

ORDINANCE NO. 1579

ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF AMORY PROHIBITING THE USE OF ALL TERRAIN VEHICLES (ATV'S) UPON MUNICIPAL PROPERTY AND PROVIDING PENALTIES FOR THE VIOLATION OF THE REGULATIONS SET OUT BELOW.

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF AMORY MISSISSIPPI:

WHEREAS, the use of all terrain vehicles (hereinafter "ATV's") upon municipal streets is governed by the laws of the State of Mississippi including but not limited to Section 27-19-1 et seq and Section 63-7-1 et seq M.C.A.; and

WHEREAS, State law does not address the use of ATV's upon municipal property other than streets; and

WHEREAS, the Mayor and Board of Aldermen of the City of Amory has become aware of the use of ATV's upon Municipal property and the Mayor and Board of Aldermen believe it is in the best interest of the City of Amory and its Citizens to prohibit ATV use upon Municipal Property by the adoption of regulations that are not in conflict with the state statutes for municipal streets.

The following regulations and provisions shall apply to the use of ATV's upon municipal property:

Section 1: For the purpose of this ordinance, the following definitions shall apply:

- (a) ATV's shall mean all vehicles which are referred to commonly as all terrain vehicles including but not limited to "3-wheelers" and "four wheelers."
- (b) "Municipal property" shall mean all real property of the City of Amory other than Municipal Streets.

Section 2. It shall be unlawful for any person to operate or ride upon any ATV upon

municipal property of the City of Amory. The operator of the ATV and any passenger riding upon the ATV shall be subject to the regulations of this ordinance and subject to the penalties and fines set forth hereinbelow.

Section 3. The failure or refusal of any person to comply with any of the provisions of this ordinance, and the violation of any provision of this ordinance by any person shall constitute a misdemeanor. Any person guilty of violation of any provision of this ordinance shall, upon conviction thereof, be subject to a fine of up to \$1,000 or imprisonment for ninety days or both as allowable by Section 21-31-1 M.C.A.

Section 4. The provisions of this ordinance shall not apply to the lawful and necessary use of ATV's by law enforcement officials of any law enforcement agency of the State of Mississippi, Monroe County, or the City of Amory.

Section 5. This ordinance has been considered section by section, provision by provision, and as a whole, and if any section or provision hereof should be unconstitutional or invalid for any reason, the remaining provisions and sections hereof shall be valid, it being hereby declared that all constitutional and valid provisions hereof would have been enacted after the exclusion of any section or provision which might be found to be unconstitutional or invalid.

Section 6. This ordinance shall take effect and be in force as provided by law.

The above and foregoing ordinance being first reduced to writing, was read, considered and adopted, first section by section, and then as a whole.

THEREUPON, upon motion duly made by Alderman Wilkerson, seconded by Alderman French, to adopt the foregoing ordinance, and the ordinance was adopted by unanimous vote.

THEREUPON, the Mayor declared said ordinance approved, passed, and adopted on this the 1st day of October 2002.

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THOMAS GRIFFITH, MAYOR

ATTEST:

Suzanne C. Mobley  
SUZANNE MOBLEY, CITY CLERK

Peggie Wilkerson  
Peggie Wilkerson, Alderman Ward IV  
Curtis French  
Curtis French, Alderman At Large  
Howard Boozer  
Howard Boozer, Alderman Ward III  
John E. Darden  
John E. Darden, Alderman Ward II  
Dan Rogers  
Dan Rogers, Alderman Ward I