

ORDER NO. _____

**AN ORDER OF THE COMMISSIONERS' COURT OF ATASCOSA
COUNTY, TEXAS, PROHIBITING THE DISCHARGE OF FIREARMS
AND AIR GUNS AND PROHIBITING HUNTING WITH BOWS AND
ARROWS ON LOTS THAT ARE 10 ACRES OR LESS IN SUBDIVISIONS
IN THE UNINCORPORATED AREA OF ATASCOSA COUNTY AND
ESTABLISHING A PENALTY**

WHEREAS, it has been brought to the attention of the Commissioners' Court that there exists a concern for public safety arising from various instances involving the discharge of firearms in certain areas of Atascosa County, Texas; and

WHEREAS, Subchapter B, Chapter 235, Texas Local Government Code, provides that the commissioners' court of a county, by order, may prohibit, or otherwise regulate, the discharge firearms and air guns on lots of 10 acres or less in subdivisions that are located in the unincorporated areas of the county.

WHEREAS, Subchapter C, Chapter 235, Texas Local Government Code, provides that the commissioners' court of a county, by order, may prohibit, or otherwise regulate, hunting with bows and arrows on lots of 10 acres or less in subdivisions that are located in the unincorporated areas of the county.

NOW, THEREFORE, under the authority granted by Subchapters B and C, Chapter 235, Texas Local Government Code, **BE IT ORDERED** by the Commissioners' Court of Atascosa County as follows:

Article I. Purpose

1.01 This Order is adopted so that the County may promote the public health, safety, morals, and general welfare within the unincorporated areas of the County through the regulation of the discharge of firearms and air guns and the hunting with bows and arrows. The County seeks to prevent bodily injury, death, and property damage by restricting the use of such devices as provided herein.

Article II. Definitions

The following words, terms, and phrases, when used in this Order, shall have the meaning ascribed to them in this Article:

2.01 "Air Gun" means any device designed, made, or adapted to discharge a pellet, BB, or paintball by means of compressed air, gas propellant, or spring. The term "air gun" includes but is not limited to BB guns, pellet guns, air pistols, paintball guns, and air rifles.

2.02 "Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily

convertible to that use. The term "firearm" includes but is not limited to revolvers, pistols, handguns, rifles, and shotguns.

2.03 "Hunting" or "Hunts" means to capture, trap, take, or kill, or an attempt to capture, trap, take, or kill an animal, fish or other aquatic life, bird or fowl, or any other living creature.

2.04 "Subdivision" means all land encompassed within one or more maps or plats of land that is divided, prepared, and filed pursuant to Chapter 232, Texas Local Government Code, and all or part of which is located in the unincorporated area of Atascosa County.

2.05 "Subdivision Lot" or "Lot" means any parcel of land in a Subdivision which is ten (10) acres or less in size and which carries a lot designation.

Article III. Offense and Exceptions

3.01 A person commits an offense, if the person intentionally or knowingly discharges a Firearm or Air Gun on a Lot located in Atascosa County, Texas. Should the Subdivision be partly located within a municipality, then the prohibition provided herein shall apply only to that portion of the Subdivision which is outside the incorporated limits of said municipality.

3.02 It is a defense to prosecution under Section 3.01 that:

(a) The person discharged a firearm or air gun in the lawful defense or protection of a person or property in accordance with state law;

(b) The person was a licensed peace officer, licensed security guard, or a member of the United States or state armed forces at the time of the discharge and any such discharge is made in the course and scope of his or her official duties;

(c) The person was a duly appointed animal control officer, the discharge occurred in the course and scope of his or her official duties, and the animal control officer was euthanizing a sick or injured animal or eradicating a predatory animal;

(d) The person discharged a firearm or air gun to eradicate a predatory animal on his or her own property or with the written permission of the owner of the property and such discharge was performed safely, without endangering persons or property; or

(e) The person was using any mechanism designed to propel nails, bolts, screws, rivets, or other fasteners, so long as such mechanism was being used for its intended purpose.

3.03 A person commits an offense, if the person intentionally or knowingly hunts with a bow and arrow on a Lot located in Atascosa County, Texas. Should the Subdivision be partly located within a municipality, then the prohibition provided herein shall apply only to that portion of the Subdivision which is located outside the incorporated limits of said municipality.

3.04 The prohibition of the discharge of firearms and hunting with a bow and arrow shall not apply on property owned by the United States, state of Texas, or a political subdivision of this state, where the discharge or hunt is conducted by an official, employee, or agent of such entity or where conducted pursuant to an officially sanctioned wildlife management program.

Article IV. Violations and enforcement

4.01 An offense under Article III is a Class C misdemeanor, except that, the Offense is a Class B Misdemeanor if it is shown on the trial of the offense that the person has been previously convicted of an offense under Article III.

Article V. Miscellaneous

5.01 Repealer. The provisions of this Order are to be cumulative of all other orders or parts of orders governing or regulating the same subject matter as that covered herein; provided, however, that all prior orders or parts of orders inconsistent with or in conflict with any of the provisions of this Order, are hereby expressly repealed to the extent of any such inconsistency or conflict.

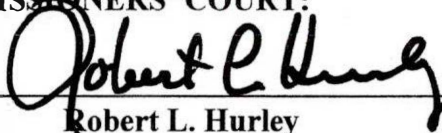
5.02 Severability. If any section, subsection, sentence, clause or phrase of this Order is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Order. The Commissioners' Court of Atascosa County hereby declares that it would have passed this Order and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

5.03 Limitation. It is the intent, in adopting this Order, that no portion or provision contained herein is to be construed so as to conflict with any state or federal statute, order, rule, or regulation.


5.04 This Order shall be in full force and effect upon passage and approval by the Commissioners' Court, as provided by law.


SIGNED THIS 13th DAY OF April, 2015, by a vote of 4 ayes and 0 nays.

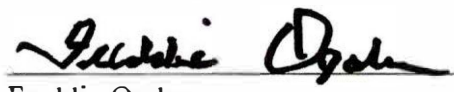
ATASCOSA COUNTY COMMISSIONERS' COURT:


Robert L. Hurley

County Judge


Lon "Lonnie" Gillespie 1
Commissioner, Pct. 1


William "Bill" Torans
Commissioner, Pct. 2


Freddie Ogden
Commissioner, Pct. 3


Bill Carroll
Commissioner, Pct. 4