

ORDINANCE No. 422

AN ORDINANCE adding a new chapter to Grays Harbor County Code Title 10, Vehicles and Traffic, allowing the use of wheeled all-terrain vehicles upon certain county roads under certain terms and conditions, and imposing penalties for violation.

WHEREAS, the Washington State Legislature, through the adoption of ESHB 1632 in 2013, codified in Chapter 46.09 RCW, has authorized by way of ordinance the operation of certain wheeled all-terrain vehicles (“WATV”) upon county roads with speed limits of 35 miles per hour or less, so long as the vehicles and their operator meet certain requirements; and

WHEREAS, the Board of County Commissioners (“Board”) finds that it is in the best interest of the public to adopt provisions allowing for the use of WATV upon certain county roads, and to impose penalties for the violation thereof; and

WHEREAS, the Board finds that the above stated purpose will be furthered by adding a new chapter to Grays Harbor County Code Title 10; and

WHEREAS, the Board held a public hearing regarding the amendment of the GHTC and the incorporation of ESHB 1632, as now codified in Chapter 46.09 RCW in the GHTC,

NOW THEREFORE, BE IT ORDAINED that the Board of County Commissioners hereby adds to Title 10 of the Grays Harbor County Code a new chapter to read as follows:

SECTION 1. Applicability. This chapter shall apply to operation of wheeled all-terrain vehicles on the county roads in Grays Harbor County, Washington.

SECTION 2. Operation of wheeled all-terrain vehicles prohibited on county roads -
Exceptions. Except as otherwise provided in chapter 46.09 RCW, a person may not operate a wheeled all-terrain vehicle (“WATV”) on any county road in Grays Harbor County except within the roadway of those county roads and segments of county roads designated below as approved for operation of wheeled all-terrain vehicles.

Road Name	Road Log No.	Begin Mile Post	End Mile Post
Abbott Road	89152	1.408	2.528
Black Creek Road (entire road)	58310	0.000	3.926
Brooklyn Road	68900	0.000	6.597
Brooklyn Road	68900	7.580	8.610
Brady Loop Road (entire road)	63190	0.000	6.088
Camp Creek Road (entire road)	70991	0.000	1.688
Camp Creek Road (entire road)	71930	0.000	0.818
Delezenne Road (entire road)	65790	0.000	4.549
Devonshire Road	52943	4.290	7.312
East Humptulips Road (entire road)	49680	0.000	6.118
Fairgrounds Road	88981	0.000	0.620
Geissler Road (entire road)	58410	0.000	5.432
Johns River Road (entire road)	16980	0.000	5.400
Lynch Road (entire road)	79400	0.000	0.358
Newskah Road (entire road)	19350	0.000	3.909
North River Road	96130	3.873	13.691
Porter Creek Road (entire road)	84500	0.000	2.891
Remmen Road	88810	0.000	0.888
South Shore Road (entire road)	93400	0.000	7.895
South Union Road	88982	0.632	2.496
Wishkah Road	52070	0.672	12.837
Wynooche Wishkah Road (entire road)	51800	0.000	4.656

SECTION 3. Compliance with Chapter 46.09 RCW Required. A person may not operate a wheeled all-terrain vehicle on any county roadway within Grays Harbor County except in strict compliance with the provisions and requirements of Chapter 46.09 of the Revised Code of Washington.

SECTION 4. Speed limit for wheeled all-terrain vehicles. A person may not operate a wheeled all-terrain vehicle on a Grays Harbor County roadway at a speed exceeding the lesser of 35 miles per hour or the posted speed limit.

SECTION 5. Violations - Penalties. A person who violates Sections 2 or 4 of the county code commits a traffic infraction.

(1) A person who violates Section 3 of the county code shall be subject to the penalty for the violation as provided in Chapter 46.09 RCW.

SECTION 6. Signs. The county engineer is directed and authorized to cause to be posted and maintained signs, in accordance with this Chapter and the manual on uniform traffic control devices for the purpose of marking intersections with signs where a wheeled all-terrain vehicle may cross a public road to advise motorists of the upcoming intersection.

SECTION 7. Relation to other laws. (1) Definitions contained in Chapters 46.04 and 46.09 of the Revised Code of Washington are adopted by this reference and shall apply to this Chapter.

(2) Except as otherwise provided in Chapter 46.09 RCW, 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.

(3) Amendment of or addition to any part of the Chapters 46.04 RCW or 46.09 RCW by the state legislature shall be deemed to amend or add to this chapter of the county code or a part thereof, and it shall not be necessary for the board of county commissioners to take any action with respect to such amendment or addition.

SECTION 8. Disposition of traffic fines and forfeitures. All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any provision of this Chapter shall be paid into the Grays Harbor County current expense fund, and shall be available for general county purposes.

SECTION 9. Provisions for adding/deleting roads. Requests to add and/or delete roads from those named in Section 2 shall be made in writing to the Board of County Commissioners by August 1 of each year. At the discretion of the Board of County Commissioners, the County may

hold a public hearing in September of each year, or as soon thereafter as practicable, to make a decision whether to adopt said requests through ordinance amendment.

SECTION 10. 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.

PASSED by the Board of County Commissioners this 21 day of Sept., 2015.

GRAYS HARBOR COUNTY
BOARD OF COMMISSIONERS

excused
Wes Cormier, Chair

Frank Gordon
Frank Gordon, Commissioner

Vickie L. Raines
Vickie L. Raines, Commissioner

ATTEST:

Jenna Amsbury
Jenna Amsbury, Clerk of the Board

APPROVED AS TO FORM:

By: Norma J. Tillotson
Norma J. Tillotson
Deputy Prosecuting Attorney