

City of Chelsea Alabama

FIREARMS AND EXPLOSIVES CONTROL ORDINANCE

ORDINANCE NO. 05-05-17-273

AN ORDINANCE TO CONTROL THE SHOOTING OR DISCHARGE OF WEAPONS AND EXPLOSIVES WITHIN THE CITY LIMITS AND POLICE JURISDICTION OF THE CITY OF CHELSEA, ALABAMA, AND TO AFFIX PENALTIES FOR VIOLATION OF THE SAME.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHELSEA, ALABAMA, AS FOLLOWS:

§1 - Definitions:

Whenever used in this Ordinance, unless otherwise clearly indicated, the following words and phrases shall have the following meanings:

EXPLOSIVE: Any device, but not limited to dynamite, C-4 or other material, which, when detonated, causes a sudden, violent blast from internal pressure, which causes harm to humans, animals and/or property. Explosives used for construction purposes or for domestic purposes must be issued permits for such use by the City.

FIREARM: Any device, but not limited to handguns, rifles, shotguns, air guns, air rifles, pellet guns, BB guns and bows, which discharges a dangerous projectile.

FIRING RANGE: Any facility that has been constructed specifically for the purpose of safely shooting firearms and is registered in Chelsea.

RESIDENTIAL SUBDIVISION- Large lot: A residential subdivision with a minimum lot size of three (3) acres. All residential subdivisions zoned A-R are included in this classification.

RESIDENTIAL SUBDIVISION- Small lot: A residential subdivision with a lot size less than three (3) acres. Residential subdivisions zoned E-1, E-2, R-1, R-2 are included in this classification.

FAMILY SUBDIVISION: A subdivision of land into no more than five (5) parcels, including remnant parcels, for the purpose of dividing land among the following designated legally related family members; spouse, siblings, children, grandchildren, parents, grandparents, or step-related individual of the same status, for residential use. A Family Subdivision may be classified as A-R, E-1, E-2, R-1, R-2.

§2 - Dangerous Projectiles; and Exceptions:

(a) It shall be unlawful to shoot or discharge a firearm, explosive device or other weapon which discharges a dangerous projectile, including arrows, in any residential subdivision within the city limits and police jurisdiction of the City of Chelsea, Alabama.

(b) It shall be unlawful to shoot or discharge a firearm, explosive device or other weapon which discharges a dangerous projectile, including arrows, toward a structure occupied by people or animals located within the city limits and police jurisdiction of the City of Chelsea, Alabama, and lies within the velocity/power range of the weapon and its projectile.

(c) It shall be unlawful to shoot or discharge a firearm, explosive device or other weapon which discharges a dangerous projectile, including arrows, onto adjoining property, without the property owner's written permission, which lies within the city limits and police jurisdiction of the City of Chelsea, Alabama, and that lies within the velocity/power range of the weapon and its projectile.

(d) Exceptions:

1. This ordinance shall not apply to the discharging of a firearm in the reasonable defense of a person, his family or his property.
2. This ordinance shall not apply to a firing range on private property that is registered with the City.
3. This ordinance shall not apply to peace officers or members of the United States armed forces in the performance of their duties.
4. This ordinance shall not apply to the discharge of fireworks on days of celebration when the discharge of fireworks is a normal, customary part of the celebration.
5. This ordinance shall not apply to the sale, purchase and possession of hand guns.

§3 - Menacing Action:

(a) It shall be unlawful for any person to present at (point at) another person any firearm, whether loaded or unloaded.

(b) It shall be unlawful for any person to present at (point at) another person any dangerous projectile such as an arrow, nocked, stretched and aimed to fire from any type of bow.

§4 – Reckless Endangerment:

It shall be unlawful for any person to recklessly engage in conduct which creates a substantial risk of serious physical injury to another person.

§5 - Penalty:

Any person convicted of violating the provisions of this Ordinance, upon conviction, shall be punished by a fine up to \$500.00 and/or a jail sentence of up to six months in the county jail.

§6 - Authority of this Ordinance:

This ordinance shall take precedence over any neighborhood covenants, however will not take precedence over a State Law for the same violation.

§7 - Sections and Provisions Severable:

If any section or provision of this ordinance shall be held invalid, such holding shall not affect any other section or provision of this ordinance, each of said sections and provisions being hereby declared severable.

§8 - Effective date:

This ordinance shall become effective on and after _____

ADOPTED this ____ day of _____, 2005

S. Earl Niven, Mayor

James V. Ferguson, Councilmember

Donald E. King, Councilmember

Jeffrey M. Denton, Councilmember

Col. John Ritchie, Councilmember

Juanita Champion, Councilmember

ATTEST:

Robert A. Wanninger - City Clerk

I, Robert A. Wanninger, Clerk of the City of Chelsea, Alabama, hereby certify that the above Ordinance was duly adopted by the Council of the City of Chelsea, Alabama at a regular meeting held on the _____ day of _____, 2005, and that same has been published in accordance with the law, on the _____ day of _____, 2005.

City Clerk

State Law References: Code of Alabama, 1975, §11-80-11; §11-80-45.1; §13A-11-50; §13A-6-23; §11-45-1.1; §13A-6-24.