



TEXAS MUNICIPAL LAW BULLETIN™

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CITY OF DALLAS V. TCI WEST END

On May 8, 2015, the Texas Supreme Court upheld the ability of a city to sue a property owner civilly for violating a general zoning ordinance under the Texas Local Government Code § 54.012(3). Chapter 54 suits are not limited to enforcing health and safety regulations.

The City of Dallas sued TCI West End (TCI) because TCI demolished a building in a historic overlay district, violating a city ordinance. The ordinance requires a property owner to apply for a permit prior to demolishing a building in a historic district to determine if the structure is a “contributing structure” to the district. At trial, the jury found TCI liable for \$750,000 in civil damages to the City. On appeal, however, the Court of Appeals held that a city could only sue under Local Government Code § 54.012 for violations of “health and safety” zoning ordinances. Because the City’s suit was for a violation of a zoning ordinance regulating the use of land, generally, and not specifically for a health or safety ordinance, the appellate court held that it could not sue under § 54.012. Instead, the appellate court said the City had to sue under Chapter 211 of the Local Government Code (the Zoning statute).

The Supreme Court reversed the decision and held that the Court of Appeals’ interpretation of § 54.012 was too narrow, and would render other provisions in the section meaningless or redundant. The plain language of § 54.012(3) specifically includes a violation of zoning ordinances that “provides for the use of land or classifies a parcel of land according to the municipality’s district classification scheme.” The Supreme Court ruled that the Legislature deliberately chose to include this subsection without using “health and safety,” and therefore cannot be ignored. The Supreme Court remanded the case back to the appellate court for further deliberations.



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