

THE BRIEF



Information for Texas Municipalities about Texas Municipal Courts (September 2026)

ORDINANCES

Four Things Every City Should Keep in Mind

Municipal ordinances are among the most direct ways that local government affects everyday life. From weeds, junked vehicles, and dangerous dogs to zoning, property maintenance, and public safety, ordinances allow cities to respond to local needs and protect the health, safety, and welfare of their communities.

But adopting an ordinance is only the beginning. How an ordinance is written, investigated, enforced, prosecuted, and ultimately adjudicated matters. That process may involve the city council, city attorney, code enforcement, animal services, prosecutor, municipal court, and other city departments—each performing a different role.

That intersection was the focus of TMCEC's recent C3 4-Hour Virtual Clinic: Ordinances Revisited. The program examined ordinances from four different perspectives: nuisance regulation, animal ordinances, constitutional and criminal case law, and judicial ethics.

Here are four takeaways for Texas cities.

1. Cities Have a Toolbox

Nuisance problems illustrate why ordinance enforcement is rarely a one-size-fits-all proposition. Cities may encounter high weeds and rubbish, substandard structures, junked vehicles, animal-control issues, and other conditions affecting health and safety. State law provides municipalities with several mechanisms for addressing these problems, but the appropriate tool depends on the problem and the governing law.

Depending on the circumstances, a city might use notice and administrative abatement procedures, criminal enforcement, civil enforcement, or other statutory remedies. The practical lesson is simple: identify the problem first, then identify the legal tool designed to address it. Effective enforcement also requires communication among departments. Code enforcement, prosecutors, city attorneys, and courts should understand their respective responsibilities and the limitations on each role.

2. Animal Ordinances Are More Complicated Than They Look

Few subjects demonstrate the complexity of municipal regulation better than animals. Cities may regulate matters ranging from animals running at large and rabies control to dangerous dogs and the keeping of animals in residential areas. But municipal authority exists alongside—and is sometimes limited by—state and federal law.

Dangerous-dog proceedings, for example, can place specific responsibilities on municipal courts. State law also limits what municipal ordinances may provide in certain dangerous-dog matters. A seemingly straightforward animal ordinance violation involving an animal may therefore implicate substantially broader legal questions.

Good ordinance drafting matters too: use clear and consistent terminology, organize provisions logically, define necessary terms, and avoid placing substantive requirements inside definitions.

3. An Ordinance Must Survive the Courthouse

An ordinance may reflect a legitimate policy goal and still encounter constitutional or criminal-law problems when enforcement begins. Decades of case law provide important guardrails. The Fourth Amendment generally limits warrantless administrative inspections of private property. Due process requires penal ordinances to provide fair notice rather than leave people guessing about prohibited conduct. And Texas criminal law imposes its own requirements concerning matters such as culpable mental states and charging instruments.

For cities, the message is important: ordinance drafting and ordinance enforcement cannot be separated. Before adopting model language—or before relying on an existing ordinance for prosecution—cities should understand what the ordinance actually requires the State to prove.

4. The Court Is Part of the City—but It Is Still a Court

Municipal courts occupy a unique place in city government. Although created and supported by municipalities, courts exercise an independent judicial function.

The Texas Code of Judicial Conduct requires judges to preserve the integrity and independence of the judiciary, promote public confidence in judicial impartiality, and perform judicial duties without bias or prejudice. That can become particularly important when a city is trying to solve a difficult ordinance-enforcement problem. Judges cannot become another member of the city's enforcement team. Relationships with city officials, pressure to achieve a particular result, concerns about reappointment, or even disagreement with the law cannot dictate the outcome of a case. Judicial independence can be threatened when professional relationships, political pressure, or desired outcomes interfere with neutrality.

Everyone benefits when the roles are clear: city councils make policy, city personnel enforce the law, prosecutors prosecute cases, and judges independently decide the matters that come before the court.

More Than *The Brief*: C3 Education for Texas Cities

The Brief is one part of TMCEC's broader Councils, Courts, and Cities (C3) initiative. Created in 2018, C3 seeks to bridge the information gap between city halls and municipal courts by increasing understanding of municipal courts among mayors, council members, city attorneys, and other local officials.

That mission includes educational resources as well as training opportunities bringing together the different people whose work intersects with municipal courts.

The latest example is TMCEC's Ordinances Revisited, a C3 Virtual Clinic that aired on August 12, 2026. The entire Ordinances Revisited clinic is now available on demand through TMCEC's Online Learning Center.

Whether you work at city hall or in the municipal court, ordinances provide a good reminder of why communication and education across city government matter. The same ordinance may begin in the council chambers, be investigated in the field, prosecuted in municipal court, and ultimately interpreted by a judge. Each person has a different role. Understanding those roles—and the legal boundaries between them—helps local government work better.

The Brief is a periodic briefing for Texas mayors, city council members, and other local officials highlighting issues and increasing awareness and understanding of municipal courts in the Lone Star State. *The Brief* is part of TMCEC's public information and education campaign, *Councils, Courts, and Cities* (C3). For more information about TMCEC, visit: www.tmcec.com. Follow C3 on X: @C3ofTexas.