

ORDER #430



STATE OF TEXAS §
COUNTY OF COMAL §

IN THE COMMISSIONERS COURT

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

WHEREAS, the Commissioners Court of Comal County, Texas desire to promote public safety and reduce the danger caused by discharge of firearms and air guns 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 and air guns on lots that are 10 acres or smaller and are located in the unincorporated area of the county in a subdivision.

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

Section 1 – Definitions

- 1.1 Air gun: Any gun that discharges a pellet or BB greater than .177 caliber by means of compressed air, gas propellant, or a spring.
- 1.2 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.
- 1.3 Subdivision: A subdivision of real property all or a 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.
- 1.4 Varmint: An animal considered a pest, specifically one classified as vermin and unprotected by game law.

Section 2 – Prohibition

To promote the public safety, the discharge of firearms and air guns (as defined above) is hereby prohibited in Comal County on lots that are 10 acres or smaller in a subdivision which is located in the unincorporated area of the County.

Section 3 – Penalty

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. 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 4 – Exceptions

The Prohibition in this Order does not apply to the discharge of a firearm or air gun for the following purposes:

- a. Peace officers on duty and while acting within the scope of their authority;
- b. Protection of person or property; and
- c. Varmint and/or predator control.

Section 5 – Effect on State Law

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 or other state law.

Section 6 – Repealer and Effective Date

6.1 By the adoption of this Order, the Comal County Commissioners Court intends to and does hereby repeal the Order Regulating the Discharge of Firearms in Subdivisions adopted October 22, 1987, and all amendment and additions thereto.

6.2 This Order becomes effective on the date of adoption of this Order.

ADOPTED THIS 10TH DAY OF OCTOBER, 2019.


Sherman Krause, Comal County Judge


Donna Eccleston, County Commissioner Pct. 1


Scott Haag, County Commissioner Pct. 2


Kevin Webb, County Commissioner Pct. 3


Jen Crownover, County Commissioner Pct. 4

ATTEST: 
Bobbie Koepf, County Clerk

