

ORDINANCE NO. 2025-05

AN ORDINANCE TO GOVERN THE DISCHARGE OF FIREARMS WITHIN THE CORPORATE LIMITS OF THE TOWN OF CLEVELAND, ALABAMA

BE IT ORDAINED, by the Town Council of the Town of Cleveland, Alabama, as follows:

WHEREAS, the Town Council of the Town of Cleveland, Alabama has the authority to regulate the discharge of firearms within the Town in certain instances: and

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

NOW THEREFORE, BE IT ORDAINED by Mayor and the Town Council of the Town of Cleveland, Alabama 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 projectiles are discharged by gunpowder and shall include, without limitation, shotguns, rifles, and 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 Town 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 the 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 Town on any parcel of property containing less than five (5) contiguous acres or within two hundred (200) yards of any roadway, school, park, church, business or dwelling, other than the

dwelling of the person discharging the firearm under the following circumstances:

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

(2) for the protection of livestock from predators; or

(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 from a firearm will not go into the property of another person; or

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

(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) yards from any roadway, school, park, church, business or dwelling, other than the dwelling of the person discharging the firearm and his/her guest(s).

Section 4. Violation- A Misdemeanor

Any person who shall be convicted of a violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred and no/100 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. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. This ordinance shall become effective upon passage, approval, and publication as required by law

Section 7. Pursuant to the Code of Alabama, 1975, 1-45-1.1 this ordinance is not to tax, restrict, prevent, or in any way affect the possession or ownership of handguns by the citizens of this 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 Ordinance shall become valid immediately upon passage, approval, and publication as required by law.

ADOPTED AND APPROVED on this the 28th day of January 2025.

TOWN OF CLEVELAND, ALABAMA

By: Janice Sullivan
Mayor

ATTEST:

[Signature]
Town Clerk