

10.10.090 Payment of Penalty. Whenever a monetary penalty is imposed by a court under this Chapter, it is due immediately and to be made payable to the clerk of court. If a person is unable to pay at that time, the court may, in its discretion, grant an extension of the period in which the penalty may be paid. All penalties collected by the court shall be remitted to the City Clerk/Treasurer.

10.10.100 Severability. The provisions of this chapter are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this Chapter or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of the Chapter shall not as a result of said section, subsection, sentence, clause, or phrase be held unconstitutional or invalid.

10.10.110 Nonliability of City. This ordinance is intended to be a law of general application for the public at large; it is not intended to impose liability on the part of the city or its employees running to individual members of the public nor is this section intended to infer that any other city ordinances that do not have this nonliability of city ordinance section are intended to impose liability on the part of the city or its employees running to individual members of the public either (Ord. 1464, 1998; Ord. 1579, 1998).

Chapter 10.88

SNOWMOBILES/OFF ROAD VEHICLES

Sections:

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10.88.010 Purpose. The purpose of this chapter is to regulate in a reasonable manner the operation of snowmobiles and off road vehicles within the city limits and to provide the circumstances when and conditions and where snowmobiles and Off Road Vehicles may be legally operated upon the public roadways of the city.

10.88.020 Definitions. A. The term "snowmobile" shall mean any self propelled vehicle capable of traveling over snow and ice, which utilizes as a means of propulsion an endless belt, tread of cleats or any combination of these, or other similar means of contact with the surface upon which it is operated, and which is not otherwise registered as, or subject to the motor vehicle excise tax in the State of Washington.

B. The term "off road vehicle (ORV)" means any non-highway vehicle when used for cross country travel on trails or on any of the following or combination thereof: land, water, snow, ice, marsh, swamp or other natural terrain. Such vehicles include, but are not limited to, all-terrain vehicles, motorcycles, four-wheel drive vehicles, dune buggies and golf carts.

10.88.030 Locus of operation. It shall be lawful to operate a snowmobile or ORV upon any street or alley of the city except those streets and alleys specifically designated as being closed for the operation of snowmobiles or ORVs, as per Schedule "A" attached.

10.88.040 Hours of operation. The streets and alleys specifically opened for the operations of snowmobiles or ORVs may be for the operation of snowmobiles and ORVs only between the hours of 6:00 a.m. and 10:00 p.m.

10.88.050 Licenses required. A person who does not hold a valid motor vehicle operator's license shall not drive or operate a snowmobile or ORV within the city limits. It shall also be unlawful for any person to knowingly permit, allow, or encourage the operation or driving of a snowmobile or ORV by a person who is not otherwise qualified to operate a snowmobile or ORV. Snowmobiles or off road vehicles operated in violation of this paragraph may be impounded and towed.

10.88.060 Vehicle equipment--required. No snowmobile or ORV shall be operated in the city unless it is equipped with the following:

- A. At least one and not more than two (2) headlamps sufficient to render clearly discernible persons and vehicles at a distance of two hundred fifty feet (250 feet) ahead, which must be illuminated at any time the snowmobile or ORV is in operation;
- B. Tail lamps, which will emit a red light, when lighted, that will be plainly visible at a distance to two hundred fifty feet (250 feet) to the rear, which must be illuminated at any time the snowmobile or ORV is in operation;
- C. At least one brake which may be operated by hand or foot;
- D. An adequate and operating muffler device which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise, and on snowmobiles or ORVs manufactured after January 4, 1973, which shall effectively maintain such noise at a level of eight-two (82) decibels or below on the "A" scale at one hundred feet (100 feet) under testing procedures as established by the Washington State Patrol; except snowmobiles or ORVs used in organized racing events in an area designated for that purpose only, may use a bypass or cutout device;
- E. All snowmobiles or ORVs operated within the city shall be equipped with a mast or antenna displaying a red or red-orange fluorescent flag or pennant a minimum of five feet (5 ft.) above the ground; such flag or pennant shall be either rectangular or triangular shape with the leading edge being of a minimum of six inches (6 inches) and the length a maximum of twelve inches (12 inches).

10.88.070 Operating restrictions. Restrictions for the operation of snowmobiles and ORVs are as follows: A. It shall be unlawful to drive, operate, or park a snowmobile or ORV on any sidewalk within the city limits.

- B. No snowmobile or ORV shall be operated at a speed in excess of fifteen (15) miles per hour within the city limits.
- C. No snowmobile or ORV shall carry passengers or weights in excess of the capacity recommended by the manufacturer thereof.
- D. No sled, toboggan, trailer, or any other device shall be towed by a snowmobile or ORV except by means of a rigid tow bar connecting the same to such device.
- E. No persons on skis shall be towed behind a snowmobile or ORV.
- F. It shall be unlawful to drive or operate a snowmobile or ORV under the influence of intoxicating liquor or drugs.
- G. All snowmobiles or ORVs shall come to a full stop at all intersections.
- H. All snowmobiles or ORVs shall be operated in single file on the right hand side of the street.
- I. Except for an off road vehicle equipped with seat belts and roll bars or an enclosed passenger compartment, it is a traffic infraction for any person to operate or ride an off road vehicle or snowmobile on a city street or alleyway without wearing upon his or her head a motorcycle helmet fastened securely while in motion. For purposes of this section, "motorcycle helmet" has the same meaning as provided in RCW 46.37.530.
- J. No person shall operate a snowmobile or ORV carelessly and needlessly, or with due care and caution, and at a speed or in a manner as to endanger or be likely to endanger any person or property.

K. No person shall operate a snowmobile or ORV on that part of Highway 395, which is in the confines of the city of Kettle Falls, unless there be valid reason to cross said highway; and then only when done in accordance with R.C.W. 46.10.100, which is expressly adopted by reference and incorporated herein; therein shall be no other type of snowmobile or ORV traffic allowed in this area.

L. It shall be unlawful to operate a snowmobile or ORV in any area or in such a manner so as to expose the underlying soil or vegetation, or to injure, damage, or destroy trees or growing crops.

M. It will be unlawful to operate any snowmobile or ORV on any private, city or school property without written authorization to do so from the said property owner or his authorized agent.

N. In addition to the regulations for operation of snowmobiles or ORVs upon the public streets and alleys of Kettle Falls, operators shall be required to adhere to and obey all of the rules of the road for operating motor vehicles as set forth in Chapter 46.61 of the R.C.W. and Chapter 46.20 of the R.C.W.

10.88.080 Registration requirements. A. All snowmobiles operated within the city shall be registered as required under the provisions of Chapter 46.10 of the R.C.W.

B. All off road vehicles operated within the city shall be registered as required under the provisions of Chapter 46.09 of the R.C.W.

C. All snowmobiles and ORVs who request to use city streets must apply for a city permit from the Kettle Falls Police Department at a cost of ten dollars (\$10.00). The permit purchaser will be given a copy of the ordinance, and must sign an acknowledgement that he/she has received such a copy. A registration card will be issued with the permit sticker. The permit sticker must be displayed on the snowmobile or off road vehicle in a manner to be determined at the time of permit purchase. The permit registration card must be carried on the vehicle, or be in possession of the driver. Permit stickers may not be transferred to other vehicles. If the vehicle is sold, the new owner must obtain a new permit sticker and registration card.

10.88.090 Validity. If any provision, chapter, or part of chapter, sentence or clause of this ordinance shall be held unconstitutional or invalid all other parts, provisions and sections of this ordinance not expressly held to be so void or unconstitutional shall continue in full force and effect; in addition, the City Council shall maintain the right to suspend or alter this chapter or any part thereof, by subsequent chapters at any time, should it determine, or it be found, that the rules and regulations contained herein are being abused and/or misused.

10.88.100 Violation-penalty. Any person violating provisions of this chapter shall incur a civil penalty of \$125.00, with the exception of any person convicted of violating Section 10.88.070, paragraph F, who shall be guilty of a misdemeanor. Fines and imprisonment for a misdemeanor shall be provided by state law. (Ord. 1688, 2009)

ATTACHMENT "A"

Those streets excluded from snowmobile and ORV traffic are:

1. All of Highway 395 within the city limits.
2. Meyers Street from 10th to Hwy 395.