

**IN THE SUPERIOR COURT OF CHATHAM COUNTY
 STATE OF GEORGIA**

CLARENCE BELT,)	
Plaintiff,)	
)	Civil Action No. SPCV24-00555-KA
v.)	
)	
CITY OF SAVANNAH, GEORGIA,)	
)	
Defendant)	

AMENDED COMPLAINT

Plaintiff Clarence Belt, by counsel, John R. Monroe and John Monroe Law, P.C., states the following as his Complaint:

Introduction

1. This is a Complaint for declaratory and injunctive relief, seeking to have a City of Savannah ordinance regulating storing firearms in vehicles declared void and unenforceable, on the grounds that the ordinance is preempted by state law, the Georgia Constitution, and is *ultra vires*.
2. Plaintiff (“Belt”) is a natural person who resides in Jesup, Wayne County, Georgia.
3. Defendant (“City”) is a city organized under the laws of the State of Georgia, and it has offices at 2 East Bay Street; Savannah, GA 31401.
4. On or about April 11, 2024, the City council passed an ordinance, Section 9-1028, regulating “Secured Storage of Firearms, Rifles, and Shotguns in Parked Vehicles” (“the Ordinance”).
5. On or about April 15, 2024, the mayor of the City signed the Ordinance into law.

6. The Ordinance requires 1) that a firearm stored in an unoccupied vehicle must be “securely stored in a glove compartment, console, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk; 2) a firearm stored in an unoccupied vehicle not be visible; and 3) the doors of an unoccupied vehicle in which a firearm is stored must be locked.
7. Violations of the Ordinance are punishable by a fine of up to \$1,000 and imprisonment of up to 6 months.
8. Belt is a frequent visitor of Savannah for shopping, dining, and doctor visits.
9. Belt is a “lawful weapons carrier” as that term is used in O.C.G.A. § 16-11-125.1.
10. Except for the Ordinance, Belt is otherwise entitled under law to store a firearm in his vehicle in any manner.
11. Belt keeps a firearm in his vehicle, including when he visits Savannah.
12. Belt is unable or unwilling to store a firearm in a glovebox, console or trunk (or behind the last row of seats) in his vehicle.
13. Belt is unable or unwilling to store a firearm in his vehicle so that it is not visible.
14. Belt is unable or unwilling to lock the doors of his vehicle when he stores a firearm in it.
15. Belt is in fear of arrest and prosecution for violations of the Ordinance.
16. O.C.G.A. § 16-11-173(a) states, “It is declared by the General Assembly that the regulation of firearms is properly an issue of general, state-wide concern.”
17. O.C.G.A. § 16-11-173(b)(1) states, “No county or municipal corporation, by zoning or by ordinance, resolution, or other enactment, shall regulate in any manner gun shows; the possession, ownership, transport, carrying, transfer, sale, purchase, licensing, or

registration of firearms or components of firearms; firearms dealers; or dealers in firearms components.”

18. Article IX, Section II, Paragraph I(a) of the Georgia Constitution states, in pertinent part, “The governing authority of each county shall have legislative power to adopt clearly reasonable ordinances...for which no provision has been made by general law....This, however, shall not restrict the authority of the General Assembly by general law to further define this power or to ... limit ... the exercise thereof.”
19. O.C.G.A. § 16-11-173(g) provides for a private right of action by anyone “aggrieved by a violation of [O.C.G.A. § 16-11-137].”
20. O.C.G.A. § 16-11-173(g) provides that the “aggrieved person shall be entitled to reasonable attorney’s fees and expenses of litigation.”
21. O.C.G.A. § 16-11-173(g)(1) provides for the recovery of damages of not less than \$100.

Count I – The Ordinance is Preempted

22. The Ordinance is preempted by, and repugnant to, O.C.G.A. § 16-11-173, and is therefore void and unenforceable.

Count II – The Ordinance is *Ultra Vires*

23. Defendant has no power to enact the Ordinance, as such power is specifically withheld from Defendant by Article IX, Section II, Paragraph I(a) of the Georgia Constitution, and further limited by O.C.G.A. § 16-11-173, so the Ordinance is *ultra vires*.

Prayer for Relief

Plaintiff demands the following relief

24. A declaration that the Ordinance is preempted by O.C.G.A. § 16-11-173 and the Georgia Constitution.
25. A declaration that the Ordinance is *ultra vires*.
26. An injunction prohibiting the City and its officers, agents, and employees from enforcing or attempting to enforce the Ordinance.
27. An interlocutory injunction prohibiting enforcement of the Ordinance during the pendency of this case.
28. \$100 in damages.
29. Reasonable attorney's fees and expenses of litigation.
30. A jury to try this case.
31. Any other relief the court deems proper.

/s/ John R. Monroe

John R. Monroe,
John Monroe Law, P.C.
Attorneys for Plaintiff
156 Robert Jones Road
Dawsonville, GA 30534
678-362-7650
State Bar No. 516193
jrm@johnmonroelaw.com

VERIFICATION

I swear or affirm that the facts alleged in the foregoing complaint are true to the best of my knowledge.

Clarence I. Belt
Clarence Belt

The above-named Clarence Belt appeared before me personally on the 1 day of May, 2024 in Wayne County, Georgia and subscribed to and swore to this document.



Rm Roberts
Exp 12/06/2025