

Bond Case Briefs

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MUNICIPAL ORDINANCE - TEXAS

City of Dallas v. TCI West End, Inc.

Supreme Court of Texas - May 8, 2015 - S.W.3d - 2015 WL 2147986

City brought action against developer for demolishing a historic building in violation of city ordinances and for fraud. Texas Historical Commission (THC) intervened to recover damages for demolition of historic structure without appropriate written permission from municipality. The District Court entered judgment on special jury verdict for city and THC in part, and granted developer's motion for judgment notwithstanding the verdict (JNOV) in part. City's petition for review was granted.

The Supreme Court of Texas held that:

- Statutes authorizing municipalities to bring civil actions and to recover civil penalties for violations of ordinances provided City authority to bring action against developer, and
- Statute authorizing municipalities to recover civil penalties for violation of ordinances applied to instances in which a defendant violated an ordinance after receiving notice of an ordinance's provisions or failed to take action necessary for compliance with the ordinance after receiving such notice.

Statutes authorizing municipalities to bring civil actions and to recover civil penalties for violations of ordinances provided City authority to bring action against developer for demolishing a historic building in violation of city ordinances. Interpretation of statute as incorporating a health-and-safety limitation was contrary to the plain and unambiguous language in the statute and would have rendered meaningless and redundant language in that section expressly circumscribing other categories of ordinances enforceable.

Statute authorizing municipalities to recover civil penalties for violation of ordinances applied to instances in which a defendant violated an ordinance after receiving notice of an ordinance's provisions or failed to take action necessary for compliance with the ordinance after receiving such notice, for purposes of determining whether City could seek penalties from developer for demolishing a historic building in violation of city ordinances.