.035 Speed Limit for Wheeled All-Terrain Vehicles.

A person may not operate a wheeled all-terrain vehicle on a Walla Walla County roadway at a speed exceeding the lesser of 35 miles per hour or the posted speed limit.

10.32.040 Designated Roadways Authorized for Wheeled All-Terrain Vehicle Use.

A person may operate a wheeled all-terrain vehicle on all County roadways, in the unincorporated portion of Walla Walla County, with speed limits of 35 miles per hour or less.



10.32.045 Designated Roadways Specifically Prohibited for Wheeled All-Terrain Vehicle Use.

A person may not operate a wheeled all-terrain vehicle on the following County roadways within Walla Walla County:

- A. All primitive roads as defined under RCW 36.75.300;
- B. All County roadways having a posted speed limit greater than 35 miles per hour.

10.32.050 Violations – Penalties.

- A. A person who violates WWCC 10.32.035, 10.32.040 or 10.32.045 commits a traffic infraction and is subject to the penalty for the violation as provided in Chapter 46.63 RCW, unless state law provides for a different penalty.
- B. A person who violates WWCC 10.32.030 shall be subject to the penalty for the violation as provided in Chapter 46.09 RCW.

