

ORDINANCE NO. 5111

A PENAL ORDINANCE OF THE CITY OF LUFKIN, TEXAS, ESTABLISHING THAT DISCHARGING FIREARMS INSIDE CITY LIMITS IS UNLAWFUL, AMENDING THE CITY OF LUFKIN CODE OF ORDINANCES CHAPTER 8, OFFENSES AND NUISANCES; DEFINING TERMS; PROVIDING AFFIRMATIVE DEFENSES; PROVIDING FOR A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Local Government Code § 229.001 provides the authority for municipalities to prohibit the discharge of firearms within city limits; and

WHEREAS, the Lufkin Police Department has received citizen complaints of the discharging of firearms in residential areas; and

WHEREAS, the City is dedicated to protecting the Second Amendment rights of its citizens, while also prioritizing the safety and well-being of the community; and

WHEREAS, the Lufkin City Council after giving due consideration to the recommendation of the Lufkin Police Department and the statements made and facts brought out at such hearing on such proposed amendment to the City of Lufkin Code of Ordinances, and further, after giving due consideration to the health, safety and welfare of the citizens, decided that it is to the best interest of the citizens that such change be made.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS:

SECTION I. Definitions

- a. **Firearm** means 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.
- b. **Varmint** means a wild animal considered a pest, specifically classified as vermin and unprotected by local ordinances, state or federal law.
- c. **Sport Shooting Range** has the meaning prescribed by Texas Local Government Code § 250.001.

SECTION II. It shall be unlawful for any person to shoot or discharge any firearm within the City limits.

SECTION III. It shall be unlawful for any person to shoot a firearm upon or across any public street within the City limits.

SECTION IV. It shall be an affirmative defense to prosecution if the firearm is discharged on a privately owned tract of land of 10 acres or more and at least one hundred fifty feet (150') feet from a residence or occupied building on another property and in a manner not reasonably expected to cause a projectile to cross the boundary of the tract.

SECTION V. It shall be an affirmative defense to prosecution if the firearm is discharged at a City-owned or a sport shooting range operating lawfully, when the firearm is discharged in the direction of targets, and the projectile does not leave the premises of the shooting range.

SECTION VI. It shall be an affirmative defense to prosecution if the firearm is discharged by law enforcement officers acting in the course and scope of employment.

SECTION VII. It shall be an affirmative defense to prosecution that the person is justified in discharging a firearm in defense of self or others pursuant to the Texas Penal Code Title 2; Chapter 9 *Justification Excluding Criminal Responsibility*.

SECTION VIII. It shall be an affirmative defense to prosecution that the person discharges a firearm due to a varmint and/or predator control on the person's private property.

SECTION IX. This section does not apply to property in the extraterritorial district of the City or annexed by the city after September 1, 1981, as outlined in Texas Local Government Code § 229.002.

SECTION X. An offense under this section is a Class C misdemeanor subject to a fine not to exceed two thousand dollars (\$2,000.00) per occurrence.

SECTION XI. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION XII. This Ordinance shall take effect immediately after the passage and publication in accordance with the provisions of the City Charter.

PASSED AND APPROVED on First Reading by the City Council of the City of Lufkin, Texas, at its regular meeting this the 18th day of March 2025.



Mark Hicks, Mayor

Kara Andrepoint, City Secretary

PASSED AND APPROVED on Second and Final Reading by the City Council of the City of Lufkin, Texas, at its regular meeting this the 1st day of April 2025.

Mark Hicks, Mayor

ATTEST:

Kara Andrepoint, City Secretary

APPROVED AS TO FORM:

Kristi C. Skillern, City Attorney