

Fundamentals of City Regulation

Riley Fletcher Basic Municipal Law Seminar

Austin, Texas

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Outline

- Brief History of Texas Cities
- City Types
- General Law Cities
- Home Rule Cities
- Differences
- Preemption
- Resources

Brief History



Determining City Type

General Law

- Type A
- Type B
- Type C

Home Rule

General Law Cities

A general law city may *only* exercise those powers that are specifically granted or necessarily implied in state law.



City Ordinance Authority

The governing body of a municipality may adopt ... an ordinance, rule or police regulation that ... is for the good government, peace, or order of the municipality ...

- Tex. Local Gov't Code Sec. 51.001

A Type A general law city “may adopt an ordinance ... not inconsistent with state law that is necessary for the government, interest, welfare, or good order of the municipality ...

- Tex. Local Gov't Code Sec. 51.012

The governing body of a Type B municipality may adopt an ordinance ... not inconsistent with state law, that the governing body considers proper for the government of the municipal corporation ...

- Texas. Local Gov't Code Sec. 51.051



Type A General Law Cities

Local Gov't Code Chapter 22

Aldermanic Form of Government

Council = Mayor + 5 aldermen (if no wards)

Mayor doesn't vote except to break a tie

Quorum consists of 3 aldermen, except:

- Special meeting or meeting concerning taxation
- 2/3 requirement
- Mayor doesn't count toward quorum requirements

Two-year terms (unless diff term adopted)

Mayor pro tem elected to fill in for mayor

Taxation:

- Limited to \$1.50 or \$2.50 per hundred-dollar valuation, depending on pop.



Type B General Law Cities

Local Gov't Code Chapter 23

Aldermanic Form of Government

Council = Mayor + 5 aldermen

Quorum =

- Mayor + 3 aldermen, or
- 4 aldermen, if mayor is absent

One-year terms

- (unless staggered 2-year terms are adopted)

Mayor pro tem elected to fill in for mayor

Mayor vote unclear

Taxation:

- Limited to \$0.25 per hundred-dollar valuation



Type C General Law Cities

Local Gov't Code Chapter 24

Commission Form of Government

Council = Mayor + 2 Commissioners

Two-year terms (unless longer term adopted)

Taxation:

- Limited to \$0.25 or \$1.50 per hundred-dollar valuation, depending on population

Borrowing Provisions

Local Gov't Code Chapter 51

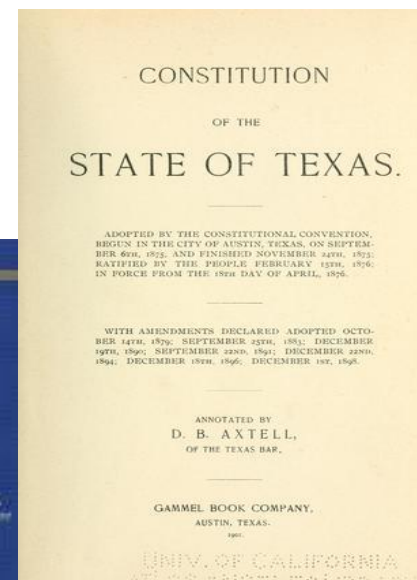
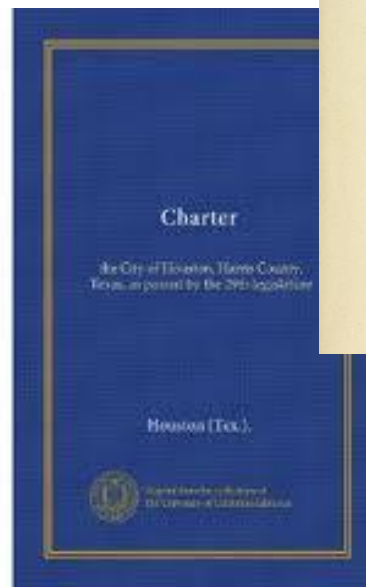
- Type B cities have the same authority, duties, and privileges as a Type A city, unless there is a conflicting state provision regarding only Type B cities
- Type C cities have the same powers as a Type B or Type A city (depending on population), unless the law specifically provides otherwise

Home Rule Cities



“Home-rule municipalities derive their powers from the Texas Constitution and possess the full power of self government and look the Legislature not for grants of power, but only for limitations on their power.”

- Texas Supreme Court, May 2016



Differences

- Citizen Initiative & Referendum (HR)
- Recall Election (HR)
- Removal (GL)
- Term Limits (HR)
- Maximum Property Tax Rates

Maximum Property Tax Rate

- Home Rule: \$2.50 per \$100 valuation
- Type A with <5,000 population: \$1.50 per \$100 valuation
- Type A with >5,000 population: \$2.50 per \$100 valuation
- Type B: \$ 0.25 per \$100 valuation
- Type C: Same as Type A if 501-4,999 population, or same as B if 201-500 population



Changing City Type

Changing to a Type A City

Local Gov't Code Sec. 6.012

1. Affirmative vote of 2/3 of city council;
2. Record taken and signed by mayor; and
3. Record filed and recorded in county clerk's office.

Changing to Home Rule

Local Gov't Code Sec. 9.002

1. City council may order an election to create a charter commission, with 2/3 vote of council; or
2. Council must order an election if presented with a petition signed by at least 10 percent of the qualified voters



Let's Summarize

	General Law Cities	Home Rule Cities
Does the city have a charter?	No	Yes
Where does the city get its authority?	Express grant of power (or necessarily implied) from the Legislature	Full power of self government and look to the Legislature only for limitations on its power
Can the city have citizen initiative and referendum?	No	Yes, only if the charter allows for it
Can the city have a recall election or set term limits?	No	Yes, only if the charter allows for it

Preemption

Dangerous Dogs



Texas Health & Safety Code
§ 822.047

Transportation Network Companies



Texas Occupations Code

Chapter 2402

Building Materials

Texas Government Code
Chapter 3000



Juvenile Curfew Ordinances



Texas Local Government
Code § 370.007
(H.B. 1819)

Texas Regulatory Consistency Act

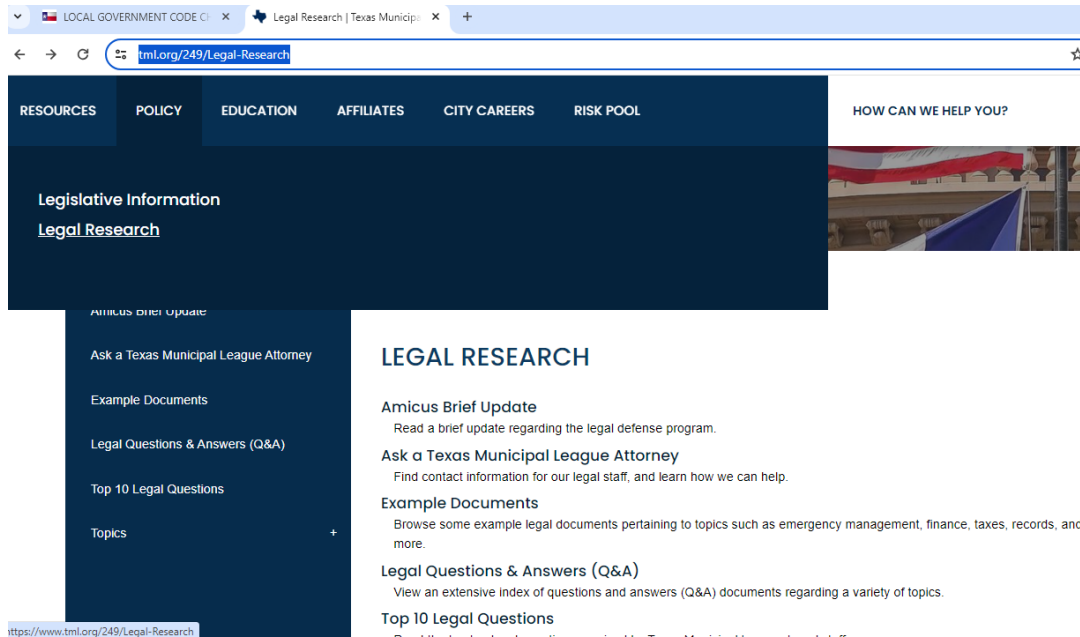
H.B. 2127 – “Super Preemption Bill” / “Death Star Bill”



Resources



www.tml.org



legalinfo@tml.org

512-231-7400

Legal Q&As:

<https://www.tml.org/254/Legal-Questions-Answers-QA>

Legislative Information:

<https://www.tml.org/319/Legislative-Information>



Charters and Ordinances

<https://www.generalcode.com/library/>

<https://library.municode.com/tx>

<https://codelibrary.amlegal.com/regions/tx>

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USA Map > Texas

Texas

View All Texas Codes

Anahuac
Baird
Balcones Heights
Big Sandy
Carters

Harker Heigl
Heath
Ivanhoe
Keene
Kermit

Addison
Alice
Amarillo
Aransas Pass

Andrews
Athens

Angleton
Aubrey

GENERAL CODE

Search for Municipality

When seen in the listing, indicates a MapLink site and indicates a collection of Custom Building Codes

eCodes by State
Stephenville
Sunset Valley

MapLink Sites

Custom Building Codes



Questions?

Contact us at:

legalinfo@tml.org

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