

AGENDA ITEM # 29**JULY 20, 1999**

Discuss and take appropriate action regarding the discharging of firearms pursuant to Local Govt. Code 240.

Commissioner Boatright advised the Local Government Code 240.022 allows Commissioners Courts to ban discharging of firearms in platted subdivisions containing lots of 10 acres or less located in non incorporated areas of the county. A property owner has requested the court consider banning the discharge of firearms in Cedar Hollow Crossing.

First Assistant County Attorney Dale Rye interpreted the code as allowing the Commissioners Court to ban on an individual subdivision basis.

Commissioner Limmer requested the majority of subdivision owners sign and present to court a petition requesting the ban on discharging firearms before any further action be taken.

No action was taken on this agenda item.

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NUISANCES & DISORDERLY CONDUCT**§ 240**

adopted under this subchapter. The court may grant appropriate relief.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

[Sections 240.005 to 240.020 reserved for expansion]

SUBCHAPTER B. REGULATION OF DISCHARGE OF FIREARMS**§ 240.021. Subdivisions Covered by Subchapter**

This subchapter applies only to a subdivision 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.

Acts 1989, 71st Leg., ch. 1, § 55(a), eff. Aug. 28, 1989.

§ 240.022. Authority to Regulate

To promote the public safety, 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.

Acts 1989, 71st Leg., ch. 1, § 55(a), eff. Aug. 28, 1989.

§ 240.023. Prohibited Regulations

This subchapter does not authorize the commissioners court to regulate the transfer, ownership, possession, or transportation of firearms and does not authorize the court to require the registration of firearms.

Acts 1989, 71st Leg., ch. 1, § 55(a), eff. Aug. 28, 1989.

§ 240.024. Injunction

Any person is entitled to appropriate injunctive relief to prevent a violation or threatened violation of a prohibition or other regulation adopted under this subchapter from continuing or occurring.

Acts 1989, 71st Leg., ch. 1, § 55(a), eff. Aug. 28, 1989.

§ 240.025. Criminal Penalty

A person commits an offense if the person intentionally or knowingly engages in conduct that is a violation of a regulation adopted under this subchapter by the commissioners court. An offense under this section is a Class C misdemeanor. If it is shown on the trial of an offense under this section that the person has previously been convicted of an offense under this section, the offense is a Class B misdemeanor.

Acts 1989, 71st Leg., ch. 1, § 55(a), eff. Aug. 28, 1989.

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS**§ 240.901. Land Use Regulation for Flood Control in Coastal Counties**

(a) This state recognizes the personal harm and economic distress caused by flood disaster since it has become uneconomical for the insurance industry alone to make flood insurance available to those in need of protection on reasonable terms and conditions. Recognizing the loss on the nation's resources, congress enacted the National Flood Insurance Act of 1968, under which flood insurance can be made available through coordinated efforts of the federal government, the private insurance industry by pooling risk by the positive cooperation of state and local governments. The purpose of this subchapter is to evidence a positive interest in securing flood insurance coverage under the federal program, thereby ensuring coverage for the citizens of this state who desire to participate, to promote the public interest by providing appropriate protection against the effects of flood losses, and to encourage sound land use by minimizing exposure of property to flood.

(b) A county bordering on the Gulf of Mexico on the tidewater limits of the gulf may determine the boundaries of any flood-prone area of the county. The suitability of that determination is conclusively established when the commissioners court of the county adopts a resolution finding that the area is a flood-prone area.

(c) The commissioners court may adopt a set of rules that regulate the management and use of land, structures, and other development in a flood-prone area of the county in order to reduce the extent of damage caused by flooding. The rules to which the rules may apply include:

(1) the floodproofing of structures located in the area;

(2) the minimum elevation of a structure required to be constructed or improved in the area;

(3) specifications for drainage; and

(4) any other action feasible to minimize flooding and rising water damage.

(d) In this section, "flood-prone area" means an area that is subject to damage from rising water flooding from the Gulf of Mexico or its tidal waters including lakes, bays, inlets, and lagoons.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.