

**ORDINANCE NO. 05-06-17-273**

**AN ORDINANCE TO CONTROL THE SHOOTING OR DISCHARGE OF FIREARMS 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:

**DISCHARGING:** The act of a person causing a firearm to fire, whether accidental or on purpose.

**FIREARM:** Any device, but not limited to pistols, 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.

**SHOOTING:** The act of a person aiming and discharging a firearm at a specific target whether an animal, human or any inanimate object.

**§2 - Dangerous Projectiles; Exceptions:**

(a) It shall be unlawful for any person to shoot or discharge any type of firearm toward a structure, whether occupied or not, that lies within 100 yards of the discharge site, without the written permission of the owner or lessee of the property.

(b) It shall be unlawful for any person to shoot or discharge any type of firearm within 50 yards of another person's property line without the written permission of the owner or lessee of the property.

(c) It shall be unlawful for any person to shoot or discharge any type of firearm within 50 yards of any road or street.

(d) Exceptions:

1. This ordinance shall not apply to the shooting or 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.
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 hunting on private property (with written permission from the owner) or hunting by a landowner on his or her own property providing that no projectile strikes any property of another, crosses the property of another, or crosses any road or street.
5. This ordinance shall not apply to the sale, purchase or possession of firearms.

**§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 - Penalty:**

Any person convicted of violating the provisions of the 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.

**§5 - Authority of this Ordinance:**

This ordinance shall take precedence over any neighborhood covenants that addresses the same subject.

**§6 - Sections and Provisions Severable:**

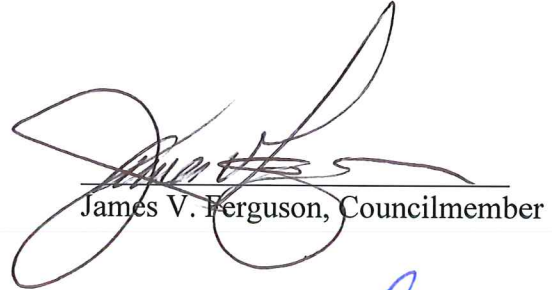
If any section or provision of this ordinance shall be held invalid, such holding shall not affect any other section or provision of this ordinance, each of said sections and provisions being hereby declared severable.

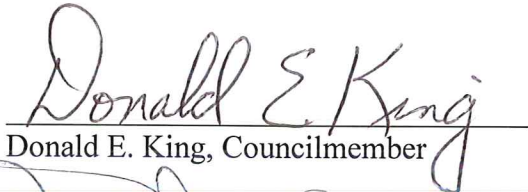
**§7 - Effective date:**

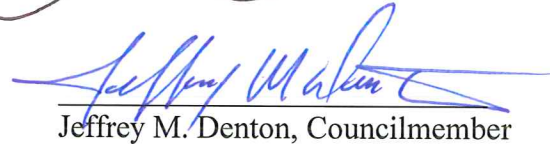
This ordinance shall become effective on and after 13 DEC 05

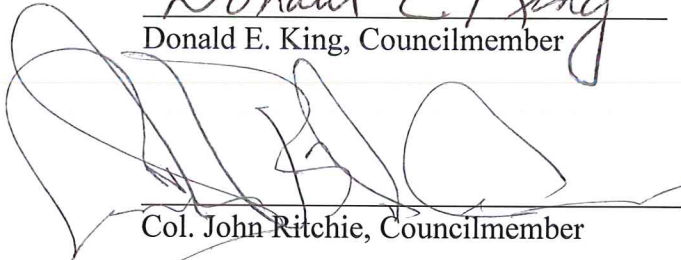
**ADOPTED** this 6<sup>th</sup> day of DEC., 2005

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S. Earl Niven, Mayor

  
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James V. Ferguson, Councilmember

  
\_\_\_\_\_  
Donald E. King, Councilmember

  
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Jeffrey M. Denton, Councilmember

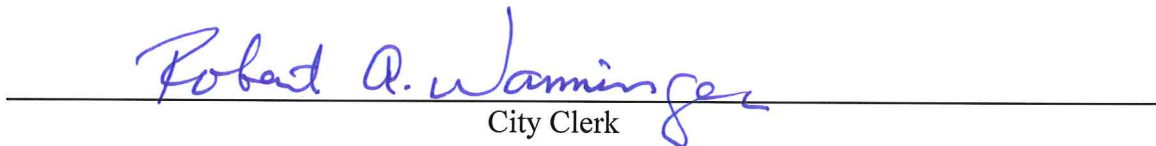
  
\_\_\_\_\_  
Col. John Ritchie, Councilmember

  
\_\_\_\_\_  
Juanita Champion, Councilmember

**ATTEST:**

  
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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 6<sup>th</sup> day of DEC., 2005, and that same has been published in accordance with the law, on the 7<sup>th</sup> day of DEC., 2005.

  
\_\_\_\_\_  
City Clerk

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