

**CITY OF ASHVILLE, ALABAMA**  
**ORDINANCE NO. M 2004- 004**

**AN ORDINANCE TO GOVERN THE DISCHARGE OF FIREARMS**

WHEREAS, the Mayor and City Council of the City of Ashville have been requested to adopt an ordinance prohibiting or regulating the discharge of firearms within the City in certain instances; and

WHEREAS, the Mayor and City Council are of the opinion that it is necessary for the protection of the health and welfare of the citizens of the City to adopt an ordinance regulating the discharge of firearms within the corporate limits of the City.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and City Council of the City of Ashville Alabama (the "City") as follows:

**Section 1: Definitions**

As used herein, the following terms and phrases shall have the following meanings:

"Firearm" means any instrument from which shot, shell, bullets or other projectile is discharged by gunpowder and shall include, without limitation, shotguns, rifles, handguns (as applicable). (See Section 7 below for application of Code of Alabama, 1975, 11-45-1.1 regarding handguns.)

**Section 2: Adoption of State Code Offenses**

It shall be unlawful for any person to violate within the corporate limits of the City any law of the state, now or herein enacted, pertaining to the possession, ownership, use or discharge of a firearm including any pistol related offenses. Any person in violation of same shall be punished as provided in Section 5 of this Ordinance.

**Section 3: Discharge of Firearms**

(A) It shall be unlawful for any person to discharge a firearm within the corporate limits of the City on any parcel of property containing less than two (2) contiguous acres or within two hundred (200) feet of any roadway, school, park, church, business or dwelling (other than the dwelling of the person discharging the firearm and his/her guest(s)) except as follows:

(1) in self-defense or in the defense of another person as provided for in Code of Alabama, §13A-3-23 (1975)

(2) for protection of livestock from predators; and

(3) when the discharge can be accomplished in a safe and responsible manner so as to not be a threat to the safety of others or the use of

surrounding property; provided, however, that any discharge must be conducted in such a manner that any projectile discharged from a firearm will not go onto the property of another person.

(B) Notwithstanding anything to the contrary herein, it shall be unlawful to discharge a firearm within two hundred (200) feet of any roadway, school, park, church, business or dwelling (other than the dwelling of the person discharging the firearm and his/her guest(s)).

(C) Notwithstanding anything to the contrary herein, no person shall hunt any wild game with a firearm or shoot for sport (skeets, sporting clays, targets) within two hundred (200) feet of any roadway, school, park, church, business or dwelling (other than the dwelling of the person discharging the firearm and his/her guest(s)).

(D) This ordinance is not intended to take away any hunting or shooting for sport so long as the discharge can be accomplished in a safe and responsible manner so as to not be a threat to the safety of others or the use surrounding property and as otherwise provided herein.

**Section 4: Violation – A Misdemeanor**

Any person who shall be convicted of a violation any of the provision of this Ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment for not more than six (6) months or by both fine and imprisonment. Each day that any violation is committed shall constitute a separate offense and shall be punishable as a separate offense.

**Section 5:** That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

**Section 6:** That this ordinance shall become effective upon passage, approval and publication as required by law.


**Section 7:** That pursuant to Code of Alabama, 1975, 11-45-1.1 this ordinance is not to tax, restrict, prevent or in any way affect the possession or ownership of handguns by the citizens of the state.

**Section 8:** The provisions of this Ordinance are severable. If any part of this resolution is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

This resolution shall become valid immediately upon passage, and publication as required by law.

  
Robert L. McKay, Mayor

ATTEST:

  
Bertha Wilson, City Clerk

ADOPTED AND APPROVED THIS THE 6 th day of December,  
2004.


I, Bertha Wilson, City Clerk of the City of Ashville, Alabama hereby certify that the above is a true and correct copy of an Ordinance duly adopted by the City of Ashville, Alabama at its regular meeting on Monday, the 6 th day of December, 2004, and the same appears of record in the minute book of said date of said City. Given under by hand and corporate seal of the City of Ashville this 6 th day of December, 2004.

  
City Clerk

**Posted: 12-06-04**

**Taken Down: 12-15-04**

I, Bertha Wilson, City Clerk hereby certify this Ordinance was posted by me at the Ashville Rexall Drugs, Ashville Library and Ashville City Hall in said City and State.

  
Bertha Wilson  
City Clerk