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SEP 13 2016

**Commissioners  
PRECINCT 2**

**Commissioners' Court-Regular Meeting**

**TO:** Montgomery County Commissioners' Court

**FROM:** JD Lambright, County Attorney

**DATE:** 09/13/2016

**SUBJECT:** CONSIDER AND TAKE APPROPRIATE ACTION REGARDING ADOPTION OF AN ORDINANCE REGULATING HUNTING WITH A BOW AND ARROW.

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**Attachments**

Bow Hunting

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SEP 13 2016

**ORDINANCE REGULATING HUNTING WITH A 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 1<sup>st</sup> day of the month following its adoption.

APPROVED AND ORDERED by the Commissioners Court of Montgomery County acting in open session this the 13 day of September, 2016.

**MONTGOMERY COUNTY, TEXAS**

Craig Doyal  
Craig Doyal, County Judge

Mike Meador  
Mike Meador, Commissioner Pct. 1

Charlie Riley  
Charlie Riley, Commissioner Pct. 2

**ABSENT**

James Noack, Commissioner Pct. 3

Jim Clark, Commissioner Pct. 4

Attest:

Mark Turnbull  
Mark Turnbull, County Clerk

