

**CITY OF BAYOU LA BATRE
ORDINANCE NO.: 2002-468**

ORIGINAL

**AN ORDINANCE REGULATING OPERATION OF MOTORIZED VEHICLES ON
PRIVATE PROPERTY WITHIN THE CITY OF BAYOU LA BATRE, ALABAMA**

WHEREAS, the City Council of the City of Bayou La Batre desires to protect, preserve and promote the health, safety, welfare and peace for the citizens of Bayou La Batre through the reduction, control and prevention of race tracks and excessive and unreasonable noise emitted from off-road vehicles and;

WHEREAS, the City Council of the City of Bayou La Batre desires to establish standards that will eliminate or reduce unnecessary and/or excessive noise which is detrimental to the quiet enjoyment of life and property to the citizens of the City of Bayou La Batre.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BAYOU LA BATRE that the following conduct and activities shall be unlawful within the city limits or police jurisdiction of the City of Bayou La Batre.

SECTION ONE: UTILIZATION OF OFF-ROAD VEHICLES

It shall be unlawful for any person to ride or operate in any manner, any motor drive cycle, all terrain vehicle (ATV), go-cart, dune buggy or moped on any private property not dedicated for public use in excess of ten (10) miles per hour in the city limits or police jurisdiction of the City of Bayou La Batre.

SECTION TWO: RACE TRACKS AND COURSES PROHIBITED

It shall be unlawful for any person, firm, corporation or any other entity to construct, maintain, operate and/or utilize any race track, trail, course whether for profit or not for profit for any purpose within the city limits or police jurisdiction of the City of Bayou La Batre.

SECTION THREE: LOUD DISTRIBUTING OR UNNECESSARY NOISE PROHIBITED

- (a) It shall be unlawful to discharge into the open air, exhaust from any internal combustion engine or any motorized vehicle whether on private or public property except through a muffler or other factory sound lessening device in good working order and in constant operation. The sound

therefrom shall not be plainly audible outside a radius of fifty (50) feet.

- (b) The use or operation of any motorcycle or internal combustion engine of any motorized vehicle on private property of public property, whether or not dedicated to public use which is plainly audible outside a radius of fifty (50) feet when the vehicle is being operated on the public highway or private property dedicated to public use.

SECTION FOUR: PENALTY

- (a) Any person found guilty of violating any provision of this ordinance shall be punished by a fine of not less than \$50.00 nor more than \$500.00 whereby imprisonment, for a period not exceeding six (6) months, or both, in the discretion of the municipal judge.
- (b) This ordinance shall be subject to enforcement by the issuance of a summons and a Municipal Offense Complaint pursuant to the provisions of Ordinance 375 as the same may, from time to time, be amended.

SECTION FIVE: SEVERABILITY

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence or part thereof shall be held unconstitutional on a ballot, such decision shall not affect or impair the remainder of this ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence or part thereof separately and independently of each other.

SECTION SIX: EFFECTIVE DATE

This Ordinance shall be effective upon publication.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BAYOU LA BATRE, ALABAMA, THIS THE 28th DAY OF MAY, 2002.

CITY OF BAYOU LA BATRE



STAN WRIGHT, MAYOR

ATTEST:



IMELDA B. McCLELLAN, CLERK

**STATE OF ALABAMA)
COUNTY OF MOBILE)**

I, **IMELDA B. McCLELLAN**, City Clerk of the City of Bayou La Batre, Alabama, do hereby certify the foregoing to be a true and exact copy of an Ordinance approved and adopted by the City Council of the City of Bayou La Batre, Alabama, at its meeting held on the 28th day of May, 2002.



IMELDA B. McCLELLAN, CITY CLERK