

## ORDINANCE No. 2171

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO AND REGULATING ALL-TERRAIN VEHICLES AND SNOWMOBILES.

BE IT ORDAINED BY THE City Council of the City of Kirkland as follows:

Section 1. It shall be unlawful for any person to own, operate, rent, demonstrate or sell any all-terrain vehicle within the City of Kirkland without a valid all-terrain vehicle registration as required by Chapter 47, Laws of 1971, First Ex. Session.

For the purposes of this Ordinance, "all-terrain vehicle" shall mean any self-propelled vehicle capable of crosscountry travel on or immediately over 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, four-wheeled vehicles, motorcycles, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any sources other than muscle or wind except any vehicle designated primarily for travel on, over or in the water, farm vehicles, logging vehicles, or any military or law enforcement vehicles.

Section 2. It shall be unlawful for any person to own, operate, demonstrate or sell any snowmobile within the City of Kirkland without a valid snowmobile registration as required by Chapter 29, Laws of 1971, First Ex. Session.

For the purpose of this ordinance, "Snowmobile" shall mean any self-propelled vehicle capable of traveling over snow or ice which utilizes as its means of propulsion an endless belt tread, or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, and which is steered wholly or in part by skis or sled type runners, and which is not otherwise registered as, or subject to the motor vehicle excise tax in the State of Washington.

Section 3. It shall be unlawful for any person to operate any all-terrain vehicle or any snowmobile:

(1) At a rate of speed greater than reasonable and prudent under the existing circumstances.

(2) While under the influence of intoxicating liquor and/or dangerous or habit-forming drugs or narcotics.

(3) In a manner so as to endanger the person or property of another.

(4) Without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others.

(5) Without an adequate braking device.

(6) Without a spark arrestor approved by the Department of Natural Resources.

(7) Without an adequate and operating muffler device which shall effectively blend the exhaust and motor noise in such a manner as to preclude excessive or unusual noise. All-terrain vehicles, including snowmobiles, manufactured after January 4, 1973, shall effectively maintain such noise at a level of 82 decibels or below on the "A" scale, at 100 feet under testing procedures as established by the Washington State patrol; provided, however, that all-terrain vehicles, including snowmobiles, used in organized competition may use a bypass, expansion chamber or cutout device if the area has been designated as fire-safe by the appropriate agency.

(8) Upon the paved portion or upon the shoulder or inside bank or slope of any public roadway or highway, or upon the median of any divided highway, except as hereinafter provided.

(9) In any area or in such a manner as to expose the underlying soil or vegetation, or to injure, damage or destroy trees or growing crops, or to create an erosion condition.

Section 4. No person shall operate an all-terrain vehicle or a snowmobile in such a way as to endanger human life or to run down or harrass deer, elk, or other wildlife, or any domestic animal, nor shall he carry, transport or convey any loaded weapon in or upon, nor hunt from, any all-terrain vehicle or snowmobile.

Section 5. The operator of any all-terrain vehicle or snowmobile involved in any accident resulting in injury to or death of any person or property damage to another in the estimated amount of \$200. or more, or a person acting for the operator, shall submit such reports as a required under RCW Chapter 46.52 as now enacted or as hereafter amended. It shall be unlawful for any person required to submit such accident report to fail to do so.

Section 6. It shall be lawful to drive or operate an all-terrain vehicle or snowmobile across public roadways, highways, streets and alleys other than limited access highways when:

(1) Traveling along a designated "snowmobile" or "all-terrain vehicle" trail, or

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(2) The crossing is made at an angle of approximately 90° to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing, and

(3) The vehicle is brought to a complete stop before entering the public roadway or highway, and

(4) The operator of the vehicle yields the right-of-way to motor vehicles using the public roadway or highway, and

(5) The crossing is made at a place which is greater than 100 feet from any public roadway or highway intersection.

Section 7. Notwithstanding the provisions of Section 6 above, it shall be unlawful to operate a snowmobile upon a public road or street except:

(1) When such road or street is completely covered with snow or ice, and has been closed to motor vehicular traffic during the winter months, or

(2) Where such street, road alley, trail or way open to the public is posted to permit snowmobile use.

(3) In an emergency during the period of time when and at locations where snow upon the street or road renders travel by automobile impractical.

Section 8. No person under twelve years of age shall operate a snowmobile or all-terrain vehicle on or across a public road, street, alley, trail or way open to the public. No person between the ages of twelve and eighteen years of age shall operate a snowmobile on or across a public road, street, trail, or way open to the public unless he has taken a snowmobile safety education course and been certified as qualified to operate a snowmobile by an instructor designated by the State Highway Commission as qualified to conduct such course and issue such a certificate, and he has on his person at the time he is operating a snowmobile evidence of such certification.

Section 9. This ordinance shall be in force and take effect five days from and after its passage by the Council and publication as required by Law.

PASSED by the Kirkland City Council in regular meeting  
on the 1st day of November, 1971.

SIGNED in authentication thereof on the 1st day of  
November, 1971.

*William C. Woods*

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Mayor

Attest:

*Tom J. Anderson*  
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Director of Administration and Finance  
(ex officio City Clerk)

Approved as to form:

*[Signature]*  
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City Attorney