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Montgomery County approves limits on bowhunting

By Andrew Kragie Updated 2:08 pm CDT, Tuesday, September 13, 2016

Montgomery County commissioners on Tuesday approved limits to bowhunting following residents' complaints about hunters letting injured deer wander the woods with protruding arrows or leaving them to decompose on private land.

The ordinance outlaws hunting animals with bows and arrows on lots of 10 acres or smaller inside subdivisions in unincorporated areas. It would impose fines of up to \$500 for a first offense; a subsequent conviction could lead to up to six months in jail or fines of up to \$2,000.

A Conroe Courier article from December 2015 cited concerns from residents on the county's west side about "poaching" and poor hunting



measure, which was written by the agenda. An official from the ordinance and did not

nc.

ORDINANCE REGULATING HUNTING WITH BOW AND ARROW

WHEREAS, Commissioners Court of Montgomery County desires to reduce the danger to the public caused by hunting with bows and arrows, and

WHEREAS, section 235.042 of the Local Government Code authorizes counties to regulate hunting with bows and arrows in certain areas.

NOW, THEREFORE, the Commissioners Court of Montgomery County, Texas adopts the following ordinance.

I. DEFINITIONS AND PARAMETERS

“Hunt” is defined as capture, trap, take, kill, or attempting to capture, trap, take, or kill and as defined in Texas Parks and Wildlife Code §1.101(1), as amended.

“Bow” means a weapon for shooting a projectile, including but not limited to an arrow, typically made of a curved piece of wood whose ends are joined by a taut string.

“Arrow” means a projectile with a shaft sharpened at the front, often in the shape of an arrow.

“Subdivision” means a subdivision of real property, platted and filed of record as provided in Chapter 23, Texas Local Government Code, as amended.

“Lot” means a portion of a platted, recorded subdivision which is ten acres or less in size, and which carries a lot designation.

Words in the singular form shall be construed to include the plural and vice versa, unless the context requires otherwise.

This ordinance only applies to a subdivision, all or a part of which is located in the unincorporated area of Montgomery County, and for which a plat is required to be prepared and filed under Chapter 232 of the Local Government Code. *See* TEX. LOC. GOV'T CODE § 235.041.

II. BOWHUNTING PROHIBITED

In order to promote the safety of the public, a person may not hunt any animal with bows and arrows on lots that are 10 acres or smaller and are located in a Subdivision in the unincorporated area of Montgomery County.

III. CRIMINAL PENALTY

A person commits an offense if the person intentionally or knowingly engages in conduct that is a violation of this ordinance. The first violation is a Class C misdemeanor. However, if a person has previously been convicted of violating this ordinance, the offense is a Class B misdemeanor. *See* TEX. LOC. GOV'T CODE § 235.045.

IV. INJUNCTIVE RELIEF

Any person is entitled to appropriate injunctive relief to prevent a violation or threatened violation of this ordinance from continuing from occurring. See TEX. LOC. GOV'T CODE § 235.044.

V. EFFECTIVE DATE

This order becomes effective on the 1st day of the month following its adoption.

APPROVED AND ORDERED by the Commissioners Court of Montgomery County acting in open session this the _____ day of _____, 2016.

MONTGOMERY COUNTY, TEXAS

Craig Doyal, County Judge

Mike Meador, Commissioner Pct. 1

Charlie Riley, Commissioner Pct. 2

James Noack, Commissioner Pct. 3

Jim Clark, Commissioner Pct. 4

Attest:

Mark Turnbull, County Clerk

ORDER
Regulating Discharge of Firearms

Whereas, the Commissioners Court of Montgomery County, Texas desires to promote public safety in the County; and

Whereas, Section 235.022 of the Texas Local Government Code provides that a Commissioners Court of a County, by order, may regulate and/or prohibit the discharge of firearms on lots that are ten acres or smaller and which are located in subdivisions which have been platted and filed of record, and which subdivisions are located, all or part, in the unincorporated area of the County.

Now, Therefore, the Montgomery County Commissioners Court enters the following Order in multiple parts as follows:

I.
Definitions

Firearm: Firearm means any devise 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.

Peace Officer: Peace Officer, under this Order, is defined in Article 2.12, Texas Code of Criminal Procedure.

Subdivision: A subdivision of real property, platted and filed of record as provided in Chapter 232, Texas Local Government Code.

Subdivision Lot: A portion of a platted, recorded subdivision which is ten acres or less in size, and which carries a lot designation.

II.

The discharge of firearms is hereby prohibited in Montgomery County on lots that are ten acres or smaller in a subdivision which is located in the unincorporated area of the County. Should a 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.

III.

A person commits an offense if the person intentionally or knowingly discharges a firearm on a subdivision lot in a subdivision in the unincorporated area of Montgomery County. An offense under this section is a Class C misdemeanor.

MONTGOMERY COUNTY, TEXAS

Alan B. Sadler
County Judge

Mike Meador
Commissioner, Precinct 1

Craig Doyal
Commissioner, Precinct 2

Ed Chance
Commissioner, Precinct 3

ATTEST:

Mark Turnbull
County Clerk

Ed Rinehart
Commissioner, Precinct 4

IV.

It is a defense to prosecution under this Order if the person discharging the firearm is a peace officer, on duty, acting in his official capacity.

It is a defense to prosecution under this Order if the person discharging the firearm is acting in self-defense, defense of a third party, or in defense of a person's property, as defined in Chapter 9, Texas Penal Code.

It is a defense to prosecution under this Order if the person discharges the firearm under circumstances that constitute a defense to prosecution as set forth in Section 42.09(e) and Section 42.09(g), Texas Penal Code.

V.

The prohibition in this Order may be waived to allow the discharge of a firearm by a federally licensed firearms dealer or a business establishment that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting, if the operations were in existence prior to the original effective date of this Order. Such waiver may be granted upon written request submitted to Commissioners Court. Upon receipt of a written request for waiver, the Court shall determine, in its discretion, whether to grant the waiver. No waiver may be granted unless the applicant can clearly demonstrate that operation of the business/activity will not impair public safety or otherwise constitute a danger to persons or property.

This Order is adopted by the Montgomery County Commissioners Court this the _____ day of _____, 2011.

[Signature page follows]