

**CITY OF BAYOU LA BATRE
ORDINANCE NO.: 2001-452**

**AN ORDINANCE TO REGULATE THE DISCHARGE OF FIREARMS IN THE CITY
LIMITS OF THE CITY OF BAYOU LA BATRE**

**BE IT ORDAINED BY MAYOR AND COUNCIL OF THE CITY OF
BAYOU LA BATRE, ALABAMA, AS FOLLOWS:**

SECTION ONE: PURPOSE

This Ordinance is enacted to protect, preserve and promote the health, safety, welfare and peace and quiet for the citizens of the City of Bayou La Batre, Alabama through the regulation of discharge of certain firearms.

SECTION TWO: DEFINITIONS

- a. Firearms:** For the purpose of this Ordinance, the term "Firearms" shall be construed to include the following:
- rifles, including but not limited to .22 caliber rifles
 - air rifles (see Section b for definition)
 - pellet guns
 - slingshots
 - air pistols
 - gravel shooters
 - blow guns
 - shot guns
 - pistols
 - handguns
- b. Air Rifle:** For the purpose of this Ordinance, the term "Air Rifle" shall be construed to include the following:
- air rifles
 - air guns
 - air pistols
 - pellet guns
 - BB guns
 - pellet pistols
 - paint pistols

- any implement or device capable of propelling any shot, slug, pellet, BB or other missile by means of compressed air, compressed gas, lever, or by means of any spring, elastic or rubber device or any like devise

SECTION THREE: PROHIBITED ACTIVITIES

- a. It shall be unlawful for any person to shoot or discharge any firearm or air rifle within the limits of the City of Bayou La Batre, including, but not limited to in, over or along any of the parks, streets or alleys of the City or in, along, over or across the premises of another.
- b. It shall be unlawful for any person to permit his or her minor child or ward, or any child in his or her custody, to shoot or discharge any firearm or air rifle within the limits of the City.

SECTION FOUR: EXCEPTIONS

- a. Any organized club may, after application to the City Clerk, obtain a license for military parades or reviews, competitive marksmanship tourneys, turkey shoots and the like. Such permit shall be limited to a certain time, place and manner.
- b. The provisions of this Ordinance shall not apply in the following circumstances:
 1. where the discharge is made upon any parcel of unimproved real property which is five (5) acres or larger in size and where a shot gun of twelve (12) or higher gauge and number six (6) or higher shot is utilized which discharge is made for purposes of bird, fowl or duck hunting.
 2. where the discharge is made in defense of self, home or family;
 3. where the discharge is duly constituted and made in the course of supervised military training by any branch of the



Armed Forces of the United States or by the Alabama National Guard; or

4. where discharge is made by any duly constituted law enforcement agencies of the City, County and State for the United States.

SECTION FIVE: PENALTIES

- a. A police officer, on observing the violation of this Ordinance, or in the investigation of a violation of this Ordinance wherein a sworn complaint has been made, may take any such firearm or air rifle into his or her custody and deliver it to the chief of police as evidence. Such firearm or air rifle shall not be released until the investigation is completed, and in the event the firearm or air rifle was taken from the possession of a minor child, it shall not be released to any person other than the parent, guardian, or other adult person having charge or custody of such minor child.
- b. Any person violating any provision hereunder shall be guilty of a misdemeanor and upon conviction, shall be fined not more than five hundred dollars (\$500.00), and may be imprisoned for not more than six (6) months.

SECTION SIX: SEVERABILITY

If any article, section, sentence, clause or phrase in this Ordinance is, for any reason, held to be invalid or unconstitutional by declaration of any Court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this Ordinance.

SECTION SEVEN: REPEALER

Ordinance No. 336 is hereby repealed in its entirety and all other City of Bayou La Batre Ordinances or parts of Ordinances in any manner conflicting herewith are hereby repealed. All City of Bayou La Batre Ordinances, including any penalty provisions, in conflict with the provisions of this Ordinance, insofar as they conflict.

SECTION EIGHT: EFFECT OF ORDINANCE

This Ordinance shall be in full force and effect from and after its adoption and publication as required by law. This Ordinance applies to property within the city limits and police jurisdictions of the City of Bayou La Batre, Alabama and shall be in force and effect therein.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BAYOU LA BATRE, ALABAMA, THIS THE 9th DAY OF OCTOBER, 2001.



STAN WRIGHT, MAYOR

ATTEST:


IMELDA McCLELLAN, CLERK