

**EFFECTIVE  
METHODS FOR  
NUISANCE  
ABATEMENT  
AND CODE  
ENFORCEMENT**

*Using all the tools in your toolbox.*

**Maleshia B. McGinnis**  
*City Attorney*

*North Richland Hills*



Texas City Attorneys Association  
Riley Fletcher Basic Municipal Law Seminar  
February 8, 2024

**EVERYONE WANTS  
PRETTY  
NEIGHBORHOODS  
AND  
COMMUNITIES WE  
CAN BE PROUD  
OF...**



**NRH**



# WHY DO WE NEED CODE COMPLIANCE?

Unfortunately, not all properties in our communities are going to be pristine or well maintained.

Cities have the authority to ensure communities within its jurisdiction adhere to livable standards that are safe and free from hazardous conditions.

That's where Code Compliance comes in...



# WHY IS CODE ENFORCEMENT IMPORTANT?

Achieving compliance with City Codes can present challenges for communities. Vacant or dilapidated properties, or properties that are not well maintained can breed dumping grounds, become dwelling spaces for wild animals, lead to hazardous conditions, and precipitate drug related or other criminal activity on the property.

Utilizing a collaborative approach with direction from City leadership, implementation by staff, and citizen education has proven to be an effective method to successfully achieve code compliance.

<https://www.youtube.com/watch?v=H2qTV0P-qpw>



*Hudson, Florida, Pasco County, Tampa Bay*

# OVERVIEW OF METHODS OF CODE ENFORCEMENT

Criminal  
Citations

Nuisance  
Abatement

Building  
Standards  
Commission

Civil  
Enforcement

Alternative  
Enforcement

# **CRIMINAL CITATIONS**

# CRIMINAL CITATIONS MUNICIPAL COURT

## General Enforcement Authority

- Tex. Local Gov't Code §54.001
- A governing body of a municipality may enforce its rules, ordinances or police regulations and may punish violations
- **Fine or penalty**
  - Up to \$500
  - Up to \$2,000, if violation is for fire safety, zoning or public health and sanitation
  - Up to \$4,000, if violation is for dumping of refuse
- Violations are class "C" misdemeanors
- **Challenges with criminal prosecution**
  - Burden of proof – Beyond a reasonable doubt
  - Personal identification – Required
  - Service – Citing corporate defendants can be problematic
  - Discovery – Limited for both sides
  - Testimony – Defendant is not required to testify
  - Resolution – Fine, deferred adjudication, or capias warrant



# **NUISANCE ABATEMENT**

# NUISANCE ABATEMENT

## CODE OF ORDINANCES

### Regulation of Nuisances

- **Abatement** - State law authorizes cities to identify, prohibit, and summarily abate and remove public nuisances and charge the expenses of removal to the property owner or person in control of the property; lien can be filed against the property for non-compliance.
- Tex. Local Gov't Code Chapter 217
  - §217.002 and §217.022 for Type A and B cities
  - §217.042 for Home Rule cities
- **Common Nuisances designated by Ordinance**
  - Dilapidated buildings
  - Accumulation of garbage or debris
  - Improper discharge of waste
  - Emission of foul or noxious odors
  - Unsanitary swimming pools
  - Inoperable vehicles
  - High grass and weeds
  - Illegal dumping

# COMMON NUISANCES



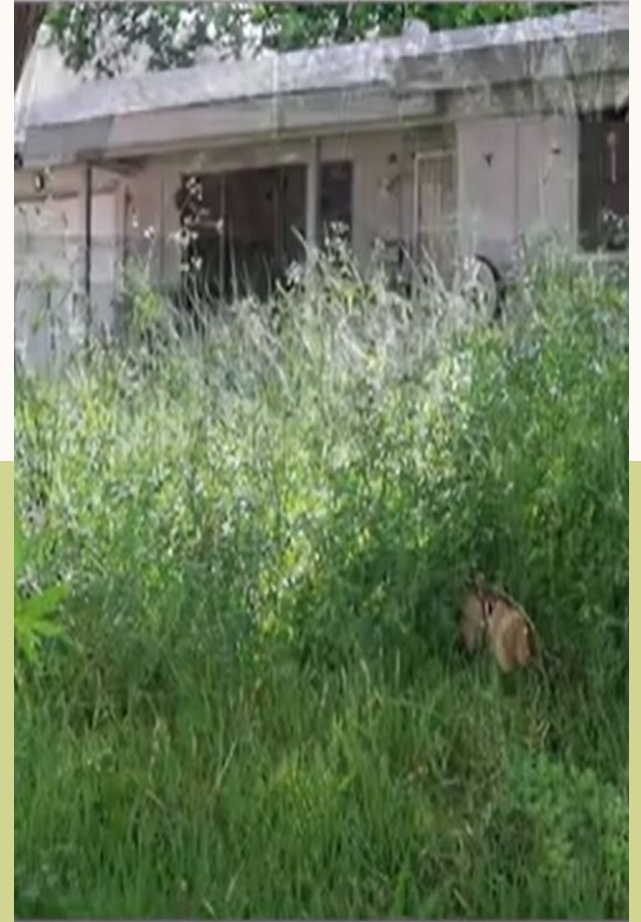
**ACCUMULATION / DEBRIS**



**STAGNANT WATER**



**INOPERABLE VEHICLE**



**HIGH GRASS AND WEEDS**



# **BUILDING STANDARDS COMMISSION**



# BUILDING STANDARDS COMMISSION

## Regulation of Substandard Buildings (\*NRH Substandard Building Board)

- Texas Local Government Code §54.033 - §54.041; §214.001
  - The governing body of a municipality may appoint a building and standards commission (“Board”) to hear and determine cases concerning alleged violations of ordinances.
  - Board may hear cases regarding dangerous structures, unsanitary conditions, insufficient plumbing, hazardous electrical wiring, infestation of rodents, faulty weather protection, fire hazards, improper occupancy, etc.
  - Board conducts hearings (similar to court process) in which city and respondent have the opportunity to present evidence and give testimony
  - May also hear appeals from rulings of the Building Official
  - Issues orders for property to be inspected, vacated, secured, repaired, removed, or demolished
  - Compliance generally required within 30 – 90 days
  - Orders enforced by Building Official or other designated city employee (generally Code Compliance Director); sent to owner and placed in newspaper within ten (10) days

# BUILDING STANDARDS COMMISSION

- Regulation of Substandard Buildings
- Texas Local Government Code §54.033 - §54.041; §214.001
  - Right of entry for inspection is usually authorized by ordinance for vacant properties, or upon issuance of an administrative warrant by the court
  - Notice of violation sent to record owner, all lienholders and physically posted on the property
  - Can assess civil penalties against the property owner under LCG §54.017 if city can show (1) defendant received notice of the ordinance provisions and (2) violated the ordinance thereafter or failed to take action necessary to comply – penalty limited to \$1,000 a day or \$5,000 for discharge of pollutants into a city water system
  - Board's decision subject to appeal to the district court; substantial evidence review; city can recover attorney's fees if Board's decision is upheld



## **EXAMPLE:**

# **BUILDING STANDARDS CASE**

*Substandard property  
with multiple violations:*

**April 20, 2020** – Code officer responding to a call regarding a vacant single-family residence observes high grass and weeds, issues with the pool and large amount of accumulation and debris on the property; leaves door hanger

**April 27, 2020** – Code officer follows up and speaks with deceased property owner's daughter indicating need to inspect the property

**April 28, 2020** – Code officer conducts limited inspection of exterior of property and observes the following violations: (1) accessory structure in rear of the property open and unsecured; (2) low hanging tree limbs; (3) overgrown shrubs; (4) accumulation/outside storage; (5) stagnant pool

- Posted notices of violation on front door and mailed to property owner

**May 12, 2020 – June 14, 2022** – Series of communications and re-inspection between the Code Officer and property owners where the owner would partially comply with the notice of violation with clean up, draining of the pool, and promises to comply - some violations had been abated, while others still remained.

**June 15, 2022** – Code Officer observes additional violations: (1) appliance stored outside in rear of property; accumulation and debris near the carport; (3) holes in the wooden soffits near roof line; (4) overgrown trees hanging from front yard

**June 24, 2022** – Code Officer obtains administrative warrant to inspect entire property and observes the following ELEVEN violations: (1) substandard conditions; (2) three accessory buildings; (3) household items blocking egress; (4) main structure electrical wiring violations; (5) exposed plumbing; (6) rotten/missing interior walls sheet rock; (7) rodent infestation; (8) overgrown vegetation; (9) unsecured structure (wildlife dwelling inside); (10) stagnant water in pool; (11) discarded appliance at rear of the property

# CODE VIOLATIONS ON THE PROPERTY



**SUBSTANDARD RESIDENTIAL  
STRUCTURE**



**CARPORT DETACHED FROM  
THE 2<sup>ND</sup> STORY;  
STRUCTURAL HAZARD**



**DEBRIS FROM CEILING  
DAMAGE; WATER DAMAGE AT  
WINDOW AND WALL**



**EXTERIOR WALL CRACKS**



# CODE VIOLATIONS ON THE PROPERTY



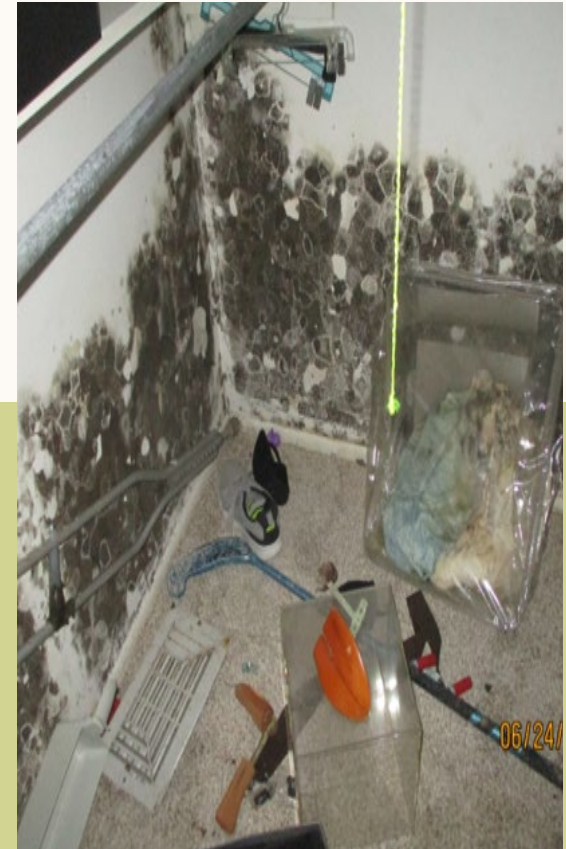
**ROTTEN BROKEN WOOD ON 2<sup>ND</sup>  
FLOOR DECKING;  
50% OF RAILING MISSING**



**EXPOSED ELECTRICAL  
WIRING; EXPOSED PLUMBING;  
MISSING INTERIOR WALLS**



**DAMAGED SHEET ROCK IN  
CEILING**



**INTERIOR WALL WITH  
EXISTING BIOLOGICAL  
GROWTH**

# EXAMPLE: BUILDING STANDARDS CASE

*Substandard property  
with multiple violations  
(con't):*

**July 19, 2022** – Family indicated the property would be placed on the market for sale.

**August 23, 2022** – Notice of hearing before the Board was posted at the property; majority of the accumulation was removed and vegetation was trimmed; however, all of the substandard conditions remained.

**September 13, 2022** – Board issues order:

- (1) Finding the property to have substandard conditions;
- (2) Ordered all permits to be obtained within 45 days
- (3) All repairs to be completed or structure demolished withing 60 days

**November 28, 2022** – Code Officer received correspondence from the property owner indicating the grass was mowed; the pool was cleaned; he had applied for permits and would take the house off the market to begin the repairs; property owner planned to secure the doors and stairs to prevent wild animals from inhabiting the structure.

**February 6, 2023** – Property still not in compliance; Notice of Hearing mailed to property owner.

- Hearing before the Board for non-compliance with its previous order issued September 13, 2022
- Requested civil penalties and authorize demolition of the property
- Civil penalties of \$41,000 (\$1,000 per day from the date of the deadline to comply with the Board's order)

**July 26, 2023** – Property demolished by owner per the Board's order

**TIMELINE** (*citation to demolition*): **April 28, 2020 – July 2023**



**CIVIL ACTION**

**DISTRICT OR**

**COUNTY COURT**

# CIVIL ACTION

# DISTRICT OR COUNTY COURT

## **CIVIL ACTION – Chapter 54 Tex. Local Gov't Code - §54.012 - §54.020** (Chapter 54 - Subchapter B)

### **Municipality may bring a civil action for the enforcement of an ordinance**

- Petition should include all code violations on the property
- Filed in District or County Court at Law
- Requires property owner or person in control of the property to make repairs or demolish the property, or authorize the municipality to do the work and recover costs from the owner
- Injunction for extremely hazardous circumstances or adverse impact to public health
- Receivership (court appointed receiver to control the property) – Tex. Local Gov't Code §214.0031
- Civil penalties against the property owner (up to \$1,000 per day per violation or up to \$5,000 per day for discharge into sewer system)
- T.R.O. - Temporary Restraining Order for emergencies (sewage leaks, severe hazards etc.)
- **Chapter 54 Civil Lawsuit – Authorized actions:**
  - Preservation of public safety (structural elements, foundation, etc.)
  - Fire safety
  - Zoning and land use (fire suppression, extinguishers, availability of water supply, etc.)
  - Subdivision criteria for construction of buildings
  - Building width, set back requirements (platting, etc.)
  - Implementing civil penalties for conduct classified as class “C” misdemeanors
  - Dangerous or deteriorated structures
  - Accumulation of debris, vegetation, or other materials that create breeding and living spaces for insects and rodents
  - Animal care and control
  - Water conservation

# **ALTERNATIVE METHODS OF ENFORCEMENT**

# ALTERNATIVE ENFORCEMENT



## CIVIL ACTION IN MUNICIPAL COURT

- Tex. Local Gov't Code §54.043 (Quasi-Judicial Enforcement)
- Municipality may adopt a civil adjudication process for enforcement of ordinances described by Tex. Local Gov't Code §54.032
- Must contain provisions related to notice, the conduct of proceedings, permissible orders, penalties and judicial review



## ADMINISTRATIVE HEARING

- Tex. Local Gov't Code §54.044
- Municipality may adopt procedures for an administrative adjudication hearing under which an administrative penalty may be imposed for enforcement of an ordinance described by Tex. Local Gov't Code §54.032 or adopted under Tex. Local Gov't Code §214.001(a)(1)



## VACANT PROPERTY ORDINANCE

- Local ordinance that requires owners of vacant properties to register the property with the City
- Generally, property has been vacant for specified amount of time or multiple instances of non-compliance
- City can inspect property, require registration fee, insurance, maintenance plan, and impose civil fines (\$500-\$2,000)
- Examples – see City of Dallas (Ch 48B), City of Arlington (Ord. 08-053)



## CRIMINAL NUISANCE ABATEMENT

- Tex. Civil Practices and Remedies Code - Ch 125
- Criminal nuisance abatement lawsuit can be used to address multi-unit properties that are the source of recurring criminal activity.
- Drug houses, organized crime, prostitution, human trafficking, etc.
- Suit may be brought against the owner(s) and in rem against the property
- Penalty - \$1,000 up to \$10,000; jail time not less than 10 days not more than 30 days; or both



**ALTERNATIVE  
ENFORCEMENT  
IN NORTH  
RICHLAND HILLS,  
TEXAS**

# CREATION OF A CODE COMPLIANCE COURT

**ORDINANCE NO. 3784**

AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, AMENDING AND RESTATING ARTICLE II, OF CHAPTER 58, MUNICIPAL COURT OF RECORD, AUTHORIZING CIVIL ACTIONS AND ESTABLISHING AN ADMINISTRATIVE HEARING PROCESS FOR CODE ENFORCEMENT AND NUISANCE ABATEMENT CASES IN THE NORTH RICHLAND HILLS MUNICIPAL COURT OF RECORD, AND AMENDING APPENDIX A, FEE SCHEDULE, OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES TO ADOPT RELATED FEES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND REPEAL OF CONFLICTING PROVISIONS; ESTABLISHING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of North Richland Hills is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, The City Council enacted Code 1975, Sec. 16 1/2-1 establishing Chapter 58 of the Code of Ordinances to establish a municipal court of record within the city; and

WHEREAS, The City Council finds it in the best interest of the citizens to expand the city's current municipal court jurisdiction to provide alternatives to adjudication and enforcement of the city's ordinances related to nuisance abatement and substandard structures; and

WHEREAS, The City Council deems it necessary to amend Chapter 58 to modify municipal court authority and procedures to provide a more just and efficient avenue for disposition of cases arising in the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS:

SECTION 1: That Article II, of Chapter 58 is hereby amended and restated in its entirety and replaced as follows:

ARTICLE II. – MUNICIPAL COURT OF RECORD

DIVISION 1. – GENERALLY

Ordinance No. 3784  
Page 1 of 15

**Sec. 58-31 – Municipal court of record established.**

A municipal court of record shall exist in the city to be known as the "Municipal Court of Record in the City of North Richland Hills" with two divisions to be known as "Division No. 1" and "Division No. 2."

**Sec. 58-32 – Jurisdiction.**

In addition to the jurisdiction provided by general law for municipal courts of record in accordance with Texas Government Code § 30.00005 and for criminal cases arising under ordinances authorized by Texas Local Government Code §§ 215.072, 217.042, 341.903 and 401.002, the Municipal Court of Record in the City of North Richland Hills shall have concurrent jurisdiction with the justice court in any precinct in which the city is located in criminal cases that arise within the territorial limits of the city.

The courts also shall have:

- (1) Civil jurisdiction for the purpose of enforcing municipal ordinances enacted under Subchapter A, Chapter 214, Texas Local Government Code, or Subchapter E, Chapter 683, Texas Transportation Code;
- (2) Concurrent jurisdiction with a district court or a county court at law under Subchapter B, Chapter 54, Texas Local Government Code, within the municipality's territorial limits and property owned by the municipality located in the municipality's extraterritorial jurisdiction for the purpose of enforcing health and safety and nuisance abatement ordinances;
- (3) Civil jurisdiction and administrative enforcement authority under Subchapter C, Chapter 54 of the Texas Local Government Code, within the municipality's territorial limits and property owned by the municipality located in the municipality's extraterritorial jurisdiction, for the purpose of adjudication and quasi-judicial enforcement of health and safety and nuisance abatement ordinances;
- (4) Concurrent jurisdiction with a district court and a justice court over expunction proceedings relating to the arrest of a person for an offense punishable by fine only; and
- (5) Authority to issue:
  - a. Search warrants for the purpose of investigating a health and safety or nuisance abatement ordinance violation; and
  - b. Seizure warrants for the purpose of securing, removing, or demolishing the offending property and removing the debris from the premises.

Ordinance No. 3784  
Page 2 of 15

## ADMINISTRATIVE HEARING PROCESS

## CIVIL ACTION UNDER CH. 54 IN MUNICIPAL COURT

- Comprehensive review of all Code Enforcement processes and procedures began in 2022
- Direction from City Council to provide a more timely and effective method to address nuisance abatement and code enforcement cases within the City
- Stakeholder Meetings: City Manager's Office, City Attorney's Office, Police Department, Neighborhood Services (Code Compliance Division), Municipal Court, Planning and Building Inspections – Decision to take a two-pronged approach
- **Amendments to the City's Code of Ordinances (NRH Ord No. 3784):**
  - Expand jurisdiction of City's Municipal Court of Record – Texas Gov't Code §30.00005
  - Create a dedicated Court that only hears code enforcement cases
  - Vest the Municipal Court with concurrent civil jurisdiction with county and district courts
  - Appoint a separate Associate Judge to hear the Code cases
  - Create an Administrative Hearing Officer position
  - Create a compliance assistance fund where a portion of each fine goes to assist indigent violators (can only use the fund once every 3 years)
  - Effective April 10, 2023



# ALTERNATIVE ENFORCEMENT

# ADMINISTRATIVE HEARING

## Administrative Hearing Procedure

- Authorized by Tex. Local Gov't Code §54.044
- Approval of the administrative enforcement process for designated nuisance abatement cases under Subchapter C, Ch 54 ("Quasi-judicial enforcement")
- 80% of code compliance cases are resolved on initial contact with citizens
- Administrative hearing process is used for medium to repeat offenders to prevent an issue from becoming egregious or hazardous

## Administrative Process

- Code officer identifies initial violation
- Citizen has 10 days to comply
- Immediately set for administrative hearing if non-compliant
- **Accord Meeting** - Prior to hearing, case manager works with citizen to conduct initial review of alleged violations and how the citizen can comply with the codes
- Provide information on resources available for assistance if needed

**NRH**

Code Compliance Court

A Quality Neighborhood Starts With You

A Guide for Property Maintenance and the Code Compliance Court

**Q. What is a violation?**

A. A violation is an instance where residential or commercial property does not meet the minimum standards set out in the City's ordinances

**Q. What is a Notice of Violation?**

A. A Notice of Violation is mailed to the property owner and the resident when a violation is observed or discovered. The purpose of a Notice of Violation is to initiate corrective action of the violation. It is not the intent to issue citations, but to gain compliance with City codes for better health, welfare, and safety within the community.

**Q. What if I do not understand the Notice of Violation I receive?**

A. If you need clarification on the Notice of Violation received you must contact the Code Compliance Officer who issued you the notice. Their contact information is located on the bottom of the notice to include name of the Officer and their direct phone number. You may also contact a Code Compliance Officer at 817-427-6650.

**Q. How long do I have to fix the violation(s)?**

A. Most violations have a timeline of 14 calendar days to correct the violation. The Notice of Violation will contain the violation(s) description, required corrective action and due date. A Code Compliance Officer will return to the property for re-inspection once the corrective action due date has expired.

**Q. What if I need more time to correct the violation?**

A. If the violation has not been brought into compliance as required after the re-inspection date, the Code Compliance Officer will file an Administrative Citation through the North Richland Hills Municipal Court. Any extenuating circumstances can be discussed with the Administrative Hearing Officer during the Administrative Hearing process. However, there should be no delay in attempting to correct the violation up until the Administrative Hearing date.

**Q. What is an Administrative Citation?**

A. If the violation has not been brought into compliance after the re-inspection date, the Code Compliance Officer will file an Administrative Citation through the North Richland Hills Municipal Court. The penalties for City Ordinance violations are varied based on a tiered schedule adopted by City Ordinance 3784 Sec. 58-45 and range from \$250 to \$1,000. Subsequent citations may be issued for non-compliance for each day the violation exists, with each day being a new violation with a new penalty.

**Q. What do I do once I receive an Administrative Citation?**

A. To avoid additional Administrative Hearing fees, you will need to contact the Court Case Manager, Heather Hollingsworth at 817-427-6711 within 2 business days after receiving an Administrative Citation. Ms. Hollingsworth is a dedicated Court Case Manager assigned to discuss cases in detail and provide respondents with specific information outlining the court process, case timelines, expectations and assessed penalties. Additionally, the Case Manager will provide respondents with supportive information on available City and other agency organization resources that may be available for abatement assistance.



CITY OF NORTH RICHLAND HILLS

Code Officer's Mainline  
817-427-6650

Court Case Manager  
817-427-6711

Building Permits  
817-427-6330

Code Compliance Court  
Program and/or Resources List

The following is a list of possible resources you may inquire on and apply for if you are encountering specific hardships in completing your required repairs directed by the Administrative Citation you received. Please understand that each program and/or resource carry their own eligibility requirements and awarding process. For specific questions regarding their process, you must contact them directly.

**North Richland Hills Neighborhood Initiative Program (NIP)**

<https://www.nrhtx.com/878/Neighborhood-InitiativeProgram?text=About%20the%20Program.served%20our%20country%20%20our%20veterans>

**NIP Qualifications**

<https://www.nrhtx.com/DocumentCenter/View/13737/Application-with-Cover-Letter---2023>

**NIP Application**

<https://www.nrhtx.com/FormCenter/Neighborhood-Services-4/Neighborhood-Initiative-Program-Applicat-50>

**Tarrant County Rehabilitation Program**

<https://www.tarrantcountytexas.gov/en/community-development-and-housing-department/tararans/home-owner-rehabilitation-program.html>

**City of Fort Worth Community Action Partners Program**

<https://www.fortworthtexas.gov/departments/neighborhoods/cap>

**Texas Homeowners Assistance**

<https://texashomeownersassistance.com>

# Property Maintenance Guide

**NRH**

Code Compliance Court



A Guide for Property Maintenance

1. **Grass** Must be mowed and no greater than 10 inches tall.
2. **Debris Prohibition** Old furniture, appliances, car parts, tires, tree limbs, scrap metal, building materials and other discarded items should not be stored in your yard or driveway
3. **Trees** Trees must be trimmed to keep a minimum clearance of 14 feet above the sidewalk and street to allow for safe passage of pedestrians and vehicles.
4. **Vehicles** Vehicles should be in good operating condition. Inoperable vehicles should be repaired or removed within 15 days.
5. **Parking** Vehicles should be parked in the driveway, not on your lawn.
6. **Fences** City ordinance requires you to repair, replace or remove a fence that is severely deteriorated or leaning 15 degrees or more.
7. **Swimming Pools** City ordinance requires you to maintain swimming pools and hot tubs, and their related accessory structures in a safe, secured, clean and sanitary condition.
8. **Building Permits Required** Many construction projects require a building permit. Additionally, items such as peeling paint, damaged or rotten wood or broken window are examples of substandard violations.
9. **Trash** Store your trash cans and recycling carts in the garage or another location that is not visible from the street.



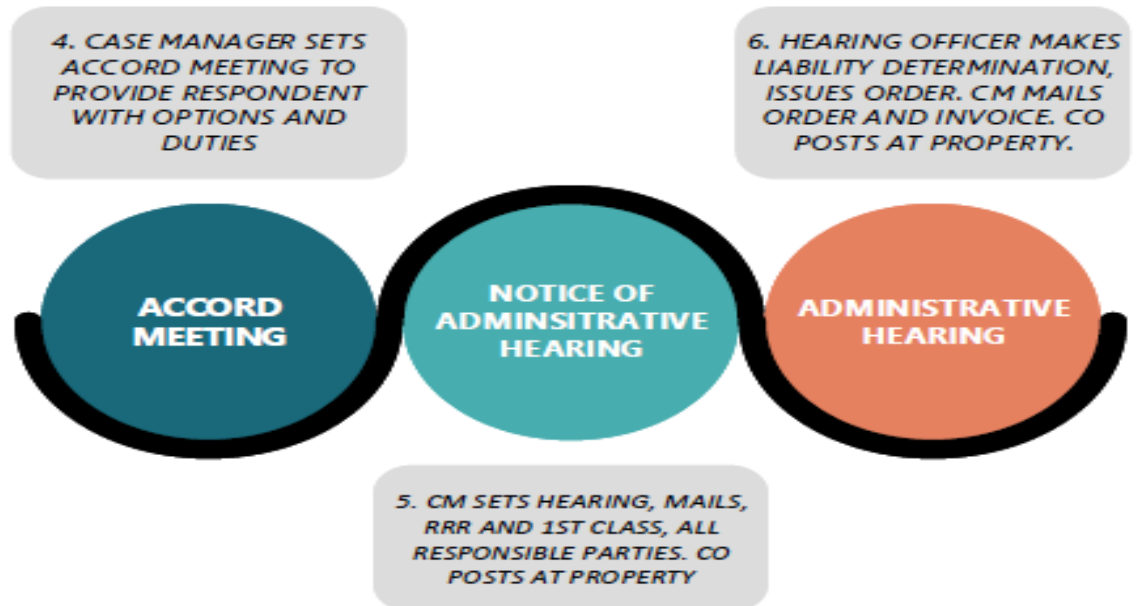
CITY OF NORTH RICHLAND HILLS

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## Resource List

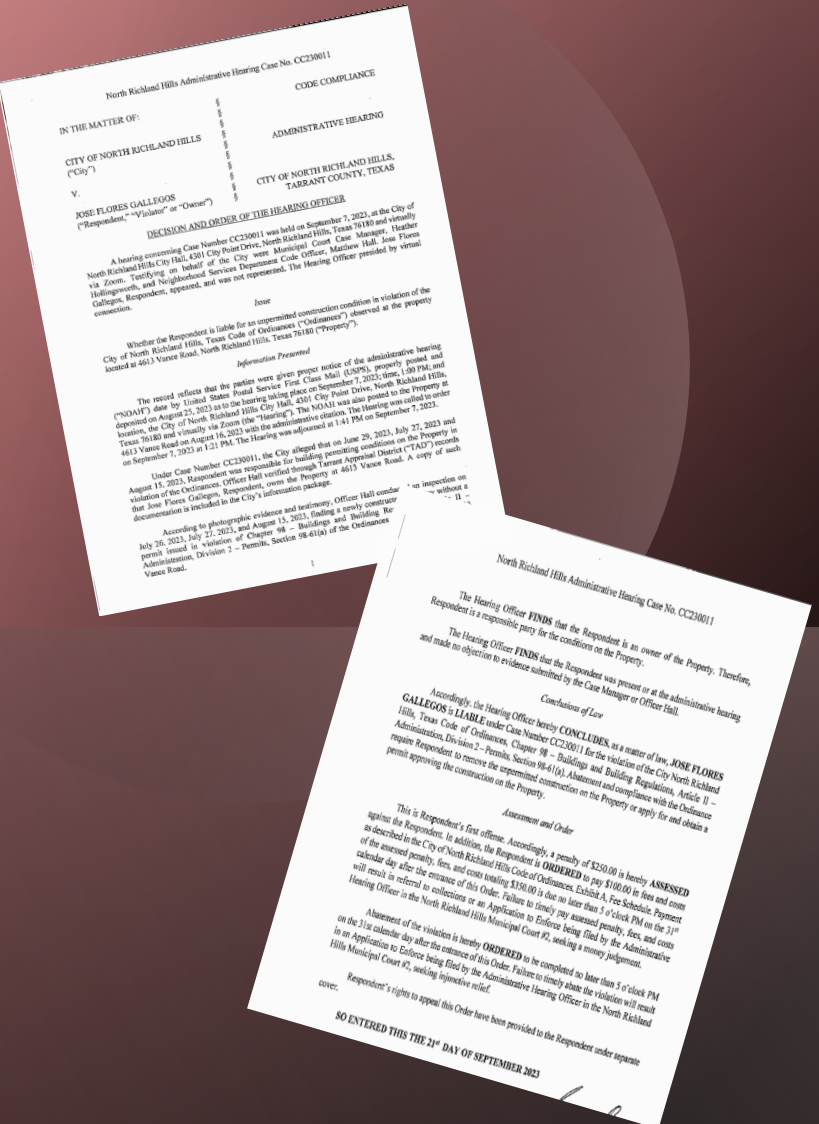


## ALTERNATIVE ENFORCEMENT

# ORDER OF THE HEARING OFFICER

## Administrative Hearing Process

- Anyone charged with a violation is entitled to a hearing
- **Hearing Officer** (licensed attorney under direction of the City Attorney)
  - Reviews the case and discusses options for compliance with the respondent
  - Discretion to consider the type of violation, actions taken to correct the violation, actual cost of repairs, and ability to pay (determination of indigency if requested)
  - **Order** - Issues Order determining whether a person is liable or not liable for a violation
  - Finding of Liability → Optional compliance hearing or appeal to Municipal Court
  - Finding of No Liability → Case is dismissed
- **Failure to appear** at the hearing is considered as admission of liability by respondent
- **Right to Appeal**
  - A person found liable has a right to appeal the Hearing Officer's Order to the Court, upon posting of a bond (31 days to appeal)
- **Graduated Penalty Range**
  - Minimum \$250 fine, or up to \$1,000 per day for 1<sup>st</sup> violation
  - Minimum \$500 fine, or up to \$1,000 per day for 2<sup>nd</sup> violation
  - Minimum \$750 fine, or up to \$1,000 per day for 3<sup>rd</sup> violation
  - Hearing officer has discretion to increase the fine in the event of egregious violations, hazardous conditions that endanger the health or safety of the public, or other statutory provisions that authorize a higher penalty (up to \$2,000 p/day)
- **Enforcement of Order**
  - Filing a lawsuit in the Code Court under Ch. 54
  - Utilizing a collections agency to collect the penalty
  - Obtaining an injunction and requiring specific compliance with the ordinance



# CIVIL ACTION

# MUNICIPAL COURT

## Civil Action

- Provides concurrent jurisdiction for the Municipal Court to hear civil lawsuits for designated nuisance abatement cases under Subchapter B, Ch 54 of the Tex. Local Gov't Code
  - Lawsuits filed by the City Attorney's Office for enforcement of an Administrative Order, egregious cases or habitual violators
  - Eliminate \$1,500 filing fees for district court
  - Significantly reduces the timeline between issuance of notice of violation and filing a lawsuit to obtain compliance (**Average time**: 2 years)
  - Created Rules of Court (rules of procedure) consistent with the Local County Rules of Court

# CASE EXAMPLE

## Violation: Construction of new driveway without a permit

- 6/29/2023 Initially reported
- 7/26/2023 Property inspected by Code Officer – No permit
- 7/27/2023 Code Officer posts notice on door; received call from owner
  - Officer issues Notice of Violation and explains to owner how to comply
  - Compliance required by **8/8/2023**
- 8/15/2023 Re-inspection by Code Officer
  - Property remains in violation
  - Administrative citation issued
- 9/21/2023 Hearing with Hearing Officer – Respondent found liable
  - Compliance required by **10/21/2023**
- 1/30/2024 Application for Enforcement submitted to the Court
  - Set for hearing on 2/29/2024
  - Requests penalties and fees
  - Authority for City to remove unpermitted condition if respondent does not comply
  - Costs of abatement charged to defendant – money judgment and lien filed in county property records

**Average Time:** Citation to court filing – 6 months



# EFFECTIVE CODE ENFORCEMENT

*The key is to find which tools in the toolbox work best for your city!*

**TOOLBOX**



# THANK YOU

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