

ORDINANCE NUMBER 2011-22

AN ORDINANCE OF THE CITY OF HAMILTON PROHIBITING THE POSSESSION OR CARRYING OF CERTAIN FIREARMS, AIR GUNS AND KNIFES WHILE ON MUNICIPAL PROPERTY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

BE IT ORDAINED by the City Council of the City of Hamilton, Alabama, as follows:

WHEREAS, municipal property are places where the public commingles, plays, exchanges free thought and thus said property should be held inviolate; and

WHEREAS, certain firearms, guns and knives, unregulated on municipal property, can be accompanied by civil unrest and disturbance, accompanied in some cases by significant public injuries and property damage; and

WHEREAS, courts have recognized the right of municipalities to enact reasonable time, place and manner restrictions related to these weapons; and

WHEREAS, the City of Hamilton, Alabama is empowered to enact ordinances concerning this subject matter and it is reasonable and appropriate for the City of Hamilton, Alabama to enact the regulations hereinafter provided to protect public safety, and ensure the safety of individuals and property while also respecting and ensuring Free speech rights; and

AND WHEREAS, to properly protect the right of the public to engage in free speech, while balancing the City's need to have reasonable time, place and manner regulations on the same, it is necessary to adopt a the following Ordinance.

It shall be unlawful for any person or persons, to possess, or carry, or have control over, a firearm, air gun, or knife whose blade is 2 1/2 inches or longer and/or whose overall length is greater than 6 inches, or other device whose use is intended by design to be a weapon of any type, or tool or implement whose use is not intended by design to be a weapon but whose physical presence in a venue that is not reasonably associated with its normal intended and designed use that is capable of being used as a weapon (i.e. screwdriver, hammer, pipe length, etc.) while at any municipal building, complex, or recreational facility, the immediate grounds or parking areas of such municipal building, grounds, or recreational facility, or any public assembly, parade, public protest, or public demonstration that is conducted under the authority of a City of Hamilton permit for such event or otherwise is required by Hamilton City Ordinance to have obtained an permit (ref: Ordinance 2011-4). This ordinance is notwithstanding any person being the holder of an otherwise valid pistol or concealed weapons permit as the holder of such permit is not considered to fall under the authority of such permit while in or at any of the described properties or events. This ordinance is applicable to the possession of any of the described weapons, either concealed or in plain view, when carried on the person or in a vehicle or place or other possession or article under the control of any person or persons. This ordinance is not applicable to federal or state certified law enforcement officers to include honorably retired federal or state certified law enforcement officers, or to officially elected and currently serving city, county, state, or federal officials, or to

currently appointed and serving court prosecutors or magistrates or judges, or to any other such person who has been approved by the currently serving Chief of Police for the City of Hamilton.

Any person or persons convicted of a violation of the terms of this ordinance shall be guilty of a misdemeanor and punished by a fine not to exceed \$500.00, or by confinement in the jail or correctional institution utilized by the City for a period of time not to exceed thirty days, or both, in the discretion of the Municipal Court Judge.

Any weapon of any description seized as evidence of such a violation shall upon conviction of the offender be immediately forfeited to the City of Hamilton Police Department who may at the discretion of the Chief of Police integrate the weapon into the existing department inventory, dispose of the weapon to a licensed firearms dealer for consideration of trade for department supplies, or destroy the weapon. In no case will the weapon be sold or traded directly to the general public.

This ordinance shall become effective upon adoption and publication.

SO ADOPTED by the City Council of Hamilton, Alabama, this _____ day of _____, 2011.

J. Robert Holliday, Jr.

Mayor for the City of Hamilton

Authenticated:

Jan Williams, Clerk

For the City of Hamilton