

## **ORDINANCE NO. 154-2002**

### **AN ORDINANCE PROHIBITING THE DISCHARGE OF FIREARMS WITHIN THE CORPORATE LIMITS OF THE CITY OF SPANISH FORT, ALABAMA**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:**

#### **SECTION 1. Discharge of Firearms-Prohibited.**

It shall be unlawful for any person or persons to discharge a firearm within the corporate limits of the City of Spanish Fort, Alabama, including, but not limited to, rifles, shotguns and pistols, without the written permission of the Chief of Police or the Mayor or as otherwise provided by the City Council.

#### **SECTION 2. Provision for Certain Persons Authorized to Discharge Firearms.**

This Ordinance shall not apply to any duly appointed and acting federal, state, county or municipal law enforcement officer; any military or militia personnel called out or directed by a constituted authority to keep the law and order while acting in furtherance of their duties; any park ranger while acting as such on the grounds of a public park; or any such law enforcement officer or military militia personnel while participating in any duly authorized training. This Ordinance shall not be construed to prohibit any person from discharging a firearm in lawful defense of life, limb or property.

#### **SECTION 3. Provision for Hunting Migratory Birds.**

This Ordinance shall not prohibit the discharge of a shotgun for the purpose of hunting migratory birds or waterfowl during the period of time designated on an annual basis for the hunting of said migratory birds or waterfowl by the Department of Conservation and Natural Resources of the State of Alabama. Provided, however, it shall be illegal to discharge a shotgun within three hundred (300) feet of any structure designed for human occupation without first obtaining the consent or permission of the legal occupant of said premises.

#### **SECTION 4. Provision for Hunting Other Game.**

This Ordinance shall not prohibit the discharge of a firearm for the purpose of hunting game during the period of time designated on an annual basis for the hunting of said game by the Department of Conservation and Natural Resources of the State of Alabama, as long as the hunting activities take place on a parcel of property, or parcels of property forming a hunting club and subject to a lease for that purpose, containing not less than 40 acres of land. Provided, however, it shall be illegal to discharge a firearm within three hundred (300) feet of any structure designed for human occupation without first obtaining the consent or permission of the legal occupant of said premises.

#### **SECTION 5. Conflicts.**

Nothing in this Ordinance shall be construed to be in conflict with any rules or regulations promulgated by the Department of Conservation and Natural Resources of the State of Alabama, or any federal hunting rules or regulations. It is not the intent of this Ordinance to be in conflict with any hunting rules or regulations promulgated by the State of Alabama or the United States of America.

#### **SECTION 6. Penalties.**

Any person found to be in violation of this Ordinance shall, upon conviction, be punished by a fine of not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00) and/or may be imprisoned or sentenced to hard labor for the City of Spanish Fort for a period not exceeding six (6) months, at the discretion of the court trying the case.

**SECTION 7. Severability Clause.**

If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

**SECTION 8. Repealer Clause.**

Ordinance No. 120-2001 is hereby repealed. Any other ordinance heretofore adopted by the City Council of the City of Spanish Fort, Alabama, which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.

**SECTION 9. Effective Date.**

This Ordinance shall become effective upon its adoption or as otherwise required by state law.

**ADOPTED AND APPROVED** this *3<sup>rd</sup> day of September, 2002.*

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GREGORY A. KUHLMANN  
MAYOR

ATTEST:

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MARY LYNN WILLIAMS, CMC  
CITY CLERK