

ORDINANCE NUMBER 9-17-12

AN ORDINANCE MAKING THE VIOLATION OF A STATE HANDGUN AND FIREARM LAW A VIOLATION OF A MUNICIPAL ORDINANCE; TO PROTECT THE PUBLIC HEALTH BY ENFORCING ALABAMA STATUTE § 13A-11-59 REGARDING CONDUCT AT CITY COUNCIL MEETINGS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, all meetings of the Rainsville City Council and the committees thereof are held in places to which the general public has access and a right to resort for business or other lawful purpose, normally in public buildings and on public grounds, as defined and described in § 13A-11-59(a)(4), Code of Alabama (1975);

WHEREAS, attendance by members of the public at the meetings of the Rainsville City Council and the committees thereof is conduct, like demonstrating, picketing, speechmaking or marching, and holding of vigils, which involves the communication or expression of views or grievances engaged in by one or more persons, the conduct of which has the effect, intent, or propensity to draw a crowd or onlookers, as defined and described in § 13A-11-59(a)(1), Code of Alabama (1975);

WHEREAS, the Legislature has passed § 13A-11-59, Code of Alabama (1975), a state handgun and firearm law, making it unlawful for any person, other than a law enforcement officer, to have in his or her possession or on his or her person or in any vehicle any pistol, rifle, shotgun or firearm of any kind, whether loaded or not, while participating in or attending any such demonstration being held at a public place.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RAINSVILLE, ALABAMA, as follows:

SECTION 1. It shall be unlawful, a violation of § 13A-11-59, Code of Alabama (1975), and shall be a violation of this municipal ordinance of the City of Rainsville, for any person, other than a law enforcement officer, to, while within the corporate boundaries and/or the police jurisdiction of the City of Rainsville, have in his or her possession or on his or her person or in any vehicle any pistol, rifle, shotgun or firearm of any kind, whether loaded or not, while participating in or attending a meeting of the Rainsville City Council, a meeting of any committee or other board appointed by such Council, or any other demonstration being held in a public place.

SECTION 2. It shall be unlawful for any person, other than a law enforcement officer as defined in subsection (a) of § 13A-11-59, Code of Alabama (1975), to have in his or her possession or about his or her person or in any vehicle at a point within 1,000 feet of a meeting of the Rainsville City Council, a meeting of any committee or other board appointed by such Council, or any other demonstration being held in a public place, any pistol, rifle, shotgun or firearm of any kind, whether loaded or not, after having first been advised by a law enforcement officer that a meeting of the Rainsville City Council, a meeting of any committee or other board appointed by such Council, or any other

demonstration is taking place at a public place and after having been ordered by such officer to remove himself or herself from the prescribed area until such time as he or she no longer is in possession of any pistol, rifle, shotgun or firearm of any kind, whether loaded or not; provided, this section shall not apply to any person in possession of or having on his or her person any firearm within a private dwelling or other private building or structure.

SECTION 3. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be punished by being jailed in the city jail for a period of up to 6 months, by payment of a fine up to \$500.00, or both.

Adopted this 17th day of September, 2012.


DONNIE CHANDLER, Mayor

Attest:


JUDY LEWIS, Clerk

CLERK'S CERTIFICATE

I hereby certify that Ordinance No. 9-17-12 was published on the 20th day of September, 2012, by publication of the same:

in *The Mountain Valley News*, a newspaper of general circulation in the City of Rainsville; and/or

by posting at Rainsville City Hall, the Rainsville Public Library, the Rainsville Post Office, and Rainsville Foodland.


JUDY LEWIS, Clerk