

AN ORDINANCE IDENTIFYING AND DEFINING NONHIGHWAY VEHICLES, AUTHORIZING THEIR PASSAGE ALONG THE STREETS AND HIGHWAYS OF THE CITY OF HARRINGTON AND ESTABLISHING A PERMIT SYSTEM THEREFOR AND IMPOSING RESTRICTIONS THEREON, MAKING THE VIOLATION THEREOF A TRAFFIC INFRACTION AND PROVIDING PENALTIES THEREFOR.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HARRINGTON AS FOLLOWS:

Section 1. DEFINITIONS: As used in this ordinance the following words and phrases shall have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicates:

"Person" shall mean any individual, firm, partnership, association or corporation.

"Nonhighway vehicle" shall mean any self-propelled vehicle used for travel on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles shall include but are not limited to, two or four-wheel drive vehicles, motorcycles, dune buggies, amphibious vehicles, ground effect or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

Nonhighway 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 while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

"Owner" shall mean the person other than the lienholder, having interest in or title to a nonhighway vehicle, and entitled to the use or possession thereof.

"Operator" means each person who operates, or is in physical control of, any nonhighway vehicle.

"Streets and highways" shall mean the portion of any plat or annexed area dedicated for purposes of public travel, whether designated as highway, street, alley, or any other nomenclature, that has not been vacated, whether such highway, street or alley has been improved or not.

Section 2. NOT APPLICABLE TO CERTAIN VEHICLES: The provisions of this ordinance shall not apply to the following:

- (A) Vehicles owned and operated by the United States, any state or political subdivision thereof.
- (B) Vehicles used primarily for construction or inspection purposes during the course of commercial operations.
- (C) Vehicles which are licensed by the State of Washington, or in the case of nonresidents by the jurisdiction of the owner's residence, for operation over public highways of such state or jurisdiction.

Section 3. TRAVEL ON STREETS AND HIGHWAYS AUTHORIZED: Pursuant to the provisions of R.C.W. 46.09.180, a nonhighway vehicle is authorized to be operated on the streets and highways of the City of Harrington subject to the following regulations and restrictions:

(A) The nonhighway vehicle shall be operated on the streets and highways of the City of Harrington only from the place where it is garaged, stored or maintained to a place where such vehicle may lawfully be used.

(B) Before moving on the streets or highways of the City of Harrington the owner or operator shall register such vehicle with the

City Clerk on such form as may be designated by the City Marshal, the registration to show the place of normal storage, the place of normal lawful use, and the route normally to be followed in proceeding thereto.

(C) Upon such registration the City Clerk shall issue a permit in such form as may be designated by the City Marshal, showing that the vehicle has been registered and may be operated on the streets and highways of the City of Harrington in accordance with the usage contemplated in the registration.

(D) As a condition of issuing such permit the Clerk shall require proof in writing that the owner or operator of the nonhighway vehicle has permission of the owner or lessee of the place of contemplated use to operate thereon, or has an off-road vehicle permit issued by the State of Washington or place of domicile of a non-resident and can show the Clerk that passage along the streets and highways of the City of Harrington will give the owner or operator access to a place where such off-road vehicle may lawfully be used without consent of the owner or lessee thereof.

(E) While travelling along the streets and highways of the City of Harrington, the operator of a nonhighway vehicle shall travel along the extreme right edge of any improved portion thereof except in crossing, shall not exceed the speed of 15 miles per hour, and shall yield the right-of way to any licensed vehicle or pedestrian traveling thereon regardless of whether the rules of the road would give such licensed vehicle or pedestrian the right of way.

Section 4. OPERATING VIOLATIONS: It is a traffic infraction for any person to operate any nonhighway vehicle:

(A) Upon the streets and highways of the City of Harrington in any other manner and except as permitted by this ordinance.

(B) In such a manner as to endanger the property of another.

(C) On lands not owned by the operator or owner of the nonhighway 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.

(D) On lands not owned by the operator or owner of the nonhighway vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership.

(E) Without a spark arrestor approved by the department of natural resources.

(F) Without an adequate, and operating, muffling device as called and provided for in R.C.W. 46.09.120 as now enacted or hereafter amended.

(G) On lands not owned by the operator or owner of the nonhighway vehicle upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway.

(H) On lands not owned by the operator or owner of the nonhighway vehicle in any area 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.

(I) On any public lands in violation of rules and regulations of the agency administering such lands.

Section 5. GENERAL PENALTY - CIVIL LIABILITY: Violation of the provisions of this ordinance is a traffic infraction for which a penalty of not less than twenty-five dollars may be imposed.

Section 6. RESTRICTIONS UPON EFFECT: Nothing in this ordinance shall be deemed to grant to any person the right or authority to enter upon private property without permission of the property owner, or to operate nonhighway vehicles on lands subject to the off-road vehicle system established by Chapter 46.09., Revised Code of Washington.

Section 7. SAVINGS CLAUSE: If any portion of this ordinance shall be found by a court of competent jurisdiction to be unconstitutional or in contravention of the statutes of the State of Washington, such finding shall have no effect on the balance of the ordinance, and such balance shall remain in full force and effect.

Section 7. EFFECTIVE DATE: This ordinance shall be effective five days after its passage and publication by posting as required by law.

PASSED BY THE COUNCIL OF THE CITY OF HARRINGTON this 11th day of July, 1984.

APPROVED:

ATTEST:

H. L. House MAYOR

Loretta Haugan CLERK

APPROVED AS TO FORM:

signed: Robert Lucht
CITY ATTORNEY