

# PROHIBITION ON DISCHARGE OF FIREARMS

## SECTION I

### AUTHORITY

- 1.01 These regulations are adopted by the Commissioners Court of Bastrop County, Texas acting in its capacity as the governing body of Bastrop County, Texas. The authority of Bastrop County to adopt these regulations is V.T.C.A. Local Government Code § 235.022 as amended.

## SECTION II

### ADMINISTRATION

- 2.01 Commissioners Court hereby designates the Sheriff of Bastrop County, Texas or any constable of any precinct of Bastrop County, Texas as well as any other peace officer certified by the State of Texas to enforce these regulations.

## SECTION III

### AREA COVERED BY REGULATIONS

- 3.01 These regulations only apply to a subdivision all or part of which is located in the unincorporated area of Bastrop County. It is affirmative defense to prosecution under this Order that the violation occurred in a subdivision for which a plat is not required to be prepared and filed under V.T.C.A. Local Government Code, Chapter 232.

## SECTION IV

### DEFINITIONS

- 4.01 As used in these regulations:
- a. **“Commissioners Court”** means Commissioners Court of Bastrop County, Texas;
  - b. **“County”** means Bastrop County, Texas;

- c. **“Firearms”** means any device designated, made or adapted to expel a projectile through a barrel, tube, or similar device by using the energy generated by an explosion or burning substance or any device readily convertible to that use.
- d. **“Regulated Lot”** means a tract of land or a lot that is:
  - 1.) within the unincorporated areas of Bastrop County and for which Chapter 232 of the Local Governmental Code requires a plat to be prepared and filed; and
  - 2) within a subdivision of five (5) or more contiguous lots each of which lots are less than five (5) acres, both individually and including any contiguously owned lots or tracts as reflected by the records of the Bastrop County Clerk or the Bastrop Central Appraisal district.
- e. **“Residence”** means any home, house, apartment, or other structure, used full time or part time, as a dwelling, and which is not the dwelling of the person discharging the firearm; and
- f. **“School”** means a private or public elementary, secondary, or high school.

## SECTION V

### PROHIBITION

- 5.01 The discharge of firearms is prohibited within a regulated lot.
- 5.02 A person commits an offense if the person intentionally or knowingly discharges a firearm that is prohibited by this Order within a regulated lot and to which no exception applies.
- 5.03 A violation of these regulations is a Class C Misdemeanor. If it is shown on the trial of an offense under this Order that the person has previously been convicted of an offense under this order, the offense is a Class B Misdemeanor.

## SECTION VI

### EXCEPTIONS

- 6.01 The prohibition in this Order does not apply to the discharge of a firearm:
  - a. if used by a federally licensed firearm dealers, gunsmiths, persons that are licensed or certified by the state, or business establishments that operate an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting, if the operations is in existence before

the effective date of this order or if a school or residence locates within the distances, noted in section 5.01 b, of the lot on which the area is located unless specifically authorized by the Commissioners Court at a future date;

- b. if reasonably necessary to protect one's self, other persons, or property, from imminent harm, in accordance with state law;
- c. if necessary to shoot an animal reasonably believed to present, under the circumstances, the possibility of danger to a person or to a person's property;
- d. if blank cartridges are used for a salute at a military memorial, funeral, or other similar ceremony;
- e. if used by a peace officer certified by the State of Texas; or
- f. if prior consent is given by the Commissioners Court.

6.02 This Order does not prohibit or restrict the transfer, ownership, possession, manufacture, maintenance, repair, or transportation of firearms.

## SECTION VII

### EFFECT ON STATE LAW

7.01 These regulations do not legalize anything prohibited under the Penal Code or other state law. These regulations do not limit any defense found in the Penal Code.

## SECTION VIII

### SEVERABILITY

8.01 If any provision of these regulations or its application to any person or circumstances is held invalid or illegal for any reason, the invalidity or illegality does not effect any other provisions or applications of these regulations which can be given effect without the invalid or illegal provision or application, and to this end the provisions of these regulations are declared to be severable.

## SECTION IX

### EFFECTIVE DATE

9.01 This Order becomes effective on the date of approval of this Order.

Approved in Commissioners Court on June 25, 2007.