

CORYELL COUNTY ORDER NO. 2016- 02

PROHIBITION ON DISCHARGE OF FIREARMS IN SUBDIVISIONS

SECTION I

AUTHORITY

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

SECTION II

ADMINISTRATION

- 2.01 Commissioners Court hereby designates the Sheriff of Coryell County, Texas or any constable of any precinct of Coryell 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 Coryell 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 Texas Local Government Code, Chapter 232.

SECTION IV

DEFINITIONS

- 4.01 As used in these regulations:
- a. "Commissioners Court" means Commissioners Court of Coryell County, Texas;
 - b. "County" means Coryell 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 located within the unincorporated areas of Coryell County and for which Chapter 232 of the Local Governmental Code requires a plat to be prepared and filed.

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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 reasonably necessary to protect one's self, other persons, or property, from imminent harm, in accordance with state law;
 - b. 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;
 - c. if blank cartridges are used for a salute at a military memorial, funeral, or other similar ceremony;
 - d. if used by a peace officer certified by the State of Texas; or
 - e. 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.

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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 affect 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 by the Coryell County Commissioners' Court this 13th day of JUNE,
2016.

COUNTY JUDGE:

ATTESTED BY COUNTY CLERK:



JOHN E. FIRTH



BARBARA SIMPSON

