

ORDINANCE NO. 2026-16

AN ORDINANCE AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY, TEXAS, BY REPEALING AND REPLACING ARTICLE VII RELATED TO UNSAFE BUILDINGS AND PUBLIC NUISANCE ABATEMENT; ESTABLISHING PROCEDURES FOR THE IDENTIFICATION, HEARING, REPAIR, SECURING, REMOVAL, AND DEMOLITION OF DANGEROUS BUILDINGS AND STRUCTURES THROUGH THE MUNICIPAL COURT OF RECORD; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, PUBLICATION, AND AN EFFECTIVE DATE

WHEREAS, the City Council finds that dangerous buildings, unsafe structures, and related hazardous conditions may threaten the public health, safety, and welfare through structural instability, fire hazards, unlawful occupancy, unsanitary conditions, and other dangerous conditions; and

WHEREAS, the City of League City (“City”) is authorized pursuant to Chapters 54 and 214 of the Texas Local Government Code to regulate dangerous buildings and structures and to provide for the repair, vacation, securing, removal, or demolition of buildings and structures that constitute a hazard to the public health, safety, or welfare; and

WHEREAS, the City previously established procedures relating to unsafe buildings through a Building Standards Commission process; and

WHEREAS, Texas courts have subsequently emphasized the importance of procedural due process and judicial review in matters involving dangerous buildings, demolition orders, and substantial property rights; and

WHEREAS, on April 7, 2026, the League City Sunset Commission reviewed and discussed the matter and recommended that the Building Standards Commission be dissolved and that unsafe building matters instead be heard through the Municipal Court of Record process; and

WHEREAS, the City Council finds that it is appropriate to modernize and reorganize the City’s unsafe building regulations to provide a clearer and more comprehensive judicial process through the Municipal Court of Record; and

WHEREAS, the City Council further finds that adoption of the revised Article VII related to Unsafe Buildings and Public Nuisance Abatement will promote the public health, safety, and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. Chapter 22 of the Code of Ordinances of the City of League City, Texas, is hereby amended by repealing and replacing existing Article VII – Unsafe Buildings and Public Nuisance Abatement with a new Article VII – Unsafe Buildings and Public Nuisance Abatement, as shown in Exhibit “A,” which is attached hereto and incorporated herein for all purposes.

Section 2. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 5. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City’s official Code of Ordinances as provided hereinabove.

Section 6. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. This Ordinance shall become effective upon passage.

PASSED first reading the ____ day of _____, 2026.

PASSED AND ADOPTED the ____ day of _____, 2026.

NICK LONG
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

MICHELLE L. VILLARREAL
City Attorney (mv)

EXHIBIT A

ARTICLE VII. UNSAFE BUILDINGS AND PUBLIC NUISANCE ABATEMENT

Sec. 22-331. Purpose; Authority; Construction.

(a) This article is adopted pursuant to the City Charter, the Texas Constitution, and Chapters 54 and 214 of the Texas Local Government Code, including Section 214.001 et seq., for the purpose of providing for the repair, vacation, securing, removal, or demolition of buildings and structures that are dilapidated, substandard, unfit for human habitation, or otherwise constitute a danger to the public health, safety, or welfare.

(b) The City Council finds that such conditions constitute public nuisances and that the prompt abatement of those conditions is necessary to protect the public and preserve property values within the City.

(c) It is the intent of this article that determinations affecting substantial property rights be made through a judicial proceeding in the Municipal Court of Record in a manner consistent with due process and the requirements of Chapter 214 of the Texas Local Government Code.

Sec. 22-332. Definitions.

(a) "Building Official" means the individual designated by the City to administer and enforce this article, including the Chief Building Official, code enforcement officers, fire marshal personnel, and any other City employee or official authorized by the City to investigate or enforce violations relating to dangerous buildings, unsafe structures, property maintenance, fire hazards, or public nuisances.

(b) "Dangerous Building" means a building, structure, accessory structure, appurtenance, or portion thereof that is dilapidated, substandard, unfit for human habitation, structurally unsafe, unsecured, or otherwise constitutes a hazard to the public health, safety, or welfare, consistent with Chapter 214 of the Texas Local Government Code.

(c) "Owner" means the record owner or any person exercising possession or control of the property and includes, for notice purposes, any lienholder, mortgagee, or person having a legal or equitable interest in the property.

(d) "Municipal Court of Record" means the municipal court established by the City pursuant to state law.

Sec. 22-333. Dangerous Buildings Declared Public Nuisances.

(a) A building that is dilapidated, substandard, unfit for human habitation, or a hazard to the public health, safety, or welfare is declared to be a public nuisance.

(b) Such buildings are subject to repair, vacation, securing, removal, or demolition in accordance with this article and Chapter 214 of the Texas Local Government Code.

Sec. 22-334. Investigation; Preliminary Determination.

(a) The Building Official may investigate any building or structure upon a reasonable belief that it violates this article or otherwise constitutes a dangerous building or public nuisance.

(b) In determining whether a reasonable belief exists, the Building Official may rely upon personal observations, complaints, observations made from public property, photographs, permit history, utility records, fire or police records, code enforcement history, or any other information reasonably relevant to the condition of the property.

(c) Inspections of private property or structures may occur with the consent of the owner or occupant, pursuant to an administrative warrant or other lawful process, from areas open to public view, or as otherwise authorized by law.

(d) If the Building Official determines that a building or structure constitutes a dangerous building or otherwise violates this article, the City may initiate proceedings under this article.

Sec. 22-335. Immediate Safety Measures.

- (a) If the Building Official determines that a structure poses an immediate danger to life, health, or safety, the City may take temporary measures reasonably necessary to protect the public pending further proceedings under this article and Chapter 214 of the Texas Local Government Code.
- (b) Temporary measures authorized by this section may include restricting access to the property, posting warning notices or placards, coordinating the disconnection of utilities by the appropriate utility provider or authorized party, installing temporary barriers or fencing, or taking other temporary actions reasonably necessary to reduce an immediate threat to public safety.
- (c) Any action taken under this section shall be limited to temporary emergency safety measures reasonably necessary to address an immediate threat to public safety and shall not constitute a final determination that a violation exists.
- (d) If the Municipal Court of Record determines that the structure does not constitute a dangerous building or public nuisance, the City shall remove any notice or restriction imposed under this section to the extent reasonably practicable.

Sec. 22-336. Initiation of Proceedings.

- (a) Proceedings shall be initiated by filing a complaint in the Municipal Court of Record.
- (b) The complaint shall identify the property, describe the conditions constituting the violation, and state the relief requested.
- (c) The court shall set the matter for hearing.

Sec. 22-337. Notice of Hearing.

- (a) Notice shall be provided in accordance with Section 214.001 of the Texas Local Government Code by certified mail, return receipt requested, posting on the property, publication when required by law, and any other method authorized by law.
- (b) In identifying owners, lienholders, mortgagees, and other persons entitled to notice under this article, the City may rely upon county real property records, appraisal district records, tax records, utility records, Secretary of State records, assumed name records, and any other reasonably available source of information.
- (c) Notice must be provided at least ten (10) days before the hearing.
- (d) The notice shall describe the property, the alleged violations, the time and place of the hearing, and the actions that may be ordered by the Municipal Court of Record.
- (e) If notice sent by certified mail is returned marked “refused” or “unclaimed,” the validity of the notice and proceedings under this article shall not be affected, provided the notice was otherwise sent in accordance with applicable law.

Sec. 22-338. Hearing; Determination.

- (a) The Municipal Court of Record shall conduct a hearing to determine whether the building constitutes a dangerous building.
- (b) The City shall present evidence that the building is dilapidated, substandard, or a hazard to the public health, safety, or welfare.
- (c) The owner may present evidence and demonstrate the scope and timing of repairs.
- (d) If the City establishes that a violation exists, the owner may present evidence regarding the feasibility of repair and the time necessary to complete the work.
- (e) The court shall issue written findings identifying the conditions constituting the dangerous building.
- (f) The Municipal Court of Record shall cause an audio recording to be made of the hearing and shall maintain the court’s file, including notices, evidence, recordings, and orders, in accordance with applicable law governing municipal courts of record.

Sec. 22-339. Standards for Repair or Demolition.

- (a) The court shall determine whether a building can be feasibly repaired so that it no longer constitutes a

violation of this article and no longer poses a hazard to the public.

(b) In making this determination, the court may consider the extent of damage, the cost of repairs relative to the value of the structure, and the overall structural integrity of the building.

(c) A structure may be presumed to be repairable if less than fifty percent (50%) of the structure requires replacement or if the estimated cost of repair does not exceed fifty percent (50%) of the current appraised value of the structure; however, this presumption is not controlling and may be rebutted by evidence demonstrating that repair is or is not feasible under the circumstances.

(d) If the court determines that the structure cannot be feasibly repaired, the court shall order removal or demolition.

Sec. 22-340. Orders.

(a) If the Municipal Court of Record finds that a building is a dangerous building or public nuisance, the court shall order the owner to repair, remove, or demolish the building, or to vacate and secure the building, within a reasonable time.

(b) The court shall require compliance within a reasonable time. For purposes of this article, a reasonable time shall be presumed to be thirty (30) days from the date of the order for the completion of ordinary repairs. Where the owner demonstrates that the required work cannot reasonably be completed within thirty (30) days due to the scope or complexity of the work, the court may extend the time for compliance; however, the time necessary to complete such work shall be presumed not to exceed ninety (90) days from the date of the order unless the owner presents competent evidence establishing that additional time is reasonably necessary and the owner is diligently pursuing compliance.

(c) In determining whether additional time is warranted, the court may consider the nature and extent of the repairs, the availability of materials and labor, weather conditions, permitting requirements, and any other relevant factors.

(d) The court may require the owner to submit a detailed plan and schedule, may require periodic progress reports, and may require the owner to appear at subsequent hearings to demonstrate compliance.

(e) The court may require the owner to provide proof of compliance with the order, including certificates of completion, certificates of occupancy, inspection approvals, photographs, affidavits, or other documentation reasonably necessary to demonstrate compliance.

Sec. 22-341. Failure to Comply.

(a) If the owner fails to comply with the court's order within the time specified, and after expiration of any applicable appeal period or final resolution of any appeal, the City may abate the nuisance.

(b) In carrying out the abatement authorized by subsection (a), the City may vacate, secure, repair, remove, or demolish the building and may perform the work or contract for the work to be performed.

Sec. 22-342. Recovery of Costs and Liens.

(a) The City shall seek to recover all expenses incurred in connection with the vacating, securing, repairing, removal, or demolition of a building.

(b) Expenses incurred under this article may be assessed against the property and secured by a lien in accordance with Chapter 214 of the Texas Local Government Code. The Municipal Court of Record may include such authorization in its order.

(c) The lien shall attach to the property and shall be subordinate only to tax liens and prior recorded liens as provided by law.

(d) The City may seek civil penalties under Chapter 54 of the Texas Local Government Code in a separate action in a court of competent jurisdiction, and such penalties shall not limit the City's authority to recover costs under Chapter 214.

(e) Nothing in this article shall authorize the imposition of a lien prohibited by the Texas Constitution or other applicable law.

Sec. 22-343. Emergency Measures.

- (a) The City may take emergency action without prior hearing when a building poses an immediate danger to life or safety, as authorized by law.
- (b) A hearing shall be provided as soon as practicable after such action.

Sec. 22-344. Appeal.

- (a) An owner, lienholder, or mortgagee who is aggrieved by a final order may file a verified petition in a county court at law or district court of Galveston County or Harris County, as applicable based on the location of the property.
- (b) The petition must be filed not later than the thirtieth day after the order is mailed by certified mail, or the order becomes final.
- (c) The reviewing court shall consider the appeal under the substantial evidence rule and may affirm, reverse, or modify the order.
- (d) The filing of an appeal does not stay enforcement unless a reviewing court grants a stay.

Sec. 22-345. Demolition; Site Clearance.

- (a) Following demolition, the owner shall clear and grade the site and, as site conditions require, remove debris, fill excavation areas, perform rough grading, install and maintain erosion control and temporary stabilization measures, provide protection to utilities, and protect adjacent property and public rights-of-way.
- (b) If the owner fails to perform the work required by this section, the City may perform the work and recover its costs in accordance with this article and applicable law.

Sec. 22-347. Offenses.

A person commits an offense if, after notice under this article, the person fails to comply with an order issued under this article or knowingly occupies, uses, or permits occupancy or use of a building determined to be dangerous under this article.