

ORDINANCE NO. 5404

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, AMENDING THE CODE OF ORDINANCES AT CHAPTER 13 “NUISANCES,” ARTICLE I “IN GENERAL”, ADDING SECTION 13-1 “DEFINITIONS”; ADDING SECTION 13-2 “JURISDICTION”; ADDING SECTION 13-3 “AUTHORITY TO ISSUE SEARCH AND SEIZURE WARRANTS”; ADDING SECTION 13-4 “WARRANTS ISSUED PRIOR TO INSPECTION”; ADDING SECTION 13-5 “REQUIREMENTS FOR ISSUANCE OF SEARCH AND SEIZURE WARRANTS”; ADDING SECTION 13-6 “SEARCH AND SEIZURE WARRANT FORMALITIES”; ADDING SECTION 13-7 “EXECUTION OF SEARCH AND SEIZURE WARRANTS”; ADDING SECTION 13-8 “CONFLICTS”; PROVIDING SEVERABILITY, REPEALER AND SAVINGS CLAUSES; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Denison (hereinafter referred to as “City”) is a Home Rule Municipality, acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, pursuant to Section 217.042(b) of the Texas Local Government Code, the City may enforce all ordinances necessary to prevent and summarily abate and remove a nuisance; and

WHEREAS, the City Council of the City (the “City Council”) adopted Chapter 13 “Nuisances” of the Code of Ordinances; and

WHEREAS, on April 18, 2025, the City Council adopted an ordinance designating the municipal court as a municipal court of record; and

WHEREAS, the City Council has investigated and determined that it is in the best interest of the City to amend Chapter 13, Article I, to provide for additional regulation which will harmonize the entirety of Chapter 13 with the legislative changes made to Texas Government Code Section 29.003 (which are effective September 1, 2025); and

WHEREAS, pursuant to Section 29.03 of the Texas Government Code, the City’s municipal court has the authority to issue search warrants for the purpose of investigating a health and safety or nuisance abatement ordinance violation; and seizure warrants for the purpose of securing, removing, or demolishing the offending property and removing the debris from the premises; and

WHEREAS, after due deliberations and consideration, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City, and the public health, safety, and welfare of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS:

Section 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Addition of Chapter 13, Article I, Sections 13-1 through 13-8. The Code of Ordinances of the City of Denison, Texas is amended to add Sections 13-1 through 13-8, relating to the municipal court, Article I “In General,” Chapter 13 “Nuisances,” as follows:

Sec. 13-1. – Definitions.

Officer means any person authorized to enforce the itemized chapters of this Code as described in Section 2-126 of the Code of Ordinances of Denison, Texas, as a code enforcement officer.

Magistrate means the presiding or alternative judge appointed to preside over the municipal court of Denison, Texas.

Sec.13-2. – Jurisdiction.

- (a) The municipal court shall have civil jurisdiction, and enforcement authority over dangerous structures, housing and other structures, junked vehicles, and abandoned motor vehicles, as further specified in this Chapter, in Chapter 683, Texas Transportation Code, and in Chapters 54 and 214, Texas Local Government Code, as authorized by Texas Government Code Section 29.003.
- (b) The municipal court shall have civil jurisdiction, and the authority to enforce all ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the City and its inhabitants as further specified in this Chapter, and as authorized under other applicable law.

Sec. 13-3. – Authority to issue search and seizure warrants.

The Magistrate shall have the authority to issue:

- (1) Search warrants for the purpose of investigating any violation of this Chapter; and
- (2) Seizure warrants for the purpose of securing, removing or demolishing the offending property and removing the debris from the premises in connection with a violation of this Chapter.

Sec. 13-4. – Warrants issued prior to inspection.

An Officer may seek and obtain search and seizure warrants, as provided in Section 13-3, from a Magistrate before making an inspection incidental to the enforcement of any provision of this Chapter. Search and seizure warrants, issued in accordance with this Chapter, are subject to the requirements of this Article.

Sec. 13-5. – Requirements for issuance of search and seizure warrants.

(a) No search or seizure warrant shall be issued except upon citation to specific laws requiring for permitting inspections or on the presentation of evidence of probable cause to believe that a violation of this Chapter, or state or federal statutes, providing for such searches and seizures to be made by an Officer are present in the premises where a search or seizure is to be carried out. In determining probable cause, the Magistrate is not limited to evidence of specific knowledge, but may consider the following factors:

- (1) The age of the structures on the premises;
- (2) The general condition of the premises, and any structures on the premises;
- (3) Any previous violations or hazards found present on the premises;
- (4) The type of premises;
- (5) The purposes for which the premises are used;
- (6) The indications of presence of current visible hazards or violations on the premises;
and
- (7) The presence of hazards or violations near the premises.

(b) A sworn affidavit setting forth articulable facts toward establishing probable cause for a search or seizure, or the statutory basis for search or seizure, shall be filed in every instance in which a search or seizure warrant is requested.

(c) Every application for a search or seizure warrant authorized under this Article shall first be delivered to the City Attorney or his designated assistant for review and approval before such application is brought to the Magistrate.

Sec. 13-6. – Search and seizure warrant formalities.

A search or seizure warrant issued pursuant to this Article shall be sufficient if it contains the following:

- (1) That it run in the name of the “State of Texas”;
- (2) That it identifies those premises to be inspected by address, legal description, or property identification number on file with Grayson County Appraisal District;
- (3) That it commands the Officer to administer the procedures authorized by this Article to search the premises for the purpose of investigating a violation of this

Chapter, or seize debris from the premises, or secure, remove, or demolish the premises; and

(4) That it be dated and signed by the Magistrate.

Sec. 13-7. – Execution of search and seizure warrants.

- (c) An Officer to whom the search or seizure warrant is delivered, shall execute it without delay and forthwith return it to the Magistrate. The issuing Magistrate shall endorse on such warrant the date and hour of the issuance, and the date of the execution of such warrant.
- (d) A search or seizure warrant may be executed within three (3) days from the time of its issuance and shall be executed within a shorter period if so directed in such warrant.
- (e) Before entering the premises to execute a search or seizure warrant, the Officer executing such warrant shall give notice of their purpose to the person in charge of or occupying the premises to be inspected. If no such person can be found, upon execution of such warrant, a copy of the warrant, with a written inventory of any property taken, shall be affixed to the front door of the building, or gate of the premises inspected.
- (f) The execution of a search or seizure warrant issued pursuant to this Article shall not give any Officer any authority to make arrests, or to seize tangible goods for purposes of criminal prosecution other than debris as described in any seizure warrant issued in accordance with this Article, or when there is imminent and immediate danger to the health, safety, or welfare of the public.
- (g) Upon returning a search or seizure warrant, the Officer shall state, on the back of the warrant or on paper attached to the warrant, the manner in which the warrant had been executed. Following execution, a copy of the warrant with such statement shall be returned to the Magistrate.
- (h) The municipal court shall keep a record of all proceedings in connection with search or seizure warrants issued in accordance with this Article.

Sec. 13-8. – Conflicts.

No provision of this Article is intended to conflict with any state or federal law, and the powers and rights granted in this Article are intended to be in addition to any rights granted by state or federal law.

Section 3: Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Denison, Texas, in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

Section 4: Repealer and Savings. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of such ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance; whether such ordinances are codified or uncodified, and all other provisions of the Ordinances of the City of Denison, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 5: Effective Date. This Ordinance shall become effective September 1, 2025.

Section 6: Open Meeting. That it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given all as required by Section 551.041, Texas Government Code.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, ON THIS 4th DAY OF AUGUST 2025.



ROBERT CRAWLEY, Mayor

ATTEST:



Christine Wallentine, City Clerk

