

## **OFF-ROAD VEHICLE ORDINANCE**

Ordinance # 2006-2

Pend Oreille County, as authorized under RCW 46-09-180, proposes to enact the following  
**OFF ROAD VEHICLE ORDINANCE**

### **SECTION 1, Definitions**

A. An ORV or off road vehicle shall mean a 2, 3, 4, or 6 wheel non-highway vehicle, commonly known as an ATV, UTV or motorized off road motorcycle, manufactured primarily for recreational non-highway all terrain use.

B. Specific types of vehicles excluded from this ordinance are:

1. Dune buggies
2. Rails
3. Go carts
4. Golf carts
5. Home made unlicensed vehicles
6. Rally cars

### **SECTION 2, Operating an ORV on Pend Oreille County Roads.**

**Unless otherwise specified, violation of any portion of this ordinance shall be a traffic infraction.**

A. ORV'S operating on Pend Oreille County Roads must comply with state requirements for registration, ORV use permits and equipment laws.

B. Persons operating ORV'S on Pend Oreille County Roads must comply with all state and Pend Oreille County laws for operating ORV'S

1. In addition to state laws, Pend Oreille County requires operators of ORV's to be at least 16 years of age and possess a current valid driver's license.

2. ORV equipment must comply with state regulations RCW 46.09.120 as follows.

a. Headlight, tail light, adequate brakes and state approved spark arrester.

b. A DOT approved helmet is required and must be fastened securely to operators head while in motion.

3. The ORV must be equipped with an adequate, and operating, muffling device which effectively limits vehicle noise to no more than eighty-six decibels on the "A" scale at fifty feet as measured by the Society of Automotive Engineers (SAE) test procedure J 331a, except that a maximum noise level of one hundred and five decibels on the "A" scale at a distance of twenty inches from the exhaust outlet shall be an acceptable substitute in lieu of the Society of Automotive Engineers test procedure J 331a when measured.

(l) At a forty-five degree angle at a distance of twenty inches from the exhaust

(3) For the purposes of this section, "hunt" means any effort to kill, injure, capture, or purposely disturb a wild animal or bird.

(4) Violation of this section is a gross misdemeanor.

G. Operators using a paved highway shoulder trail are required to operate on the trail at all times except when crossing the highway, which shall be done at a 90 degree angle.

### **SECTION 3, Penalties for violations of this ordinance**

- A; Violation of any section of this ordinance, known as THE PEND OREILLE ORV ORDINANCE, that is not a traffic infraction, is punishable by a fine not exceed one thousand dollars. The parent or legal guardian of a child violating Section 2. (B) (1) of this ordinance, who knowingly allows the child to operate an ORV in violation of this ordinance is guilty of an infraction punishable by a fine not to exceed one thousand dollars.

### **SECTION 4, Civil liabilities**

1. In addition to the penalties provided in this ordinance, the owner and or operator of any ORV as described by the ordinance shall be liable for any damage to property, including, but not limited to, damage to trees, shrubs, or growing crops as the result of operating an ORV. The owner of such property may recover from the person responsible three times the amount of the damage.

### **SECTION 5, Pend Oreille county roads, segments of roads, shoulders, and shoulder trails designated for ORV use providing access to or between ORV recreation areas.**

1. All Pend Oreille County Primitive Roads or segments of primitive roads providing access to or between ORV recreation areas.
2. All rural Pend Oreille Roads with a speed limit of 35 mph or less providing access to or between ORV recreation areas.
3. All roads not in the above two categories, but designated for ORV use providing access to or between ORV recreation areas are as follows:

### **NORTH COUNTY AREA ROADS**

- 1 Cedar Creek Rd from lone to Stevens County line  
Provides access to Smack Out Pass ORV Trails USFS Rds 430, 424, and 300
- 2 Smack Out Pass Rd from Greenhouse Rd, lone, to Stevens County line  
Provides access to Smack Out Pass ORV Trails USFS Rds 430, 424, and 300
- 3 Meadow Rd from Smack Out Pass Rd to Stevens County Line  
Provides access to Aladdin ORV Trails USFS Rds 200, 255, 290, 050, and 140

- 4 Pickett Rd from Greenhouse Rd to Meadow Rd  
Provides access to USFS Rds 450 and Aladdin ORV Trails
- 5 Rocky Creek Rd from HWY 20 to Stevens County line  
Provides access to Joe Bluff ORV Trails and Gellette Mtn area ORV Trails  
USFS Rds 146, 360, 100, 330, 030, 140, 550, 535, 620 and 500
- 6 Hanks Butte Rd from Greenhouse Rd to HWY 20  
Provides access to USFS ORV Trail 450
- 7 Boundry Rd from HWY 31 to USA Border using shoulders  
Provides access to Boundry Lake Recreation Areas
- 8 Box Canyon Rd from Sullivan Lake Rd to Metaline Falls  
Provides access to Snyder Hill ORV Trails USFS Rds 146, 171, and 148
- 9 Dry Canyon Rd from Sullivan Lake Rd to LeClerc Rd  
Provides access to Dry Canyon ORV Trails USFS Rds 1933, and proposed  
1936, 112 and 1935 Loop
- 10 LeClerc Creek Rd from LeClerc Rd North to Dry Canyon Rd using shoulders  
Provides access to Dry Canyon ORV Trails USFS Rd 1933
- 11 Ruby Creek Rd from HWY 20 to Tacoma Creek Rd  
Provides access to Timber Mtn ORV Trails USFS Rds 423, 2712, and 186
- 12 Sullivan Lake Rd from Hwy 31 to Pau Pac Rd using shoulders  
Provides access to Snyder Hill and Dry Canyon ORV Trails  
USFS Rds 050, 063, 052, 148, 1933, 115, 112, and proposed Loop  
1936 and 1935.

## **MIDDLE COUNTY AREA ROADS**

- 1 LeClerc Rd North west side shoulder trail from the north entrance of  
Riverbend to USFS 12 Mill Creek Rd  
Provides access to proposed ORV Trail USFS Rd 12 Mill Creek
- 2 LeClerc Rd North from South entrance of Riverbend to USFS 041  
using shoulders  
Provides access to Proposed USFS Rd 041 and Browns Lake ORV Trails
- 3 Cusick Creek Rd from HWY 20 to end of road near Parker Lake  
Provides access to Power Line ORV Trail, County Rds and USFS Rd 003
- 4 Tacoma Creek Rd from HWY 20 to Ruby Creek Rd  
Provides access to all Timber Mtn, Granit Pk and Stevens County ORV  
Recreation Areas and Trails
- 5 Flowery Trail Rd between Bartlette Rd and USFS Rd 150 using shoulders

outlet;

(ii) With the vehicle stationary and the engine running at a steady speed equal

to one-half of the manufacturer's maximum allowable ("red line") engine speed or where the manufacturer's maximum allowable engine speed is not known the test speed in revolutions per minute calculated as sixty percent of the speed at which maximum horsepower is developed; and

(iii) With the microphone placed ten inches from the side of the vehicle, one-half way between the lowest part of the vehicle body and the ground plane, and in the same lateral plane as the rearmost exhaust outlet, where the outlet of the exhaust pipe is under the vehicle;

C. The maximum speed limit for operating an ORV on Pend Oreille County Roads shall be 35 mph or the posted speed limit, whichever is lower.

1. The speed limit for operating an ORV when approaching livestock or horseback riders shall be 10 mph.

2. The speed limit for an ORV when passing within 100 feet of an occupied dwelling on a dirt or gravel road shall be 10 mph.

3. All ORV travel on Pend Oreille County roads shall be single-file with the headlight of the ORV turned on.

4. ORV travel on paved Pend Oreille County Roads shall be with two wheels of the ORV placed on the shoulder of the road at all times, with the headlight turned on.

D. It is a violation for any person to operate any non-highway vehicle on lands not owned by the operator or owner of the non-highway vehicle in any area or 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. [RCW 46-0-120 (1) (g)]

E. It is a misdemeanor for any person to operate any non-highway vehicle while under the influence of intoxicating liquor or a controlled substance. [RCW 46-09-120 (2)]

F. (1) [From RCW 46.09.130] No person may operate a nonhighway vehicle in such a way as to endanger human life.

(2) No person shall operate a nonhighway vehicle in such a way as to run down or harass any wildlife or animal, nor carry, transport, or convey any loaded weapon in or upon, nor hunt from, any nonhighway vehicle except by permit issued by the director of fish and wildlife under RCW 77.32.237: PROVIDED, That it shall not be unlawful to carry, transport, or convey a loaded pistol in or upon a nonhighway vehicle if the person complies with the terms and conditions of chapter 9.41 RCW.

- Provides access to USFS ORV Trails 150, 471 and 470 using shoulders
- 6 Middle Fork Calispell Rd from West Calispell Rd to USFS 3530  
Provides access to all Middle Fork ORV Recreation Trails
  - 7 Kings Lake Rd from Usk to Bear Paw Rd using shoulders on paved sections  
Provides access to all Skookum/So Baldy ORV Recreation Trails
  - 8 Calispell Lake Loop: McKenziie Rd from Usk to Westside Calispell Rd to Bennett Rd to McKenzie Rd using shoulders on paved sections  
Provides access to all Middle Fork ORV Recreation Areas
  - 9 Westside Calispell Rd from Flowery Trail Rd to HWY 20 using shoulders  
Provides access to Batey Boulder ORV Recreation Area
  - 10 LeClerc Rd North from USFS 12 Mill Creek Rd to Yocum Lake County Rd using shoulders  
Provides access to Dry Canyon ORV Trails, Pan Handle Camp Ground, Yocum Lake, and Pend Oreille River
  - 11 Half Moon Lake Rd from Kings Lake Rd to Browns Lake  
Provides access to all Browns Lake OR Recreation Trails and Skookum/Baldy ORV Trails and Kings Lake ORV Trail Head/Sno/Park and Half Moon Lake

## **SOUTH COUNTY AREA ROADS**

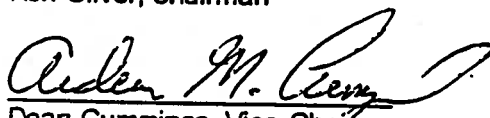
- 1 Rocky Gorge Rd from HWY 211 to West Calispell Rd  
Provides access to Grayback and Boyer Mtns ORV Recreation areas
- 2 Deer Valley Rd from HWY 211 to Dieter Rd using shoulders  
Provides access to Rocky Gorge County Rd for access to Grayback And Boyer Mtns areas
- 3 Dieter Rd from Deer Valley Rd to HWY 20  
Provides access to Mountain Mdws Lake and Baker Lake
- 4 LeClerc Rd South from Lenora Dr to Conklin Mdw Rd using shoulders  
Provides access to Conklin Mdws Rd for access to Skookum ORV Trails
- 5 Conklin Mdw Rd Loop from and to LeClerc Rd South using shoulders  
Provides access to Skookum OR Trails, Kings Lake Rd and Cooks Lake Rd and Cooks Lake
- 6 Bead Lake Rd from LeClerc Rd South to Cooks Lake Rd  
Provides access to all Skookum/So-Baldy ORV Recreation trails and Cooks Lake
- 7 Cooks Lake Rd from Bead Lake Rd to Best Chance Rd  
Provides access to Kings Lake Rd and all Skookum ORV Trails

- 2 Deer Valley Rd from HWY 211 to Dieter Rd using shoulders  
Provides access to Rocky Gorge County Rd for access to Grayback  
And Boyer Mtns areas
- 3 Dieter Rd from Deer Valley Rd to HWY 20  
Provides access to Mountain Mdws Lake and Baker Lake
- 4 LeClerc Rd South from Lenora Dr to Conklin Mdw Rd using shoulders  
Provides access to Conklin Mdws Rd for access to Skookum ORV Trails
- 5 Conklin Mdw Rd Loop from and to LeClerc Rd South using shoulders  
Provides access to Skookum OR Trails, Kings Lake Rd and Cooks Lake Rd  
and Cooks Lake
- 6 Bead Lake Rd from LeClerc Rd South to Cooks Lake Rd  
Provides access to all Skookum/So-Baldy ORV Recreation trails and  
Cooks Lake
- 7 Cooks Lake Rd from Bead Lake Rd to Best Chance Rd  
Provides access to Kings Lake Rd and all Skookum ORV Trails
- 8 Best Chance Rd from Cooks Lake Rd to Kings Lake Rd  
Provides access to all Skookum ORV Trails, Cooks Lake and Bead Rd

APPROVED THIS 6<sup>th</sup> DAY OF Sept, 2006

BOARD OF COUNTY COMMISSIONERS

  
Ken Oliver, Chairman

  
Dean Cummings, Vice-Chair

  
Mitch Brown, Member

ATTEST:   
Chris Mylar, Clerk of the Board