



COUNTY OF BASTROP

ORDER #2020-02

**STATE OF TEXAS
COUNTY OF BASTROP**

**IN THE
COMMISSIONERS COURT**

**ORDER PROHIBITING THE DISCHARGE OF FIREARMS
IN SUBDIVISIONS**

WHEREAS, the Commissioners Court of Bastrop County, Texas desires to promote public safety and reduce the danger caused by discharge of firearms in subdivisions in the County: and

WHEREAS, Section 235.022 of the Texas Local Government Code provides that the Commissioners Court of a County by order may prohibit or otherwise regulate the discharge of firearms on lots that are 10 acres or smaller and are located in the unincorporated area of the county in a subdivision.

NOW, THEREFORE, the Bastrop County Commissioners Court enters the following order in multiple parts as follows:

Section 1-Definitions

- 1.1 Firearm: 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.
- 1.2 Subdivision: A subdivision of real property all or part of which is located in the unincorporated area of a county and for which a plat is required to be prepared and filed under Chapter 232, Texas Local Government Code.

Section 2-Prohibition

- 2.1 The discharge of firearms is hereby prohibited in Bastrop County on lots that are less than five (5) acres and are located in the unincorporated area of the County in a subdivision.
- 2.2 If any lot in a subdivision in the unincorporated area of the County is contiguous to a school or a tract of land used for school activities, the discharge of a firearm is prohibited on any such lot that is ten (10) acres or smaller.
- 2.3 It is not an affirmative defense to the violation of this ordinance that the person discharging the firearm owns contiguous regulated lots in a subdivision in the unincorporated area of the county that cumulatively total five (5) acres or more.

Section 3-Exceptions to Prohibition

The Prohibitions in this Order do not apply to the discharge of a firearm in the following circumstances:

- 3.1 To Peace Officers while acting within the scope of their authority;
- 3.2 If reasonably necessary to protect one's self, other persons, or property in accordance with State law;
- 3.3 If necessary to shoot an animal reasonably believed under the circumstances to present the possibility of danger to a person or to a person's property;
- 3.4 If blank cartridges are used for reenactment purposes or a salute at a military memorial, funeral, or other similar ceremony;
- 3.5 If prior consent via a waiver is given by the Bastrop County Commissioner's Court;
- 3.6 If prior to the effective date of this Order, the lot was used by a federally licensed firearms dealer, a gunsmith, a firearm instructor that is licensed or certified by the State, or a business establishment that discharges firearms for purposes of silhouette, skeet, trap, black powder, target, self-defense, tactical, or similar recreational shooting;

Section 4-Penalty and Enforcement

- 4.1 A person commits an offense if the person intentionally or knowingly engages in conduct that is in violation of a regulation under this Order. An offense under this Order is a Class C misdemeanor, unless 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, and then the offense is a Class B misdemeanor.
- 4.2 The Commissioner's Court hereby designates the Sheriff of Bastrop County, Texas or any Constable of any precinct of Bastrop County, Texas as well as any other duly authorized peace officer of the State of Texas to enforce these regulations.

Section 5-Effect on State Law

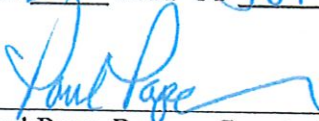
These regulations do not legalize anything prohibited under the Penal Code or other state law, nor do these regulations limit any defense found in the Penal Code or other state law.

Section 6-Repeal and Effective Date

- 6.1 By the adoption of this Order, the Bastrop County Commissioners Court intends to and does hereby repeal the Prohibition on Discharge of Firearms order adopted June 25, 2007.

6.2 This Order becomes effective on the date of adoption of this Order by the Bastrop County Commissioner's Court.

ADOPTED THIS 22nd DAY OF June, 2020



Paul Pape, Bastrop County Judge



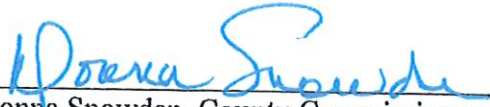
Mel Hamner, County Commissioner
Precinct 1



Clara Beckett, County Commissioner
Precinct 2



Mark Meuth, County Commissioner
Precinct 3



Donna Snowden, County Commissioner
Precinct 4