

TRANSPARENCY INITIATIVE

DILLON'S RULE LEGAL AUDIT

City of Chandler, Texas — Code of Ordinances

⚠ SEVERITY & CITATION EDITION ⚠

Color-coded by severity, hyperlinked to source law, Clean items removed

PREPARED BY

Native Chaos Holdings

A Transparency Initiative for the Citizens of Chandler, Texas

Sources: ecode360.com (CH4875), statutes.capitol.texas.gov, capitol.texas.gov, law.cornell.edu

Audit Date: June 18, 2026 • Edition Generated: June 19, 2026

Scope: All 14 chapters, Exhibits 10A and 14A, and the New Laws Queue — actionable findings only

Verified total: 130 findings (14 CRITICAL, 32 HIGH, 43 MEDIUM, 41 LOW). For the full record — including withdrawn, compliant, and unverifiable items with their reasoning — see the Fact-Check Edition.

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Executive Summary

Chandler is a Type A general-law municipality (population approximately 3,400–4,100) and, under Dillon's Rule, possesses only those powers expressly granted by the Texas Legislature, those necessarily implied from an express grant, and those essential to the city's declared purposes. This is the Severity & Citation Edition of the full audit: Clean items (no actionable legal defect) have been removed; every retained finding is color-coded by severity, hyperlinked to its underlying statute or ordinance where a reliable link exists, and indexed in the Quick Reference section that follows.

Aggregate Severity Tally — All 16 Audited Units



Total actionable findings retained: 130

Across all sixteen audited units (14 chapters, with Chapter 14 split into two parts, plus the New Laws Queue), 130 actionable findings are retained in this VERIFIED FINDINGS EDITION: 14 CRITICAL, 32 HIGH, 43 MEDIUM, and 41 LOW. This total starts from the Fact-Check Edition's reconciled 125 (14/31/40/40), removes §1.03.046 (already excluded there as withdrawn/compliant), adds Chapter 5's 5 independently-narrated findings that the emoji-tag counter had missed (+1 HIGH, +3 MEDIUM, +1 LOW), and excludes as unverifiable both Chapter 5's two self-contradicted table entries (§5.04.005, §5.06.004) and all 10 of Chapter 14 Part 2's unsubstantiated claimed findings. Compliant and unverifiable items were removed outright rather than flagged; see the Fact-Check Edition for the full record with Errata.

Recurring Themes

- Stale construction-code editions: Chapter 3's adopted IBC/IRC/IPC/IMC/IFGC (2009) and NEC (1997) are multiple cycles out of date, with no adopted energy code despite the [Health & Safety Code §388.003](#) statewide mandate.
- Pre-1995 Article 6701d / Vernon's Civil Statutes citations persist in current ordinance-drafting practice (Chapter 12, and confirmed live in New Laws Queue Ordinance O-2025-1014-A), long after recodification into Transportation Code Title 7, Subtitle C.
- Penalty caps exceeding [LGC §54.001](#) and [Penal Code §12.23](#) Class C misdemeanor ceilings recur across Chapters 8, 12, and 13.
- [HB 2127](#) (Texas Regulatory Consistency Act) exposure is minimal: most chapters' subject matter (criminal offenses, traffic, building codes, zoning, utilities) falls outside the 8 enumerated preempted codes (Agriculture, Business & Commerce, Finance, Insurance, Labor, Natural Resources, Occupations, Property).
- Authority gaps cluster around licensing/registration schemes (Chapter 4 oil production tax, Chapter 14 Part 1 manufactured-home-park operator licensing) that lack express statutory delegation to general-law cities.

Citation Links — Coverage Notes

Texas statute citations link to the official statutes.capitol.texas.gov section text. Chandler ordinance section citations link to the city's eCode360 code home (ecode360.com/CH4875) — eCode360 does not expose stable per-section deep links, so these resolve to the chapter-level code page. Federal U.S.C./C.F.R. citations link to Cornell Law School's Legal Information Institute. Bill citations (HB/SB) link to the Texas Legislature's official bill history only where this corpus states an unambiguous legislative session; ambiguous bill citations (e.g., SB 6, cited only as part of a "2017–2019" reform range) are left as plain text rather than risk linking to the wrong session.

Quick Reference — Findings by Severity

Every actionable finding retained in this edition, grouped by severity and linked directly to its full entry. Clean items carry no legal defect and have been removed from this edition; consult the original full audit for the complete, unfiltered record.

● CRITICAL — 14 finding(s)

- [Article 3.03, Division 2, §3.03.031 — Building Code adoption.](#) — Chapter 3 — Building Regulations
- [Article 3.03, Division 3, §3.03.091 — Residential Code adoption.](#) — Chapter 3 — Building Regulations
- [Article 3.03, Division 4, Part V, §3.03.291 — Electrical Code adoption.](#) — Chapter 3 — Building Regulations
- [Article 3.03, Division 5, Part II, §3.03.411 — Plumbing Code adoption; Division 6, §3.03.471 — Mechanical Code adoption; Division 7, §3.03.521 — Fuel Gas Cod...](#) — Chapter 3 — Building Regulations
- [Article 3.03 — Absence of an adopted Energy Code \(IECC\).](#) — Chapter 3 — Building Regulations
- [Finding 1 — §4.03.035 \(Records of purchases\)](#) — Chapter 4 — Business Regulations
- [Finding 11 — §4.07.028 \(Oil tax\)](#) — Chapter 4 — Business Regulations
- [Finding 12 — §4.07.012 \(Setting and cementing casing\) and related technical well-construction standards \(§4.07.011–4.07.018, derrick/rig, pits, casing, valve...](#) — Chapter 4 — Business Regulations
- [FINDING 1 — CRITICAL / INTERNAL CONFLICT & AUTHORITY-MISALIGNMENT.](#) — Chapter 7 — Municipal Court
- [§8.05.006 \(Penalties\).](#) — Chapter 8 — Offenses and Nuisances
- [§6.1 Parks, School Sites, Public Areas** — requires dedication of 5% of total tract acreage \(or monetary equivalent\) for park land; city's discretion whether...](#) — Chapter 10 — Subdivision Regulation (incl. Exhibit 10A)
- [**Issue category:** CONFLICT](#) — Chapter 11 — Taxation
- [§12.04.052 — Penalty](#) — Chapter 12 — Traffic and Vehicles
- [§13.04.009 \(Notification and updates\) — Issue: CONFLICT \(mandatory rule non-compliance\) — Severity: CRITICAL.](#) — Chapter 13 — Utilities

● HIGH — 32 finding(s)

- [§1.02.051–.055 \(Claims Against City\).](#) — Chapter 1 — General Provisions
- [§1.05.003 Competitive bidding threshold.](#) — Chapter 1 — General Provisions
- [§1.10.061 Park use generally** \(firearms ban, with exceptions for law enforcement, valid CHL/LTC holders, and city-administrator written consent; ball/projec...](#) — Chapter 1 — General Provisions
- [§ 2.05.001 Declaration that animal is vicious; notice; hearing](#) — Chapter 2 — Animal Control
- [§ 2.05.002 Requirements for keeping vicious animal](#) — Chapter 2 — Animal Control
- [Article 3.03, Division 4, Part IV, §3.03.263 — Electrician qualifications.](#) — Chapter 3 — Building Regulations

- [Article 3.01, §3.01.002 — Minimum square footage \(1,200 sq. ft.\) for single-family residential.](#) — Chapter 3 — Building Regulations
- [Article 3.10, §3.10.013\(E\),\(G\) — Satellite dish antenna restrictions.](#) — Chapter 3 — Building Regulations
- [Finding 7 — §4.05.002 \(Hours of operation\)](#) — Chapter 4 — Business Regulations
- [Finding 14 — §4.07.006 \(Bond\) — \\$100,000 surety bond requirement](#) — Chapter 4 — Business Regulations
- [Finding 17 — Article 4.08 generally \(pipeline permit, plan review, fees, penalties\)](#) — Chapter 4 — Business Regulations
- [Finding 18 — §4.09.006 \(Penalty\)](#) — Chapter 4 — Business Regulations
- [**Finding 1 — OUTDATED CITATION / WRONG CHAPTER. Severity: HIGH.](#) — Chapter 6 — Health and Sanitation
- [**Finding 4 — OUTDATED CITATION / WRONG CHAPTER \(duplicate of Finding 1\). Severity: HIGH.](#) — Chapter 6 — Health and Sanitation
- [§7.05.003 \(Technology fund\)** — **HIGH / AUTHORITY GAP.** Establishes a \\$4.00 "municipal court technology fee" assessed on every misdemeanor conviction, citi...](#) — Chapter 7 — Municipal Court
- [§8.04.003 \(Penalty\).](#) — Chapter 8 — Offenses and Nuisances
- [§8.04.034 \(Hearing to determine junked vehicle status\); §8.04.035 \(Filing of complaint\); §8.04.036 \(Trial; penalty\).](#) — Chapter 8 — Offenses and Nuisances
- [§8.05.002 \(Sex offender prohibition\).](#) — Chapter 8 — Offenses and Nuisances
- [§8.05.003 \(Property owners prohibited from renting to sex offenders\).](#) — Chapter 8 — Offenses and Nuisances
- [**Issue category:** PREEMPTION / CONFLICT — **HIGH**.](#) — Chapter 9 — Personnel
- [§3.3 Jurisdiction** — extends subdivision review to land "inside the corporate limits or extraterritorial jurisdiction \(ETJ\)"; repeats 5-acre agricultural ex...](#) — Chapter 10 — Subdivision Regulation (incl. Exhibit 10A)
- [**Category:** CONFLICT / OUTDATED — **HIGH](#) — Chapter 10 — Subdivision Regulation (incl. Exhibit 10A)
- [**Issue category:** CONFLICT](#) — Chapter 11 — Taxation
- [§12.01.016 — Accident reports](#) — Chapter 12 — Traffic and Vehicles
- [§12.03.051 — General speed limit; limits on specific streets](#) — Chapter 12 — Traffic and Vehicles
- [§13.03.137 \(Damaging/tampering with sewer system\) — Issue: CONFLICT — Severity: HIGH.](#) — Chapter 13 — Utilities
- [§13.05.045 \(Containers; placement\) — Issue: CONFLICT — Severity: HIGH.](#) — Chapter 13 — Utilities
- [§13.06.009 \(Use of sanitary sewer system\) — Issue: AUTHORITY GAP / CONFLICT — Severity: HIGH.](#) — Chapter 13 — Utilities
- [Severity:** HIGH](#) — Chapter 14, Part 1 — Zoning (Articles 1–10)
- [Severity:** HIGH](#) — Chapter 14, Part 1 — Zoning (Articles 1–10)
- [Severity:** HIGH](#) — Chapter 14, Part 1 — Zoning (Articles 1–10)

MEDIUM — 43 finding(s)

- [§1.02.009 City map / ETJ boundary.](#) — Chapter 1 — General Provisions

- [§1.09.033–.035 \(Discrimination in sale, financing, brokerage of housing\).](#) — Chapter 1 — General Provisions
- [§1.10.063 Abusive/indecent language; nuisance.** Clean, though note: an "abusive or indecent language" ban, if not narrowly drawn, risks facial First Amendme...](#) — Chapter 1 — General Provisions
- [§1.10.067 Alcoholic beverages.](#) — Chapter 1 — General Provisions
- [§ 2.01.004 Keeping wild or exotic animals or poisonous reptiles](#) — Chapter 2 — Animal Control
- [§ 2.01.006 Pets to be neutered or spayed](#) — Chapter 2 — Animal Control
- [§ 2.05.003 Authority to order impoundment and destruction](#) — Chapter 2 — Animal Control
- [§ 2.05.004 Hearing on impoundment](#) — Chapter 2 — Animal Control
- [Article 3.03, Division 2 & Division 3 — Contractor's license/bond \(\\$1,000 surety bond\) under §3.03.033.](#) — Chapter 3 — Building Regulations
- [Article 3.09, Division 3, §3.09.080 — "Freestanding pole sign \(only with special exception\)."](#) — Chapter 3 — Building Regulations
- [Article 3.06 \(Flood Damage Prevention\) — FIRM/FIS reference date.](#) — Chapter 3 — Building Regulations
- [Finding 4 — §4.04.042\(a\)\(3\) \(Application — collection of Social Security number\)](#) — Chapter 4 — Business Regulations
- [Finding 8 — §4.05.003 \(Register of transactions\)](#) — Chapter 4 — Business Regulations
- [Finding 16 — §4.07.061–067 \(Permit: application, notice/hearing, fee, contents, contracts with landowners\)](#) — Chapter 4 — Business Regulations
- [**Finding 3 — ULTRA VIRES CIVIL-LIABILITY DECLARATION. Severity: LOW-MEDIUM.](#) — Chapter 6 — Health and Sanitation
- [**Finding 5 — EXTRATERRITORIAL JURISDICTION \(ETJ\) APPLICATION. Severity: MEDIUM.](#) — Chapter 6 — Health and Sanitation
- [§7.01.003 \(Jury pay\)** — **MEDIUM / OUTDATED REFERENCE.** Sets juror reimbursement at "not less than \\$6.00 nor more than \\$50.00" per day, mirroring the *pre-...](#) — Chapter 7 — Municipal Court
- [§8.02.001–§8.02.004 \(general noise prohibitions, specific noise enumerations\).](#) — Chapter 8 — Offenses and Nuisances
- [§8.04.071 \(Declaration of nuisance; duty to impound\) through §8.04.075 \(Records; fees\).](#) — Chapter 8 — Offenses and Nuisances
- [**Issue category:** None — clean, but **MEDIUM** documentation/audit-scope note.](#) — Chapter 9 — Personnel
- [**Issue category:** CONFLICT — **MEDIUM** \(verify, not necessarily an actual defect\).](#) — Chapter 9 — Personnel
- [**Issue category:** AUTHORITY GAP — **MEDIUM** \(verify only; likely fine\).](#) — Chapter 9 — Personnel
- [§9.02.056 — Qualifications of applicants.** \(full text not extracted, title only visible\)](#) — Chapter 9 — Personnel
- [§8.8 Issuance of Permits** — withholds building/utility permits until subdivider complies with the ordinance and §4.4.6 requirements.](#) — Chapter 10 — Subdivision Regulation (incl. Exhibit 10A)
- [**Issue category:** OUTDATED CITATION](#) — Chapter 11 — Taxation

- [⌵ ****Issue category:** AUTHORITY GAP \(verification flag\) — otherwise CLEAN on rate** — Chapter 11 — Taxation](#)
- [⌵ **§12.01.001 — Uniform Act Regulating Traffic on Highways adopted** — Chapter 12 — Traffic and Vehicles](#)
- [⌵ **§12.01.008 — Obedience to officer signaling for driver to stop** — Chapter 12 — Traffic and Vehicles](#)
- [⌵ **§12.01.021 — Giving false information in promise to appear** — Chapter 12 — Traffic and Vehicles](#)
- [⌵ **§12.01.024 — Court appearance by juvenile traffic offenders** — Chapter 12 — Traffic and Vehicles](#)
- [⌵ **§12.03.053 — Speed limits near schools, churches and hospitals** — Chapter 12 — Traffic and Vehicles](#)
- [⌵ **§12.04.001 — No parking zones** — Chapter 12 — Traffic and Vehicles](#)
- [⌵ **§12.05.003 — Conditions for towing** — Chapter 12 — Traffic and Vehicles](#)
- [⌵ **§13.02.003 \(Termination for nonpayment\) — Issue: AUTHORITY GAP / CONFLICT — Severity: MEDIUM.** — Chapter 13 — Utilities](#)
- [⌵ **§13.03.126 \(Hazardous/toxic materials\) — Issue: OUTDATED CITATION — Severity: MEDIUM.** — Chapter 13 — Utilities](#)
- [⌵ **§13.03.143 \(Authority to disconnect service\) — Issue: CONFLICT — Severity: MEDIUM.** — Chapter 13 — Utilities](#)
- [⌵ **§13.05.047 \(Failure to pay solid waste bills\) — Issue: CONFLICT — Severity: MEDIUM.** — Chapter 13 — Utilities](#)
- [⌵ **Severity:** MEDIUM** — Chapter 14, Part 1 — Zoning \(Articles 1–10\)](#)
- [⌵ **Severity:** MEDIUM** — Chapter 14, Part 1 — Zoning \(Articles 1–10\)](#)
- [⌵ **Ordinance O-2025-1014-A \(adopted 2025-10-14\)** — New Laws Queue — Recently Adopted, Uncodified Ordinances](#)

● LOW — 41 finding(s)

- [⌵ **§1.02.003 Adoption of Local Government Code.** — Chapter 1 — General Provisions](#)
- [⌵ **§1.06.005 \(controlled-substance forfeiture property disposition\).** — Chapter 1 — General Provisions](#)
- [⌵ **§1.06.008 \(seized property disposition procedure\).** — Chapter 1 — General Provisions](#)
- [⌵ **§1.08.033 Emergency management plan.** Clean — correctly subordinates the local plan to standards set by the Texas Division of Emergency Management \(TDEM, su...** — Chapter 1 — General Provisions](#)
- [⌵ **§1.08.038 Offenses; penalty.** — Chapter 1 — General Provisions](#)
- [⌵ **§ 2.06.001 Dangerous wild animals** — Chapter 2 — Animal Control](#)
- [⌵ **Article 3.09, §3.09.011 Variances — reference to "city limits or ETJ."** — Chapter 3 — Building Regulations](#)
- [⌵ **Finding 2 — §4.03.032/§4.03.033 \(Dealer's license; Junk wagon license\)** — Chapter 4 — Business Regulations](#)
- [⌵ **Finding 3 — §4.03.031–.041 generally** — Chapter 4 — Business Regulations](#)
- [⌵ **Finding 5 — §4.04.012\(d\)\(6\) \(No permits along State Highway 31\)** — Chapter 4 — Business Regulations](#)
- [⌵ **Finding 9 — Citation inconsistency between Article 4.04 and Article 4.05** — Chapter 4 — Business Regulations](#)

- [§ Finding 19 — §4.09.003\(e\)\(7\) \(No permits along State Highway 31, mobile food context\)](#) — Chapter 4 — Business Regulations
- [§ Finding 7 — §5.02.004 \(Destruction of buildings at fires\) — **OUTDATED CITATION — LOW](#) — Chapter 5 — Fire Prevention and Protection
- [§ Finding 8 — §5.02.005 \(Liability of firemen for property damage\) — **MISSING CITATION — LOW](#) — Chapter 5 — Fire Prevention and Protection
- [§ Status: CLEAN — AUTHORITY CONFIRMED.** Grounded in LGC §217.002\(1\)–\(3\) \(Type A general-law municipality nuisance-abatement and punishment authority\) and HSC ...](#) — Chapter 6 — Health and Sanitation
- [§ **Finding 2 — DRAFTING DEFECT \(template residue\). Severity: LOW.](#) — Chapter 6 — Health and Sanitation
- [§ **Finding 6 — VAGUE/POTENTIALLY OVERBROAD RIGHT-OF-ENTRY. Severity: LOW.](#) — Chapter 6 — Health and Sanitation
- [§ §8.01.002 \(Discharging firearm or airgun\).](#) — Chapter 8 — Offenses and Nuisances
- [§ §8.04.001 \(Definitions\).](#) — Chapter 8 — Offenses and Nuisances
- [§ §8.04.039 \(Notice to state department of transportation\).](#) — Chapter 8 — Offenses and Nuisances
- [§ **Issue category:** OUTDATED CITATION — **LOW**.](#) — Chapter 9 — Personnel
- [§ §10.03.005 — City to be a party to all contracts](#) — Chapter 10 — Subdivision Regulation (incl. Exhibit 10A)
- [§ §1.4 Annexation](#) — Chapter 10 — Subdivision Regulation (incl. Exhibit 10A)
- [§ §10 — Penalty](#) — Chapter 10 — Subdivision Regulation (incl. Exhibit 10A)
- [§ §11 — Filing Fees and Charges](#) — Chapter 10 — Subdivision Regulation (incl. Exhibit 10A)
- [§ **Issue category:** CLEAN \(with a citation-modernization note\)](#) — Chapter 11 — Taxation
- [§ **Issue category:** OUTDATED CITATION \(minor\) / otherwise CLEAN on substance](#) — Chapter 11 — Taxation
- [§ §12.01.011 — Riding motorcycle or motor scooter**.](#) — Chapter 12 — Traffic and Vehicles
- [§ §12.02.001 — Conformity with state manual and specifications](#) — Chapter 12 — Traffic and Vehicles
- [§ §12.03.055 — Signs](#) — Chapter 12 — Traffic and Vehicles
- [§ §12.04.003 — Recreational vehicle parking and storage](#) — Chapter 12 — Traffic and Vehicles
- [§ §12.06.005 — Permit required](#) — Chapter 12 — Traffic and Vehicles
- [§ §13.02.002 \(Late penalty\) — Issue: CONFLICT — Severity: LOW.](#) — Chapter 13 — Utilities
- [§ §13.03.013 \(Mandatory sewer connection within 100 ft; cost allocation\) — Issue: AUTHORITY GAP — Severity: LOW.](#) — Chapter 13 — Utilities
- [§ §13.03.077 \(Cross-connection control program\) — Issue: OUTDATED CITATION — Severity: LOW.](#) — Chapter 13 — Utilities
- [§ §13.03.128 \(Stormwater/unpolluted drainage\) — Issue: OUTDATED CITATION — Severity: LOW.](#) — Chapter 13 — Utilities
- [§ §13.06.002 \(Water well permit; \\$1,200 fee\) — Issue: AUTHORITY GAP \(resolved as CLEAN on closer reading\) — Severity: LOW \(informational only\).](#) — Chapter 13 — Utilities

- [🔗 Analysis:** This is purely a codification/adoption clause with no independent substantive regulatory content. No authority, conflict, or preemption issue. On...](#) — Chapter 14, Part 1 — Zoning (Articles 1–10)
- [🔗 Severity:** LOW \(only as to an observation, not a defect\) — § 4-4.1.c requires that "enlargement, alteration, conversion, reconstruction, rehabilitation, or ...](#) — Chapter 14, Part 1 — Zoning (Articles 1–10)
- [🔗 Ordinance O-2025-0812-A \(adopted 2025-08-12, effective billing period beginning 2025-10-15\)](#) — New Laws Queue — Recently Adopted, Uncodified Ordinances

Chapter 1 — General Provisions

↑ [Back to Quick Reference by Severity](#)

Severity Tally — This Chapter



Total actionable findings retained: 12

46 Clean item(s) removed from this edition; 12 actionable finding(s) retained below, in full, without summarization (§1.03.046 withdrawn — see Errata).

Governing framework: Chandler is a Type A general-law municipality (confirmed at [§1.02.002](#)) operating under the Local Government Code (LGC) Title 2, Subtitle A (Ch. 51–66) and [LGC Chapter 22](#) (Aldermanic Form of Government). Under Dillon's Rule, every regulatory and penal power must trace to an express or implied state grant. Findings below are organized by article.

ARTICLE 1.02 — ADMINISTRATION

● [LOW] [§1.02.003](#) Adoption of Local Government Code.

[§1.02.003](#) Adoption of Local Government Code.

- Category: OUTDATED CITATION
- Severity: LOW
- The ordinance cites "V.T.C.A., Local Government Code." V.T.C.A. ("Vernon's Texas Civil Statutes Annotated") is the pre-1991-recodification naming convention; the modern, correct cite form is simply "Local Government Code" or "Tex. Loc. Gov't Code." Substance is unaffected — the LGC is still in force.
- Recommendation: Update citation style only.

● [MEDIUM] [§1.02.009](#) City map / ETJ boundary.

§1.02.009 City map / ETJ boundary.

- Category: Verify against post-amendment ETJ law
- Severity: MEDIUM
- [LGC Chapter 42](#) (ETJ) was substantially amended by [HB 347](#) (2019) and [HB 3053](#) (2019), and further by 2023 legislation narrowing involuntary ETJ annexation/expansion mechanics for certain general-law cities. If [§1.02.009](#)'s map/ETJ description was not updated post-2019, it may misstate the city's actual ETJ extent (general-law cities under 5,000 population typically retain a 1/2-mile ETJ band under [§42.021](#), but extension/reduction procedures changed substantially). Recommend confirming the current map reflects ETJ as recalculated under amended Ch. 42, particularly given any change in city population since the last decennial census (ETJ width is population-tiered under [§42.021](#)).
- Recommendation: Re-verify against current [LGC §42.021](#) tiers and confirm no annexation/release affecting the boundary occurred under the amended release procedures ([LGC §42.901](#) et seq., disannexation petition rights expanded in recent sessions).

● **[HIGH]** [§1.02.051](#)–.055 (Claims Against City).

§1.02.051–.055 (Claims Against City).

- Category: CONFLICT (potential) / Verify
- Severity: HIGH
- [§1.02.051](#) sets a 60-day notice deadline (extendable to 6 months for good cause). The Texas Tort Claims Act ([Civ. Prac. & Rem. Code §101.101\(a\)](#)) sets a **six-month floor**: "A governmental unit is entitled to receive notice of a claim against it under this chapter not later than six months after the day that the incident... occurred." Subsection (b) ratifies *shorter* charter/ordinance notice periods only if they were valid under prior law and otherwise "permitted by law" — Texas courts (see **City of Dallas v. Carbajal**, 324 S.W.3d 537 (Tex. 2010)) treat the TTCA notice requirement as jurisdictional under [Gov't Code §311.034](#). A 60-day local deadline that purports to be the *exclusive* claims period — rather than merely an internal administrative prerequisite running alongside the statutory six-month outer limit — risks being read as inconsistent with/preempted by the TTCA's six-month floor for tort claims, even though [§101.101\(b\)](#) "ratifies" pre-existing shorter charter/ordinance periods. Whether Chandler's 60-day clause is protected by the ratification clause depends on whether it predates the relevant codification and was validly enacted; if it is being applied to bar tort claims filed within the six-month statutory window (and outside the local 60-day window) absent the city having actual notice or good cause, that application is a CONFLICT.
- Recommendation: City should apply [§1.02.051](#) only as a notice mechanism that cannot shorten the TTCA's six-month minimum for tort claims, and should ensure actual-notice exception ([§101.101\(c\)](#)) and the good-cause/6-month extension already in [§1.02.053](#) are applied consistent with **Carbajal**. Consider amending to expressly cross-reference and not undercut [Civ. Prac. & Rem. Code §101.101](#).

ARTICLE 1.03 — CITY COUNCIL

§1.03.046 (Statement of objections by mayor) — reviewed and confirmed COMPLIANT (express statutory basis: LGC §52.003). Omitted from this Verified Findings Edition; see the Fact-Check Edition's Errata item 1 for the full analysis.

ARTICLE 1.04 — CITY OFFICERS

All items in this section were assessed as Clean — no actionable findings retained in this edition.

ARTICLE 1.05 — FINANCES

● [HIGH] [§1.05.003](#) Competitive bidding threshold.

[§1.05.003](#) Competitive bidding threshold.

- Category: OUTDATED CITATION / CONFLICT (de facto)
 - Severity: HIGH
 - Chandler's ordinance sets the competitive-bid/sealed-proposal trigger at "\$50,000.00." Current [LGC §252.021](#)(a) sets the statutory competitive-procurement threshold at "**more than \$100,000.**" (This threshold was raised from \$50,000 to \$100,000 by amendment.) An ordinance that requires competitive bidding starting at a *lower* dollar amount than the statutory trigger is not unlawful per se (a city may self-impose stricter controls), but if the ordinance is being cited or relied upon as *the* controlling threshold (e.g., for determining whether Chapter 252's procedural mandates apply, exemptions under §252.022 apply, etc.), the mismatched figure creates confusion and risk of administrative error — staff might apply Chapter 252's full procedural machinery to a \$60,000 purchase that state law no longer requires competitive sealed bidding for, or conversely fail to recognize that purchases between \$50,000–\$100,000 are *not* subject to the state-law bidding mandate even though the city's own text implies they are.
 - Recommendation: Update [§1.05.003](#) to reflect the current \$100,000 statutory threshold (or expressly state that the city imposes a stricter, lower self-imposed threshold than state law requires, if that is the genuine policy choice).
-

ARTICLE 1.06 — DISPOSITION OF ABANDONED, SEIZED, OR SURPLUS PROPERTY

● [LOW] [§1.06.005](#) (controlled-substance forfeiture property disposition).

§1.06.005 (controlled-substance forfeiture property disposition).

- Category: OUTDATED CITATION
- Severity: LOW
- Cites "V.T.C.A., Health & Safety Code, sections 481.159–481.160." These sections remain current and substantively valid ([Health & Safety Code Ch. 481](#), Texas Controlled Substances Act forfeiture provisions). Only the "V.T.C.A." prefix is outdated nomenclature.
- Recommendation: Cite simply as "[Health and Safety Code §§481.159–481.160](#)."

● **[LOW] §1.06.008 (seized property disposition procedure).****§1.06.008 (seized property disposition procedure).**

- Category: OUTDATED CITATION
- Severity: LOW
- Cites "chapter 18, Vernon's Ann. Code of Criminal Procedure." "Vernon's Ann. Code of Criminal Procedure" is outdated naming style; current standard citation is simply "[Code of Criminal Procedure, Chapter 18](#)." Substance (Ch. 18 search/seizure and property disposition) is still valid and current.
- Recommendation: Update citation style only.

ARTICLE 1.07 — RECORDS MANAGEMENT

All items in this section were assessed as Clean — no actionable findings retained in this edition.

ARTICLE 1.08 — EMERGENCY MANAGEMENT

● **[LOW] §1.08.033** Emergency management plan.** Clean — correctly subordinates the local plan to standards set by the Texas Division of Emergency Management (TDEM, su...

§1.08.033 Emergency management plan. Clean — correctly subordinates the local plan to standards set by the Texas Division of Emergency Management (TDEM, successor naming for "state division of emergency management" — note minor naming drift, TDEM was reorganized under the Texas A&M University System by 2019 legislation ([Gov't Code §418.1015](#) amendments), but the ordinance's generic reference to "the state division of emergency management" remains functionally accurate).

- Category: OUTDATED CITATION (naming only)
- Severity: LOW
- Recommendation: Optionally update "state division of emergency management" to "Texas Division of Emergency Management" for clarity given the 2019 reorganization, though this is cosmetic only.

● **[LOW] §1.08.038** Offenses; penalty.

§1.08.038 Offenses; penalty.

- Category: Verify penalty cap
- Severity: LOW
- Sets penalty at "fine not to exceed two hundred dollars (\$200.00)" for obstruction/false-identification/false-alarm offenses under this division. General-law municipality penalty authority is capped by [LGC §54.001](#) at \$500 for most ordinance violations (and lower/higher for specific categories under other sections); \$200 is within the permissible cap and is not a conflict. No issue — provision is valid, merely a conservative (lower-than-maximum) penalty.

ARTICLE 1.09 — DISCRIMINATION (Fair Housing)

§1.09.001–.030 (Division 1). Reserved, no text — no issue.

● **[MEDIUM]** [§1.09.033–.035](#) (Discrimination in sale, financing, brokerage of housing).

§1.09.033–.035 (Discrimination in sale, financing, brokerage of housing).

- Category: Verify protected-class list currency
- Severity: MEDIUM
- The ordinance prohibits discrimination based on "race, color, creed, sex, religion or national origin, physical or mental disability, marital status, parenthood or age." This list is **broad**er than the federal Fair Housing Act's seven protected classes (race, color, religion, sex, national origin, familial status, disability) by including "creed," "marital status," and "age" as independent local protected classes (Texas does not require Fair Housing Act parity at the municipal level, and a city may add protected classes by ordinance via its general police power — no authority gap from over-inclusion). No conflict with federal/state law since localities may exceed federal floor protections in fair housing absent a state preemption statute applicable to fair housing protected classes (none identified). This is a NOTE rather than a defect: the ordinance is **not** outdated relative to federal law, it is simply more expansive, which is permitted.
- Recommendation: No change required; optionally confirm intentionality of "creed"/"age"/"marital status" inclusion is current city policy, since it exceeds both state and federal minimums (this is permissible, not unlawful).

ARTICLE 1.10 — PARKS AND RECREATION**Division 1 — Generally****Division 2 — Parks and Recreation Board****Division 3 — Use Regulations**

● **[HIGH]** [§1.10.061](#) Park use generally** (firearms ban, with exceptions for law enforcement, valid CHL/LTC holders, and city-administrator written consent; ball/projec...

§1.10.061 Park use generally (firearms ban, with exceptions for law enforcement, valid CHL/LTC holders, and city-administrator written consent; ball/projectile restrictions; glass ban, etc.).

- Category: AUTHORITY GAP / Potential CONFLICT
- Severity: HIGH
- The firearms restriction excepts "those with a valid concealed handgun license" — note this terminology is outdated (Texas moved from a license-only "CHL" framework to permitless/constitutional carry under [HB 1927](#) (2021), while retaining a voluntary License to Carry (LTC) under [Government Code ch. 411](#) et seq.). More importantly: [Penal Code §30.06/30.07](#) and [Local Government Code §229.001](#) et seq. govern the extent to which a municipality may restrict licensed handgun carry on city-owned property, and [Penal Code §46.03](#) and [§46.15](#) define locations where weapons are categorically prohibited or where local authority is constrained. A blanket municipal ordinance purporting to criminalize firearm possession in city parks beyond what [Penal Code §46.03](#) (places weapons are prohibited, e.g., within 1,000 feet of an execution, school premises, polling places, government court premises, racetracks, correctional facilities, certain sporting events, amusement parks, religious services) authorizes, **risks exceeding municipal authority** — Texas municipalities generally may not enact independent weapons bans in public parks broader than the state Penal Code framework, since the Penal Code's locational provisions function as an occupying scheme for firearm-free-zone designation in many contexts, and home-rule/general-law cities lack a general "ban guns in city parks" grant absent a specific statutory hook (parks are not among the [Penal Code §46.03](#) enumerated locations). This provision should be checked carefully against current [Penal Code §46.03/46.15](#) and any city council authority under [LGC §229.001](#) (limiting municipal regulation of firearms generally) — [LGC §229.001](#) broadly preempts municipal regulation of firearms, ammunition, or firearm accessories except in narrow enumerated circumstances (e.g., discharge regulation, special events with city consent), and a park is not one of the enumerated exceptions in most readings.
- Recommendation: This section should be reviewed by counsel against [LGC §229.001](#) (municipal firearm-regulation preemption) and [Penal Code §46.03/46.15](#) for facial validity; the "valid concealed handgun license" terminology should be updated to "License to Carry" (LTC) per current [Government Code §411.172](#) terminology, and the firearms-discharge prohibition (separate from mere possession) should be isolated and re-grounded if necessary on the discharge-of-firearms exception preserved in [LGC §229.001\(b\)](#).

● **[MEDIUM]** [§1.10.063](#) Abusive/indecent language; nuisance.** Clean, though note: an "abusive or indecent language" ban, if not narrowly drawn, risks facial First Amendme...

§1.10.063 Abusive/indecent language; nuisance. Clean, though note: an "abusive or indecent language" ban, if not narrowly drawn, risks facial First Amendment overbreadth (content-based speech restriction) — this is a constitutional rather than a state-

statutory-authority issue, outside the core Dillon's Rule framework requested, but worth flagging.

- Category: Note (constitutional, not Dillon's Rule)
- Severity: MEDIUM
- Recommendation: Confirm the operative language is narrowly limited to "fighting words"/true threats or unprotected categories of speech, consistent with First Amendment doctrine, given modern overbreadth/vagueness challenges to "indecent/abusive language" ordinances.

● [MEDIUM] [§1.10.067](#) Alcoholic beverages.

[§1.10.067](#) Alcoholic beverages.

- Category: Verify authority basis
- Severity: MEDIUM
- The ordinance imposes a blanket ban on consumption or possession of alcoholic beverages in any public park (and adjacent streets/sidewalks/parking areas). The Alcoholic Beverage Code's municipal-regulation provisions (§§109.31–109.33) authorize cities to regulate the **sale** of liquor/malt beverages (residential-area sale bans, hours of sale, proximity-to-school/church sale bans) but do **not** expressly address municipal authority to ban mere possession/consumption on city property. The actual authority for a possession/consumption ban on city-owned property more likely rests on the city's general proprietary/police power over its own property (akin to municipal authority to set rules for use of city facilities) rather than the Alcoholic Beverage Code specifically — which is a sound basis, but the ordinance does not cite it, and if any internal drafting note or citation in the ordinance attributes this authority to the Alcoholic Beverage Code, that would be a misattribution since Chapter 109 doesn't reach possession/consumption.
- Recommendation: Confirm the ordinance's authority basis is grounded in general municipal property/police power ([LGC §51.001](#)/§54.001) rather than the Alcoholic Beverage Code, and ensure enforcement does not stray into purporting to regulate "sale" in a manner inconsistent with Alco. Bev. Code §109.31–.32 (which require *charter* authorization for liquor-sale prohibition specifically, not mere ordinance, under §109.31).

SUMMARY TABLE

Citation	Issue	Severity
§1.02.003	Outdated "V.T.C.A." citation prefix	LOW
§1.02.009	ETJ map currency vs. amended LGC Ch. 42	MEDIUM

§1.02.051 –.055	60-day claims notice vs. TTCA §101.101 six-month floor	HIGH
§1.03.046	COMPLIANT — omitted from Verified Findings Edition (basis: LGC Ch. 22)	N/A — COMPLIANT
§1.05.003	Bidding threshold \$50,000 vs. current LGC §252.021 (a) \$100,000	HIGH
§1.06.005	Outdated "V.T.C.A." citation prefix (substance current)	LOW
§1.06.008	Outdated "Vernon's Ann. Code of Criminal Procedure" citation	LOW
§1.08.033	"State division of emergency management" naming drift (TDEM)	LOW
§1.09.033 –.035	Protected-class list broader than federal FHA (permissible, note only)	MEDIUM (informational)
§1.10.061	Park firearms ban vs. LGC §229.001 preemption / outdated "CHL" terminology vs. current "LTC"	HIGH
§1.10.063	"Abusive/indecent language" ban — facial overbreadth risk	MEDIUM (constitutional, not Dillon's Rule)
§1.10.067	Alcohol possession/consumption ban — authority better grounded in general police power than Alco. Bev. Code	MEDIUM

This completes the audit of Chapter 1, Articles 1.02–1.10 (Article 1.01 excluded per instructions).

Chapter 2 — Animal Control

↑ [Back to Quick Reference by Severity](#)

Severity Tally — This Chapter



Total actionable findings retained: 7

33 Clean item(s) removed from this edition; 7 actionable finding(s) retained below, in full, without summarization.

Source: <https://ecode360.com/40016315> (Chapter 2, Articles 2.01–2.06, [§§2.01.001–2.06.001](#))

Legal posture: Chandler is a Type A general-law municipality (Dillon's Rule) — authority must trace to an express or implied Texas Legislature grant, primarily LGC Title 2 Subtitle A (Ch. 51–66) plus scattered grants (here, [Health & Safety Code Ch. 822](#), 826; [Penal Code Ch. 42](#)).

ARTICLE 2.01 — GENERAL PROVISIONS

[MEDIUM] § 2.01.004 Keeping wild or exotic animals or poisonous reptiles

§ 2.01.004 Keeping wild or exotic animals or poisonous reptiles

Category: AUTHORITY GAP — LOW/MEDIUM.

Blanket prohibition on harboring "wild or exotic animals or poisonous reptiles" within the city. This overlaps substantively with [Health & Safety Code Ch. 822](#), Subchapter E (Dangerous Wild Animals, §822.101 et seq.), which comprehensively regulates "dangerous wild animals" (a defined list of species) through a state registration/permitting scheme, and with Parks & Wildlife Code provisions on possession of certain wildlife/exotics. A blanket "no wild or exotic animals" ban is broader than the state dangerous-wild-animal registration scheme (which *permits* possession with registration/insurance, rather than banning outright) and broader than is needed to avoid conflict.

- Recommendation: Confirm this ordinance pre-dates or is read consistently with Subchapter E — a general-law city banning possession entirely (rather than just regulating per the state scheme) is defensible as a stricter local health/safety regulation under home-rule-like nuisance authority, but Type A cities lack express "ban wild animals" authority; the safer footing is to recite the police-power/nuisance basis ([LGC §54.001](#), §551.001 general welfare ordinance

powers for Type A cities) explicitly, since wild-animal possession bans have occasionally been challenged as ultra vires absent express grant.

● [MEDIUM] § 2.01.006 Pets to be neutered or spayed

§ 2.01.006 Pets to be neutered or spayed

Category: AUTHORITY GAP — MEDIUM.

"All cats and dogs in the city not contained within the home or a controlled environment must be neutered or spayed." This is a mandatory sterilization ordinance for any animal not confined to the home/controlled environment — effectively a near-universal spay/neuter mandate.

- No express LGC grant authorizes Type A general-law cities to mandate sterilization of privately owned pets. [Health & Safety Code Ch. 822](#) and 826 govern rabies vaccination, registration, and dangerous-dog regulation but do **not** grant or contemplate mandatory spay/neuter ordinances. This appears to rest on implied general-welfare/nuisance police power ([LGC §51.012](#), §54.001) rather than any specific grant.
- Severity is MEDIUM rather than HIGH because spay/neuter mandates tied to loose/outdoor animals function as a population-control nuisance-abatement measure, which Type A cities can typically justify under general nuisance ordinance authority — but it is untested/gap-prone if challenged, since it regulates private property (a pet) rather than conduct in public space.
- Recommendation: Cite the specific enabling provision relied upon (general nuisance/police power ordinance authority) in the ordinance's recitals to shore up the authority chain.

ARTICLE 2.02 — ANIMALS RUNNING AT-LARGE

§ 2.02.002 Allowing animal to run at-large — Issue: none

Straightforward at-large prohibition; no state law conflict.

§ 2.02.003 Impoundment of dogs — Issue: none

Impoundment authority for at-large animals is well within municipal police power and does not conflict with [Health & Safety Code Ch. 822](#) (which addresses dangerous-dog-specific impoundment separately in Subchapter D, not general at-large impoundment).

§ 2.02.004 Enforcement; penalty; redemption fee — Issue: none (verify penalty cap)

Type A general-law cities' criminal penalty authority is capped at Class C misdemeanor levels generally ([LGC §54.001](#), fines up to \$500, or up to \$2,000 for certain health/sanitation/safety ordinances under [LGC §54.001\(b\)](#)). Not independently verified against the dollar figure in the ordinance text (not fully captured in available extraction), but flag as a check item: **confirm the redemption/penalty fee schedule does not exceed the [LGC §54.001](#) fine cap for Type A general-law municipalities.**

ARTICLE 2.03 — RABIES VACCINATION, REPORTS AND QUARANTINE

§ 2.03.002 Reporting of suspected rabies — Issue: none

24-hour reporting requirement for bite/rabies-suspect incidents. Consistent with and supportive of the Rabies Control Act (Ch. 826) reporting scheme; no conflict.

ARTICLE 2.04 — LIVESTOCK AND FOWL

§ 2.04.002 Maintenance of enclosures — Issue: none

Standard nuisance/odor abatement provision; no conflict.

§ 2.04.003 Distance of livestock barns/sheds from residential structures — Issue: none

Setback-style regulation; same zoning-authority note as [§2.04.001](#) applies.

§ 2.04.005 Keeping fowl conditionally allowed — Issue: none (text not fully captured but conditional structure is standard)

No state preemption identified for backyard-fowl conditional permitting.

ARTICLE 2.05 — VICIOUS ANIMALS

This article is the highest-risk in the chapter because it creates a **parallel, locally defined "vicious animal" enforcement scheme** that substantially overlaps the state's "dangerous dog" scheme in [Health & Safety Code Ch. 822](#), Subchapter D (§§822.041–822.047), without referencing or harmonizing with it.

● [HIGH] § 2.05.001 Declaration that animal is vicious; notice; hearing

§ 2.05.001 Declaration that animal is vicious; notice; hearing

Category: CONFLICT — HIGH.

Chandler's vicious-animal declaration process (animal control officer declares; 5-business-day window to request hearing; hearing before municipal judge within 5 business days; decision within 5 business days) is **structurally different from, and potentially in conflict with**, the mandatory state dangerous-dog process in HS §822.0421:

- §822.0421 requires the *animal control authority* to investigate, and **upon determining a dog is "dangerous,"** notify the owner in writing; the owner then has **15 days** (not 5) to appeal **to a justice, county, or municipal court** — and §822.0421(b) begins **"Notwithstanding any other law, including a municipal ordinance..."** This non-obstante clause is a strong signal that the Legislature intended the 15-day appeal right to control over any conflicting municipal procedure for animals meeting the statutory "dangerous dog" definition.

- Chandler's 5-business-day appeal window for animals meeting its own "vicious animal" definition is **shorter than the state's mandatory 15-day window** for any animal that also independently qualifies as a "dangerous dog" under §822.041(2). Because Chandler's "vicious animal" definition (in [§2.01.001](#)) substantially overlaps with conduct that also satisfies the state "dangerous dog" definition (unprovoked attack causing bodily injury), a dog could meet both definitions, and applying the city's 5-day appeal clock instead of the state's 15-day clock and "notwithstanding...municipal ordinance" override would conflict with §822.0421(b).
- Recommendation: Amend [§2.05.001](#)(c) to extend the appeal window to at least 15 business days, OR add an express savings clause stating that for any animal meeting the state-law "dangerous dog" definition, the §822.0421 procedure and 15-day appeal right controls.

● [HIGH] § 2.05.002 Requirements for keeping vicious animal

§ 2.05.002 Requirements for keeping vicious animal

Category: CONFLICT/PREEMPTION risk — MEDIUM-HIGH.

Confinement specs (5'x10' pen, secured sides/top, 4-foot leash/muzzle when outside) and (per the partial text retrieved) a liability-insurance requirement. Compare to HS §822.043 (dangerous dog registration: secure enclosure + liability insurance/bond + annual registration fee) and §822.047 (Local Regulation of Dangerous Dogs): a county/municipality **may** impose additional requirements on dangerous dogs **only if** those requirements:

- are not breed-specific**, and
 - are more stringent than** the Subchapter D state minimums.
- Chandler's ordinance does not appear to be breed-specific (no issue there), but because it runs through a separately defined "vicious animal" category rather than tracking "dangerous dog" under §822.041, it is unclear whether Chandler's confinement/insurance terms meet or exceed the state floor for dogs that also qualify as "dangerous dogs" under state law, or whether Chandler's scheme is being applied **as a substitute for** rather than **in addition to** the mandatory state registration scheme (annual \$50 state registration fee, registration tag, 14-day re-registration notice on sale/move — HS §822.043). If Chandler is not also requiring state-mandated dangerous-dog registration (tag, \$50 fee, county/municipal animal control authority notification) for animals that meet the state definition, that is a **conflict/gap** — the city cannot lawfully **substitute** a purely local "vicious animal" track for the mandatory state dangerous-dog registration requirements imposed on "animal control authorities," which under §822.001(1) include municipal animal control offices.
 - Recommendation: Cross-reference HS §822.041–.047 in the ordinance and confirm Chandler's animal control authority is also performing the mandatory dangerous-dog registration (tag, fee, notice-of-sale/move tracking) independent of the local "vicious animal" process.

● [MEDIUM] § 2.05.003 Authority to order impoundment and destruction

§ 2.05.003 Authority to order impoundment and destruction

Category: CONFLICT — MEDIUM.

Authorizes destruction where the animal "has attacked, bitten or injured a human being or domestic animal and circumstances indicate probability of additional occurrences," or is "vicious" and owner non-compliant, or "poses a threat of serious harm." This is broader/vaguer than the state framework, which channels dangerous-dog destruction through the criminal offense provisions of §822.044/.045 (attack by registered/unregistered dangerous dog) with court-ordered process, not unilateral animal-control-officer destruction authority. A purely administrative destruction order (subject only to a municipal-judge hearing, see [§2.05.004](#)) for conduct that independently triggers state dangerous-dog procedures under §822.0421 risks conflicting with the state's notice/appeal scheme described above.

● [MEDIUM] § 2.05.004 Hearing on impoundment

§ 2.05.004 Hearing on impoundment

Category: DUE PROCESS / CONFLICT — MEDIUM.

Subsection (e): "If the owner...fails to appear at a hearing or fails to request a hearing, the animal shall be destroyed" — a default-destruction rule. Combined with the short 5-business-day request window in [§2.05.001\(c\)](#)/[§2.05.004\(a\)](#), this compounds the appeal-window conflict with HS §822.0421(b)'s "notwithstanding any other law" 15-day appeal right for state-law dangerous dogs. Recommend aligning timelines as above.

§ 2.05.005 Exemptions — Issue: none

Police/law-enforcement-animal exemption and trespasser/tortfeasor carve-out are standard and non-conflicting (parallels HS §822.046 defenses for peace officers, etc., and common-law/Penal Code self-defense-adjacent carve-outs).

ARTICLE 2.06 — DANGEROUS WILD ANIMALS

● [LOW] § 2.06.001 Dangerous wild animals

§ 2.06.001 Dangerous wild animals

Category: OUTDATED CITATION — LOW (cosmetic, not substantive).

Full text: "Dangerous wild animals, as defined in **V.T.C.A., Health and Safety Code, section 822.101**, shall be regulated in accordance with the provisions of **V.T.C.A., [Health and Safety Code, chapter 822](#), subchapter E, section 822.101 et seq.**"

- This is a pure incorporation-by-reference of state law — substantively this is the **cleanest possible drafting approach** (no independent local standard to conflict with state law) and fully defers to HS Ch. 822 Subchapter E (definitions,

registration, exemptions all verified above). No CONFLICT or AUTHORITY GAP issue.

- However, the citation format "**V.T.C.A.**" (Vernon's Texas Codes Annotated) is the **outdated pre-recodification citation convention**. Modern legislative/legal drafting cites this simply as "[Texas Health and Safety Code, Chapter 822](#), Subchapter E" or "[Health & Safety Code §822.101](#) et seq." — the Health and Safety Code has been a standalone codified title since 1989; "V.T.C.A." is a holdover from when Vernon's was the only commercial publisher cross-referencing the codes and is unnecessary and stylistically dated, though not legally incorrect (it does not point to a repealed or renumbered statute — §822.101 et seq. is still current law as cited).
- Recommendation: Update citation format to "[Texas Health and Safety Code, Chapter 822](#), Subchapter E" for stylistic/clarity modernization; no substantive re-drafting needed since the section numbers cited are still accurate and current.

CROSS-CUTTING / CHAPTER-WIDE FINDINGS

LGC Title 2 Subtitle A general authority

No chapter-wide express grant specifically for "animal control" exists in [LGC Ch. 51](#)–66; Type A general-law cities rely on (a) the general nuisance-ordinance/police-power authority ([LGC §54.001](#) penalty-setting authority, and historically broad public-health ordinance powers), and (b) the specific Health & Safety Code grants (§826.017 local rabies control authority designation; Ch. 822 Subchapters C–E registration schemes that explicitly contemplate municipal "animal control authorities" and "animal registration agencies"). Most of Chapter 2 is well-supported by these combined grants. The principal AUTHORITY GAP risk areas are the mandatory spay/neuter mandate ([§2.01.006](#)) and the wild/exotic animal blanket ban ([§2.01.004](#)), both of which rest on implied general-welfare power rather than any specific statutory text, and the parallel "vicious animal" scheme in Article 2.05 that risks conflicting with the state's mandatory dangerous-dog notice/appeal timeline.

No V.T.C.S./V.T.P.C./V.T.C.C.P. outdated citations found

Only one outdated-format citation appears in the entire chapter: [§2.06.001](#)'s "V.T.C.A." references (cosmetic only, as discussed). All other statutory cross-references in Chapter 2 ([§2.01.002](#)'s "Penal Code 42.09 and 42.092"; [§2.03.001](#)'s "25 Texas Administrative Code section 169.29") use current, correctly codified citation formats.

SUMMARY TABLE

§	Issue Category	Severity	One-line takeaway
2.01.004	AUTHORITY GAP	LOW-MEDIUM	Blanket wild/exotic ban broader than HS Ch.822 Subch. E registration

			scheme; recite police-power basis
2.01.006	AUTHORITY GAP	MEDIUM	Mandatory spay/neuter rests on implied power only, no express LGC/HSC grant
2.02.004	CHECK	LOW	Verify penalty/fee within LGC §54.001 cap
2.04.001	CHECK	LOW	Verify zoning/nuisance procedural basis
2.05.001	CONFLICT	HIGH	5-day appeal window vs. state's mandatory 15-day, "notwithstanding...ordinance" HS §822.0421(b)
2.05.002	CONFLICT/GAP	MEDIUM-HIGH	Local "vicious animal" track may substitute for, rather than supplement, mandatory HS §822.043 dangerous-dog registration
2.05.003	CONFLICT	MEDIUM	Administrative destruction authority broader than state §822.044/.045 criminal-process framework
2.05.004	DUE PROCESS/CONFLICT	MEDIUM	Default-destruction-on-non-appearance compounds §2.05.001 timing conflict
2.06.001	OUTDATED CITATION	LOW	"V.T.C.A." format is dated but substantively accurate; update to modern cite style
Chapter-wide	PREEMPTION	N/A	HB 2127 does NOT apply — Health & Safety Code/Penal Code not among its 8 enumerated preempted codes

Highest-priority fix: Article 2.05's appeal-window mismatch with HS §822.0421(b) (HIGH severity) — this is the one finding with a real "notwithstanding any other law, including a municipal ordinance" statutory override that could invalidate enforcement actions against dogs that qualify as both "vicious" under city definition and "dangerous" under state definition.

Chapter 3 — Building Regulations

[↑ Back to Quick Reference by Severity](#)

Severity Tally — This Chapter



Total actionable findings retained: 12

1 Clean item(s) removed from this edition; 12 actionable finding(s) retained below, in full, without summarization.

Legal framework applied: Chandler is a General Law Type A municipality (Dillon's Rule) — powers limited to those expressly/impliedly granted by the Texas Legislature, primarily Local Government Code (LGC) Title 2 Subtitle A (Ch. 51–66) and [LGC Ch. 214](#) (Municipal Regulation of Housing and Other Structures).

CRITICAL Findings

 **[CRITICAL]** Article 3.03, Division 2, [§3.03.031](#) — Building Code adoption.

1. Article 3.03, Division 2, [§3.03.031](#) — Building Code adoption.

Adopts "International Building Code of the International Code Congress Series (2009)."

- Category: OUTDATED CITATION
- Severity: CRITICAL
- Explanation: The 2009 IBC is five code cycles (2012, 2015, 2018, 2021, 2024) out of date. [LGC §214.212](#) authorizes municipalities to adopt and amend nationally recognized building codes, but provides no shelter for indefinitely retaining a 17-year-old edition. More importantly, [Texas Health & Safety Code §388.003](#) mandates statewide minimum energy-code compliance tied to specific IECC editions, and an outdated IBC baseline creates compliance, cross-reference, and life-safety gaps (egress, structural, fire-rated assembly standards have materially changed since 2009).
- Recommendation: Adopt the current ICC triennial edition (2024 IBC) by ordinance, with local amendments preserved as a schedule, per [LGC §214.212-.216](#) procedure (publish, hold hearing as needed).

 **[CRITICAL]** Article 3.03, Division 3, [§3.03.091](#) — Residential Code adoption.

2. Article 3.03, Division 3, [§3.03.091](#) — Residential Code adoption.

Adopts "International Residential Code...(2009)."

- Category: OUTDATED CITATION
- Severity: CRITICAL

- Explanation: Same defect as Finding 1 — 2009 IRC predates five subsequent triennial cycles. [LGC §214.212](#) contemplates municipalities keeping construction codes current; a 17-year-old edition undermines the statute's purpose of regional code uniformity and creates conflicts with current state-mandated energy provisions ([Health & Safety Code §388.003](#)).
- Recommendation: Adopt current IRC edition (2024) with local amendments.

● **[CRITICAL]** Article 3.03, Division 4, Part V, [§3.03.291](#) — Electrical Code adoption.

3. Article 3.03, Division 4, Part V, [§3.03.291](#) — Electrical Code adoption.

Adopts the "National Electrical Code...1997 edition."

- Category: OUTDATED CITATION
- Severity: CRITICAL
- Explanation: This is the single most severe outdated-code citation in the chapter. The NEC is updated every three years; the 1997 edition is approximately 29 years stale as of 2026 (roughly ten code cycles behind the current 2023 NEC). Wiring methods, GFCI/AFCI protection requirements, and arc-fault provisions have changed dramatically since 1997 — enforcement of this 1997 baseline creates serious life-safety exposure and likely means inspectors are not actually applying the codified text (a strong sign the ordinance text was never updated even as practice diverged). While [LGC §214.212](#) grants the adoption/amendment authority, retaining an edition this stale arguably exceeds the statute's contemplation of "a nationally recognized code" being kept reasonably current, and risks conflicting with insurance underwriting standards and any state fire-code cross-references.
- Recommendation: Immediate adoption of the current NEC edition (2023) by ordinance amendment; treat as the highest-priority fix in this chapter.

● **[CRITICAL]** Article 3.03, Division 5, Part II, [§3.03.411](#) — Plumbing Code adoption; Division 6, [§3.03.471](#) — Mechanical Code adoption; Division 7, [§3.03.521](#) — Fuel Gas Cod...

4. Article 3.03, Division 5, Part II, [§3.03.411](#) — Plumbing Code adoption; Division 6, [§3.03.471](#) — Mechanical Code adoption; Division 7, [§3.03.521](#) — Fuel Gas Code adoption.

All three adopt the respective International Code "...(2009)" edition.

- Category: OUTDATED CITATION
- Severity: CRITICAL (grouped with Findings 1–2 as part of the same systemic problem)
- Explanation: Same defect — IPC, IMC, and IFGC are all frozen at the 2009 edition. This is a chapter-wide pattern: the entire Article 3.03 construction-code framework was apparently adopted/codified once around 2009-2012 and never refreshed.
- Recommendation: Adopt current editions (2024 IPC/IMC/IFGC) in a single comprehensive code-update ordinance covering all of Article 3.03 Divisions 2–7

simultaneously, to avoid cross-code conflicts (e.g., IBC referencing outdated IPC chapters).

● **[CRITICAL]** Article 3.03 — Absence of an adopted Energy Code (IECC).

5. Article 3.03 — Absence of an adopted Energy Code (IECC).

No division of Article 3.03 adopts the International Energy Conservation Code (IECC) or any energy code.

- Category: CONFLICT / AUTHORITY GAP (omission)
- Severity: CRITICAL
- Explanation: [Texas Health & Safety Code §388.003](#) imposes a statewide mandatory minimum energy code (tied to specified IECC editions) on residential and commercial construction, applicable in municipalities regardless of local adoption — but the statute contemplates and works best when the city formally adopts/administers the current state-mandated IECC edition through its own permitting and inspection process. Chandler's failure to adopt any IECC edition by ordinance means the city has no enforcement mechanism (inspector checklist, plan-review baseline, or local amendments) for the energy code the state already requires builders to follow. This is a gap, not a conflict per se, but it leaves Chandler's own construction-code chapter silent on a subject state law affirmatively mandates be enforced.
- Recommendation: Add a new Division to Article 3.03 adopting the current statutorily-mandated IECC edition referenced in [Health & Safety Code §388.003](#), mirroring the structure used for IBC/IRC/IPC/IMC/IFGC.

HIGH Findings

● **[HIGH]** Article 3.03, Division 4, Part IV, [§3.03.263](#) — Electrician qualifications.

6. Article 3.03, Division 4, Part IV, [§3.03.263](#) — Electrician qualifications.

Permits master electrician licensure based on "having passed an examination for a master electrician's license in a Texas city of over five thousand (5,000) population" as an alternative qualifying credential.

- Category: CONFLICT
- Severity: HIGH
- Explanation: Texas [Occupations Code Chapter 1305](#) establishes a single statewide electrical-licensing regime administered by the Texas Department of Licensing and Regulation (TDLR), which since its 2003-2004 implementation has displaced the older patchwork of city-administered electrician examinations referenced by this ordinance. A city ordinance recognizing "passed an examination...in a Texas city of over five thousand population" as a valid qualifying path is referencing a licensing mechanism that no longer has independent legal effect under current state law — Chapter 1305 occupational licensing is now exclusively a TDLR function (with limited exceptions). This provision appears to be unamended legacy text from before statewide licensing centralization.

- Recommendation: Strike the city-administered-examination alternative and require current TDLR Master Electrician License under [Occupations Code Ch. 1305](#) as the sole qualifying credential, consistent with state preemption of local electrician licensing standards.

● **[HIGH]** Article 3.01, [§3.01.002](#) — Minimum square footage (1,200 sq. ft.) for single-family residential.

7. Article 3.01, [§3.01.002](#) — Minimum square footage (1,200 sq. ft.) for single-family residential.

Mandates a minimum dwelling size of 1,200 square feet, enforced pre-permit/CO, with penalty up to \$500/day (Class C misdemeanor).

- Category: AUTHORITY GAP
- Severity: HIGH
- Explanation: No LGC provision expressly grants general-law cities authority to impose minimum-square-footage mandates on single-family dwellings outside the context of zoning ordinances adopted under [LGC Chapter 211](#) (Municipal Zoning Authority) following the statutorily required process (zoning commission recommendation, public hearing, comprehensive plan). If this requirement is not actually embedded in a properly adopted Chapter 211 zoning ordinance (with appropriate procedural predicates) but instead free-floats in the building-regulations chapter as a building-permit precondition, it lacks a clear LGC anchor — building-code authority under [LGC §214.211](#) et seq. is about construction/safety standards, not minimum house size, which is a land-use/zoning power requiring Chapter 211 procedure. Additionally, minimum square footage mandates have been a focus of recent state-level "missing middle"/affordability legislative scrutiny.
- Recommendation: Confirm [§3.01.002](#) was adopted via Chapter 211 zoning procedure (if originally a zoning ordinance) or, if not, re-adopt it through that process to establish a clear statutory anchor; otherwise consider repeal given the absence of a building-code-specific grant for dwelling-size minimums.

● **[HIGH]** Article 3.10, [§3.10.013\(E\),\(G\)](#) — Satellite dish antenna restrictions.

8. Article 3.10, [§3.10.013\(E\),\(G\)](#) — Satellite dish antenna restrictions.

Limits residential lots to "only one satellite dish antenna...per lot" and restricts residentially-zoned dishes to "private, noncommercial purposes."

- Category: PREEMPTION (federal, flagged for completeness though outside the TX-statute-only mandate)
- Severity: HIGH (federal) / Not applicable under [HB 2127](#) (none of the 8 enumerated codes implicated; this is FCC, not Texas, preemption)
- Explanation: The FCC's Over-the-Air Reception Devices (OTARD) rule, [47 C.F.R. §1.4000](#), preempts any restriction — including a one-dish-per-lot limit — on antennas one meter or less in diameter (or any size for DBS/MMDS) for video programming reception, with narrow safety exceptions. A flat one-dish cap is the kind of restriction OTARD has repeatedly been held to preempt. This is federal,

not Texas state-law, preemption, so it sits outside the chapter's primary TX-statute audit scope, but it is included because it is a live enforceability problem.

- Recommendation: Add an express OTARD-compliance carve-out (Chandler already has a "Compliance with federal regulations" section at [§3.10.010](#) for towers generally — extend equivalent language explicitly to [§3.10.013](#) dish restrictions, or strike the per-lot cap for covered dish sizes).

MEDIUM Findings

● **[MEDIUM]** Article 3.03, Division 2 & Division 3 — Contractor's license/bond (\$1,000 surety bond) under [§3.03.033](#).

9. Article 3.03, Division 2 & Division 3 — Contractor's license/bond (\$1,000 surety bond) under [§3.03.033](#).

- Category: AUTHORITY GAP (minor)
- Severity: MEDIUM
- Explanation: [LGC §214.212](#) and related building-code-adoption authority support contractor registration/bonding as a reasonable adjunct to code enforcement, and general-law cities have implied authority to require performance security for permitted work; this is a defensible exercise of police power tied to construction-code administration, not a stand-alone licensing scheme that would intrude on a state-occupied field (cf. Occupations Code Chapters governing specific trades). Flagged MEDIUM only because \$1,000 is a fixed figure that has not been adjusted in some time and should be checked against any local fee-schedule amendments; no statutory conflict identified.
- Recommendation: No action required beyond periodic review of bond-amount adequacy; not a legal-conflict item.

● **[MEDIUM]** Article 3.09, Division 3, [§3.09.080](#) — "Freestanding pole sign (only with special exception)."

10. Article 3.09, Division 3, [§3.09.080](#) — "Freestanding pole sign (only with special exception)."

- Category: AUTHORITY GAP (procedural, not substantive)
- Severity: MEDIUM
- Explanation: Special-exception sign permitting implies a board of adjustment (or equivalent) process. [LGC §211.009](#) governs board-of-adjustment special exceptions for zoning generally; confirm the sign code's special-exception procedure cross-references the properly constituted board of adjustment under Chapter 211 rather than creating an ad hoc approval body, since only a Chapter 211 board of adjustment has statutory authority to grant special exceptions/variances with legal effect.
- Recommendation: Confirm/cross-reference that sign special exceptions route through the [LGC §211.009](#) board of adjustment (Article 3.09's enforcement section, [§3.09.081](#), does reference a "board of adjustment" for appeals — likely satisfies this, but should be confirmed against the zoning chapter (Ch. 14) board-of-adjustment provisions for consistency).

● **[MEDIUM]** Article 3.06 (Flood Damage Prevention) — FIRM/FIS reference date.

11. Article 3.06 (Flood Damage Prevention) — FIRM/FIS reference date.

References Henderson County Flood Insurance Study/Flood Insurance Rate Map dated April 5, 2010, adopted via ordinance 1/12/10.

- Category: OUTDATED CITATION (factual/administrative, not legal-authority defect)
- Severity: MEDIUM
- Explanation: FEMA periodically updates FIRMs/FIS; a 2010 reference map is now 16 years old. If FEMA has issued a more recent FIRM for Henderson County (or Chandler's specific panel) since 2010, continued reference to the superseded map could create NFIP compliance gaps affecting residents' flood insurance eligibility and could violate [44 CFR §60.3](#)'s requirement that municipalities adopt floodplain regulations based on the currently effective FIRM.
- Recommendation: Verify current effective FIRM date for Henderson County/Chandler with FEMA's Map Service Center; if a newer FIRM has been issued, amend [§3.06.001](#) et seq. to reference it and re-adopt accordingly to preserve NFIP participation.

LOW Findings / Notable Observations (no statutory defect identified)

● **[LOW]** Article 3.09, [§3.09.011](#) Variances — reference to "city limits or ETJ."

12. Article 3.09, [§3.09.011](#) Variances — reference to "city limits or ETJ."

- Category: Observation only
- Severity: LOW
- Explanation: General-law cities under 5,000 population have very limited (often no, or 0.5-mile) extraterritorial jurisdiction under [LGC §42.021](#), and recent ETJ-reform legislation ([SB 2038](#), 2023) has further narrowed/alterd ETJ mechanics including release/disannexation procedures. Sign-code application within the ETJ is unusual for a city this size since municipal sign-code (not zoning) authority in the ETJ is not clearly granted by [LGC Chapter 216](#) (Regulation of Signs) — §216 generally is municipal-limits focused. No clear conflict found in the text reviewed, but the reference is worth double-checking against Chandler's actual current ETJ boundary (now-narrower than dual approach pre-2023) to confirm the sign ordinance isn't purporting to apply where the city lacks an authority anchor.
- Recommendation: Confirm Chandler's current ETJ extent post-[SB 2038](#) and verify Chapter 216 or another LGC provision actually authorizes sign regulation there; if not, narrow the variance section's geographic reference to "city limits" only.

CLEAN Sections (reviewed, no issues found)

All items in this section were assessed as Clean — no actionable findings retained in this edition.

Summary

Chapter 3 audit is now complete (all 12 articles, [§3.01.001–§3.12.004](#)). The chapter's defining problem is systemic: Article 3.03's adopted construction codes (IBC, IRC, IPC, IMC, IFGC — all 2009; NEC — 1997) are critically outdated, with the electrical code being nearly three decades stale, and there is a complete absence of an adopted energy code despite the [Health & Safety Code §388.003](#) statewide mandate. A secondary high-severity issue is the legacy electrician-qualification alternative at [§3.03.263](#) that predates and conflicts with [Occupations Code Chapter 1305](#) statewide licensing centralization. No [HB 2127](#) (Texas Regulatory Consistency Act) preemption issues were identified — none of this chapter's subject matter (building/construction codes, signs, fences, pools, antennas, streets) falls within [HB 2127](#)'s eight enumerated codes. The chapter is otherwise well-constructed, with Articles 3.04 (Dangerous Buildings) and 3.06 (Flood Damage Prevention) standing out as carefully drafted, statute-tracking provisions.

Task #9 (Fetch & review Chapter 3 Building Regulations) is ready to be marked complete in the task tracker.

Chapter 4 — Business Regulations

↑ [Back to Quick Reference by Severity](#)

Severity Tally — This Chapter



Total actionable findings retained: 15

17 Clean item(s) removed from this edition; 15 actionable finding(s) retained below, in full, without summarization.

City of Chandler, Texas Code of Ordinances — Chapter 4: Business Regulations

Audit Date: June 18, 2026

Source Document: City of Chandler, Texas Code of Ordinances, Chapter 4 "Business Regulations" (ecode360.com, Code ID CH4875, root TOC: <https://ecode360.com/39014776>)

Scope: Articles 4.01 through 4.10 ([§4.01.001](#) – [§4.10.014](#))

Governing Framework: Dillon's Rule, as applied to Type A general-law municipalities in Texas ([Local Government Code Chapters 5](#), 51, and 215; Tex. Att'y Gen. Op. and case law construing general-law municipal authority as limited to powers expressly granted, or necessarily implied from an express grant, by the Texas Legislature)

Statutory Sources Verified: statutes.capitol.texas.gov — Local Government Code (Ch. 51, 54, 215, 243); Penal Code (Ch. 12); Finance Code (Ch. 371 — Texas Pawnshop Act); Natural Resources Code (§81.0523); Tax Code (Ch. 201–202); Occupations Code (Ch. 1956 — Metal Recycling Entities); Transportation Code (Ch. 552); Business & Commerce Code (§501.001)

I. BACKGROUND AND METHODOLOGY

The City of Chandler, Texas is a Type A general-law municipality with a population in the range of approximately 3,400–4,100 residents. As a general-law city, Chandler possesses only those powers expressly granted to it by the Texas Legislature, or powers necessarily implied from an express grant — the converse of the broad "home-rule" authority enjoyed by larger Texas cities. This is the core operation of Dillon's Rule in Texas municipal law: every regulatory provision in the city's code must trace to a specific grant of authority in the Local Government Code or another enabling statute, or it is ultra vires and void.

This audit reviews every article and section of Chapter 4 ("Business Regulations") against four criteria:

1. **AUTHORITY GAP** — Does Chandler possess express or implied statutory authority for this provision under Dillon's Rule?
2. **CONFLICT** — Does the provision conflict with a mandatory, non-waivable state statute?
3. **PREEMPTION** — Does the 2023 Texas Regulatory Consistency Act ([HB 2127](#)), which preempts municipal regulation in the fields of the Agriculture Code, Business & Commerce Code, Finance Code, Insurance Code, Labor Code, Natural Resources Code, Occupations Code, and Property Code, apply to this provision's subject matter? (Separately, this audit also checks pre-existing, narrower preemption statutes outside [HB 2127](#), such as [Natural Resources Code §81.0523](#), which predates and operates independently of [HB 2127](#).)
4. **OUTDATED CITATIONS** — Does the provision cite superseded Vernon's-era statutes (V.T.C.S./V.T.P.C./V.T.C.C.P./V.T.C.A.) or otherwise stale authority?

Chapter 4 contains the following articles: 4.01 (General Provisions — Reserved), 4.02 (Carnivals, Circuses, and Tent Shows), 4.03 (Junk Dealers and Motor Vehicle Wrecking Yards), 4.04 (Peddlers, Solicitors and Itinerant Merchants), 4.05 (Pawnbrokers), 4.06 (Sexually Oriented Businesses), 4.07 (Oil and Gas Drilling and Production), 4.08 (Pipeline Regulations), 4.09 (Mobile Food Units and Mobile Food Parks), and 4.10 (Commercial Filming Guidelines).

II. ARTICLE-BY-ARTICLE FINDINGS

ARTICLE 4.01 — General Provisions (RESERVED)

No substantive content. No findings.

ARTICLE 4.02 — Carnivals, Circuses, and Tent Shows ([§4.02.001](#) – [§4.02.035](#))

This article licenses and regulates traveling carnivals, circuses, and tent shows (permit application, fees, bonding, inspection, and standard public-safety conditions).

CONFLICT: None identified.

PREEMPTION ([HB 2127](#)): Does not apply. Carnival/circus/exhibition licensing is not governed by any of the eight [HB 2127](#)-enumerated codes (Agriculture, Business & Commerce, Finance, Insurance, Labor, Natural Resources, Occupations, Property).

OUTDATED CITATIONS: None identified that rise above LOW severity; the article uses 2001-Code cross-references consistent with the rest of the title.

ARTICLE 4.03 — Junk Dealers and Motor Vehicle Wrecking Yards ([§4.03.001](#) – [§4.03.085](#))

This article is divided into Division 1 (Generally — Reserved, [§4.03.001](#)–030), Division 2 (Junk Dealers, [§4.03.031](#)–041), and Division 3 (Motor Vehicle Wrecking Yards, [§4.03.081](#)–085).

● [CRITICAL] Finding 1 — [§4.03.035](#) (Records of purchases)

Finding 1 — [§4.03.035](#) (Records of purchases)

- Issue category: CONFLICT / constitutional infirmity
- Severity: CRITICAL
- Text: The ordinance requires junk dealers to record, for every transaction, the seller's "name, age, sex, signature, residence, race, nationality and the approximate height and weight."
- Explanation: This is a facially suspect classification requiring private businesses to collect and report a customer's race, sex, and nationality as a precondition of a lawful commercial transaction, with no demonstrated public-safety nexus to those particular data points (as opposed to, e.g., a driver's license number or photo ID, which serve the legitimate stolen-property-tracing purpose of the ordinance). It is also far broader than what the controlling current state regulatory scheme for similar secondhand/recycled-goods dealers requires: [Occupations Code Chapter 1956](#) (Metal Recycling Entities) requires sellers to provide a valid form of identification and details about the items sold (Tex. [Occ. Code §1956.032](#)–.034), but does not require recording race, sex, or nationality. Under [Local Government Code §215.031](#), Chandler has express authority to regulate "hawkers, peddlers, and pawnbrokers" generally, and junk dealers are traditionally regulated under similar implied authority tied to crime prevention (stolen-property tracing) — but that implied authority does not extend to collecting demographic data unconnected to the stated purpose. A provision that is unconstitutional on its face cannot be salvaged by an implied-powers argument under Dillon's Rule.

- Recommendation: Repeal the "sex," "race," and "nationality" data fields from [§4.03.035](#) immediately. Retain only the description of goods, price, time of transaction, name/signature/address of seller, and driver's license/state ID number — consistent with the identification requirements of [Occupations Code Chapter 1956](#) and standard pawnshop/secondhand-dealer recordkeeping statutes.

● **[LOW]** Finding 2 — [§4.03.032/§4.03.033](#) (Dealer's license; Junk wagon license)

Finding 2 — [§4.03.032/§4.03.033](#) (Dealer's license; Junk wagon license)

- Issue category: OUTDATED CITATION (administrative/clerical)
- Severity: LOW
- Explanation: [§4.03.032](#) directs that the junk dealer's license be obtained "from the mayor," while [§4.03.033](#) directs that the junk wagon license be obtained "from the assessor and collector of taxes." Modern Type A general-law cities of Chandler's size do not typically maintain a separately elected "assessor and collector of taxes" as a distinct city office (this terminology dates to 1875 General Laws-era municipal structures); in practice these functions are almost always centralized in the city secretary or city manager's office. This is not a Dillon's Rule authority problem, but a stale internal-administration reference that could create confusion or an unenforceable condition if no such office currently exists.
- Recommendation: Update to reference the actual current city officer responsible (e.g., "city secretary" or "city manager's designee"), consistent with how Article 4.06 (Sexually Oriented Businesses) properly channels licensing through the mayor and city secretary.

● **[LOW]** Finding 3 — [§4.03.031](#)–.041 generally

Finding 3 — [§4.03.031](#)–.041 generally

- Issue category: AUTHORITY GAP (partial — implied authority, adequately supported)
- Severity: LOW
- Explanation: Beyond Finding 1, the balance of Division 2 (dealer licensing, display of license, daily police reporting, serial-number retention, third-party identification vouching, prohibition on purchases from minors, prohibition on purchasing items with obliterated serial numbers) is a traditional crime-prevention/stolen-property-tracing regulatory scheme. This rests on implied authority flowing from the general police power conferred by [Local Government Code Chapter 54](#) (ordinance enforcement) and §215.031's express grant to regulate "peddlers" (junk wagon operators function similarly), reinforced by [Occupations Code §1956.003\(a\)](#), which explicitly authorizes "a county, municipality, or political subdivision" to "adopt a rule, charter, or ordinance ... that [is] more stringent than but [does] not conflict with" Chapter 1956. This is adequate authority for the licensing/reporting framework, separate from the race/sex/nationality defect in Finding 1.
- Recommendation: No structural change needed beyond Finding 1's correction.

PREEMPTION ([HB 2127](#)) for Article 4.03 as a whole: Does not directly apply as a categorical matter — junk dealer/secondhand goods regulation is not itself one of the eight [HB 2127](#) codes, but to the extent any provision conflicts with [Occupations Code Chapter 1956](#) (a code that sits within the Occupations Code, one of the eight enumerated codes), that specific conflict would be both a CONFLICT finding under ordinary preemption principles and could trigger [HB 2127](#)'s broader "Occupations Code" preemption sweep if a court read Chapter 1956 as part of the regulated field. Given §1956.003(a)'s explicit local-law savings clause, this risk is currently contained to Finding 1 above.

ARTICLE 4.04 — Peddlers, Solicitors and Itinerant Merchants ([§4.04.001](#) – [§4.04.051](#))

● **[MEDIUM]** Finding 4 — [§4.04.042](#)(a)(3) (Application — collection of Social Security number)

Finding 4 — [§4.04.042](#)(a)(3) (Application — collection of Social Security number)

- Issue category: Best-practices / data-privacy concern (not a strict statutory CONFLICT)
- Severity: MEDIUM
- Text: The peddler/solicitor permit application must show "[a] physical description and the social security number and driver's license number of the applicant."
- Explanation: [Business & Commerce Code §501.001](#)(a), which generally restricts the collection, display, and transmission of Social Security numbers by private actors, expressly exempts "a government or a governmental subdivision or agency" from its restrictions. Because the City of Chandler is a governmental subdivision collecting the SSN for its own permitting/background-check purposes, §501.001 does not directly prohibit this practice, and there is no other Texas statute squarely barring a municipality from requiring an SSN on a permit application. This is therefore not a CONFLICT finding in the strict Dillon's Rule sense. However, it remains a significant data-security and liability exposure: the city has no apparent encrypted-storage, retention-limitation, or redaction protocol described in the ordinance, and SSNs collected by a small municipality are a known target for data breaches and identity-theft exposure, with potential liability under common-law negligence or the Texas Identity Theft Enforcement and Protection Act ([Bus. & Com. Code §521.002](#) et seq.) if compromised.
- Recommendation: Although not legally required to remove this provision, the city should strongly consider replacing the SSN requirement with the driver's license number alone (already collected) for identity verification purposes, and if SSNs continue to be collected, adopt and codify a data-retention/destruction and secure-storage policy.

● **[LOW]** Finding 5 — [§4.04.012](#)(d)(6) (No permits along State Highway 31)

Finding 5 — [§4.04.012](#)(d)(6) (No permits along State Highway 31)

- Issue category: AUTHORITY GAP (minor — needs TxDOT-coordination confirmation)

- Severity: LOW
- Text: "Due to traffic safety concerns, no permit shall issue hereunder for locations along State Highway 31."
- Explanation: Texas [Transportation Code §552.007](#) generally prohibits any person from standing in a roadway to solicit "a ride, contribution, employment, or business" from vehicle occupants (with a narrow carve-out for charitable solicitation authorized by the local roadway authority). This state statute already substantially occupies the field of roadway solicitation safety, and Chandler's blanket prohibition along State Highway 31 is a compatible, narrower supplement addressing a state-maintained right-of-way, not a conflicting expansion. Municipalities generally retain police-power authority over traffic safety within their boundaries, including along state highways that pass through city limits, though the state highway right-of-way itself remains subject to TxDOT's permitting jurisdiction under [Transportation Code Chapter 311](#) for any access/use issues. This provision is very likely valid, but the city should confirm that the restriction is consistent with (and does not conflict with) any TxDOT access-management or driveway permit standards applicable to FM/SH 31 within city limits.
- Recommendation: No mandatory change. Confirm coordination with TxDOT's Tyler District access-management standards for SH 31 to eliminate any residual doubt.

PREEMPTION ([HB 2127](#)): Does not apply. Peddler/solicitor/itinerant merchant licensing is not governed by any of the eight [HB 2127](#)-enumerated codes.

ARTICLE 4.05 — Pawnbrokers ([§4.05.001](#) – [§4.05.003](#))

● [HIGH] Finding 7 — [§4.05.002](#) (Hours of operation)

Finding 7 — [§4.05.002](#) (Hours of operation)

- Issue category: CONFLICT
- Severity: HIGH
- Text: Chandler's ordinance prohibits a pawnshop from being open "between the hours of 7:00 p.m. and 8:00 a.m.," permits Saturday hours only "8:00 a.m. until ... 8:00 p.m.," and requires the business to "remain closed on Sundays until the following Monday morning at 8:00 a.m." — i.e., a total Sunday closure mandate and a 7:00 p.m. weekday cutoff.
- Explanation: Texas [Finance Code §371.151](#) (part of the Texas Pawnshop Act, [Finance Code Chapter 371](#)) is the controlling current state statute governing pawnshop hours of operation. It provides: "(a) A pawnbroker shall maintain normal business hours of at least four hours a day for five days a week. (b) A pawnbroker may not do business before 7 a.m. or after 9 p.m." This state framework (1) permits pawnshops to operate until 9:00 p.m., directly conflicting with Chandler's 7:00 p.m. weekday cutoff, which is two hours more restrictive than the state ceiling, and (2) contains no Sunday-closure mandate, meaning Chandler's blanket Sunday prohibition is an additional restriction with no statutory basis. While the Pawnshop Act's stated purpose includes assisting "local

governments in the exercise of their police power" (Fin. Code §371.002(7)), and municipalities retain some ability to impose more stringent regulation in related contexts, a flat reduction of the statutorily permitted operating window is the kind of direct conflict with a specific, mandatory state-set time boundary that Dillon's Rule does not permit a general-law city to override absent express authorization to set hours more restrictively, which this record does not show.

- Recommendation: Repeal [§4.05.002](#) in its entirety, or at minimum amend the closing time to no earlier than 9:00 p.m. and remove the categorical Sunday-closure requirement, to bring the ordinance into conformity with [Finance Code §371.151](#).

● [MEDIUM] Finding 8 — [§4.05.003](#) (Register of transactions)

Finding 8 — [§4.05.003](#) (Register of transactions)

- Issue category: OUTDATED CITATION / partial CONFLICT-by-superseding-scheme
- Severity: MEDIUM
- Explanation: [§4.05.003](#) imposes a detailed handwritten "well-bound book" register requirement (date, pawnbroker name/address, item description/serial number, loan amount/interest rate, seller's name/address/signature, and final disposition). This entire field is now occupied by a comprehensive, modernized state scheme: [Finance Code §371.152](#) (Recordkeeping) requires pawnbrokers to keep "adequate books and records ... consistent with accepted accounting practices" and preserve them for two years, and the Act elsewhere requires participation in state-mandated reporting/identification systems administered by the Office of Consumer Credit Commissioner. Chandler's ordinance, written in a pre-digital, paper-ledger format ("well-bound book"), is not unlawful on its face since nothing in it directly contradicts §371.152's minimum standards, but it is a stale, paper-only mechanism that has been functionally superseded by the state's electronic/automated pawn transaction reporting infrastructure and creates ambiguity about which recordkeeping format actually governs.
- Recommendation: Amend [§4.05.003](#) to recognize compliance with [Finance Code Chapter 371](#)'s recordkeeping and reporting requirements (including any OCCC-mandated electronic system) as satisfying the city's register requirement, rather than maintaining a separate paper-ledger mandate.

● [LOW] Finding 9 — Citation inconsistency between Article 4.04 and Article 4.05

Finding 9 — Citation inconsistency between Article 4.04 and Article 4.05

- Issue category: OUTDATED CITATION (clerical)
- Severity: LOW
- Explanation: [§4.05.001](#)'s source citation "(2001 Code, sec. 113.01)" sits in a citation-numbering sequence (sec. 113.xx) that is distinct from, but adjacent to, Article 4.04's citation sequence; while not erroneous, the close numerical proximity across articles governing very different subject matter (peddlers vs. pawnbrokers) increases the risk of miscitation in future amendments and should

be confirmed against the city's official 2001 Code compilation during the next codification update.

- Recommendation: Confirm cross-reference accuracy during the next general codification/recodification project; no urgent action required.

PREEMPTION ([HB 2127](#)): APPLIES — and is a significant factor for this article.

Pawnbroker regulation is governed by the Texas Finance Code, which is one of the eight codes expressly enumerated in [HB 2127](#) (Texas Regulatory Consistency Act). Under [HB 2127](#), a municipal regulation that addresses a business or occupation "regulated under" the Finance Code is presumptively preempted unless it falls within a recognized exception. Because Chandler's Article 4.05 predates [HB 2127](#) by decades, and because [Finance Code §371.002\(7\)](#) affirmatively contemplates continued local police-power regulation of pawnbrokers, Article 4.05 is not necessarily wholly preempted — but Findings 7 and 8 above (the hours-of-operation and recordkeeping conflicts) are exactly the kind of provisions [HB 2127](#) was designed to eliminate, because they directly conflict with specific, mandatory Finance Code provisions rather than supplementing them. The city should treat [HB 2127](#) as an independent, additional basis (on top of ordinary conflict preemption) for prioritizing repeal of Finding 7 and amendment of Finding 8.

ARTICLE 4.06 — Sexually Oriented Businesses ([§4.06.001](#) – [§4.06.116](#))

This is the largest article in Chapter 4, comprising a General Provisions division and three further divisions: Division 2 (License, [§4.06.041](#)–049), Division 3 (Location, [§4.06.081](#)–082), and Division 4 (Operation, [§4.06.111](#)–116).

PREEMPTION ([HB 2127](#)): Does not apply. Sexually oriented business regulation is governed by [Local Government Code Chapter 243](#), and the Local Government Code is not one of the eight codes enumerated in [HB 2127](#) (Agriculture, Business & Commerce, Finance, Insurance, Labor, Natural Resources, Occupations, Property). [HB 2127](#) has no bearing on Article 4.06.

Overall assessment for Article 4.06: the best-drafted, most clearly authorized article in Chapter 4.

ARTICLE 4.07 — Oil and Gas Drilling and Production ([§4.07.001](#) – [§4.07.067](#))

This article is divided into Division 1 (Generally, [§4.07.001](#)–029) and Division 2 (Permit, [§4.07.061](#)–067), with [§4.07.030](#)–060 reserved.

● [CRITICAL] Finding 11 — [§4.07.028](#) (Oil tax)

Finding 11 — [§4.07.028](#) (Oil tax)

- Issue category: AUTHORITY GAP
- Severity: CRITICAL
- Text: "[T]here is hereby levied a tax on oil produced within the city of two cents (\$0.02) per barrel of forty-two (42) standard gallons," computed against total

production within city limits, collectible "in addition to all other taxes provided by law," with lien enforcement provisions.

- Explanation: This is an outright municipal severance/production tax on oil — a power that belongs exclusively to the State of Texas. Oil and gas production taxation in Texas is occupied entirely by [Tax Code Chapter 201](#) (Gas Production Tax) and Chapter 202 (Oil Production Tax), both administered exclusively by the Texas Comptroller of Public Accounts; there is no provision in the Local Government Code, the Tax Code, or any other enabling statute granting a Type A general-law city authority to impose its own per-barrel production tax. General-law municipalities possess only the specific taxing powers the Legislature has expressly granted (e.g., ad valorem taxation under [Tax Code Chapter 11](#) et seq., sales tax under [Tax Code Chapter 321](#), hotel occupancy tax under [Tax Code Chapter 351](#)) — production/severance taxation on oil is conspicuously absent from that list, and the Texas Constitution's restrictions on local taxing power (Art. VIII, and the enabling-statute requirement generally applicable to general-law cities) reinforce that this kind of tax requires explicit legislative authorization that does not exist here. This provision is very likely an entirely void, ultra vires exercise of taxing power and has been so for the entire period it has been codified.
- Recommendation: Repeal [§4.07.028](#) in its entirety immediately. If the city wishes to recoup revenue associated with oil and gas activity, it should pursue avenues squarely within its authority: ad valorem taxation of the mineral interest/equipment (already governed by the Tax Code), permit fees calibrated to administrative cost (already used elsewhere in this article, e.g., [§4.07.064](#)), or franchise/right-of-way fees tied to actual municipal infrastructure use.

● **[CRITICAL]** Finding 12 — [§4.07.012](#) (Setting and cementing casing) and related technical well-construction standards ([§4.07.011](#)–4.07.018, derrick/rig, pits, casing, valve...

Finding 12 — [§4.07.012](#) (Setting and cementing casing) and related technical well-construction standards ([§4.07.011](#)–4.07.018, derrick/rig, pits, casing, valves/blowout preventers)

- Issue category: PREEMPTION
- Severity: CRITICAL
- Text: The ordinance mandates specific technical standards — e.g., "properly setting the surface casing to a minimum depth of two thousand (2,000) feet," cementing methods "by the pump-and-plug method," and minimum cement coverage above the "highest oil and/or gas bearing horizon."
- Explanation: [Natural Resources Code §81.0523](#) ("Exclusive Jurisdiction and Express Preemption"), enacted in 2015 (House Bill 40) in direct response to local hydraulic-fracturing bans, provides: "(b) An oil and gas operation is subject to the exclusive jurisdiction of this state. ... a municipality or other political subdivision may not enact or enforce an ordinance ... that bans, limits, or otherwise regulates an oil and gas operation." Subsection (c) carves out a narrow exception allowing a municipality to regulate "only aboveground activity ... that occurs at or above the surface of the ground, including ... fire and emergency response, traffic,

lights, or noise, or ... notice or reasonable setback requirements," provided the regulation is "commercially reasonable" and "does not effectively prohibit an oil and gas operation conducted by a reasonably prudent operator." Casing depth, cementing methods, and blowout-prevention equipment standards are core subsurface well-construction and well-integrity matters — squarely within the Railroad Commission of Texas's exclusive technical jurisdiction under [Natural Resources Code Chapter 81](#) and the Commission's Statewide Rules (e.g., Statewide Rule 13, governing casing, cementing, and well-control requirements), not "aboveground activity." This is precisely the category of regulation §81.0523(b)–(c) was written to preempt. This is independent of, and predates, [HB 2127](#) — it is its own express preemption statute specific to oil and gas.

- Recommendation: Repeal or substantially narrow [§4.07.011](#)–4.07.018 (casing, cementing, valves/blowout preventers, pits) to eliminate any subsurface technical well-construction standard that duplicates or could conflict with Railroad Commission Statewide Rules. Retain only aboveground-activity provisions (e.g., site fencing, noise, lighting, setbacks, traffic/access, derrick/rig housekeeping, premises cleanliness) that fit within §81.0523(c)'s safe harbor.

● **[HIGH]** Finding 14 — [§4.07.006](#) (Bond) — \$100,000 surety bond requirement

Finding 14 — [§4.07.006](#) (Bond) — \$100,000 surety bond requirement

- Issue category: PREEMPTION (moderate risk)
- Severity: HIGH
- Explanation: Financial-responsibility/bonding requirements for oil and gas operators are governed by Railroad Commission rules under [Natural Resources Code Chapter 91](#) (specifically the Commission's organization-report bonding requirements, Statewide Rule 78, and Tex. Nat. Res. Code §91.104). While bonding is arguably about ensuring local damage remediation rather than regulating the technical "oil and gas operation" itself, and could be framed as falling outside §81.0523's core prohibition, a \$100,000 municipal bond requirement layered on top of the state's own bonding regime raises a real risk of being found to "effectively" burden or duplicate the state scheme in a way inconsistent with §81.0523(c)(2)–(3)'s "commercially reasonable" / "does not effectively prohibit" standard, particularly for a small operator. This is a closer call than Finding 12 but warrants the same scrutiny.
- Recommendation: Reassess whether the bond amount and conditions are demonstrably tied to a municipal-specific risk (e.g., street/infrastructure damage) rather than general well-safety financial assurance already covered by RRC bonding, and consider reducing the amount or scope to bring it more comfortably within the aboveground/local-infrastructure rationale.

● **[MEDIUM]** Finding 16 — [§4.07.061](#)–067 (Permit: application, notice/hearing, fee, contents, contracts with landowners)

Finding 16 — [§4.07.061](#)–067 (Permit: application, notice/hearing, fee, contents, contracts with landowners)

- Issue category: AUTHORITY GAP — mixed; permit/fee framework generally sound, drilling-unit/forced-pooling-adjacent provisions warrant scrutiny
- Severity: MEDIUM
- Explanation: The basic permit-application, notice-to-neighbors, hearing, and fee structure (§4.07.061–064) is a defensible aboveground administrative/regulatory framework (permit issuance is itself recognized as a legitimate municipal function under the §81.0523(c) safe harbor, since permitting that imposes only reasonable conditions on surface use is distinguishable from regulating subsurface operations). However, §4.07.067 (contracts/arrangements with landowners when the applicant lacks 100% lease ownership within a drilling unit) edges into matters of mineral/leasehold law and spacing/pooling that are traditionally and statutorily committed to the Railroad Commission's jurisdiction over well-spacing and proration under [Natural Resources Code Chapter 85](#)–86. This provision should be reviewed for whether it improperly attempts to regulate drilling-unit composition (a substantive oil-and-gas regulatory matter) rather than simply administering the city's permit process.
- Recommendation: Retain the permit/fee/notice framework; have the city attorney review §4.07.005 (drilling unit map) and §4.07.067 specifically against [Natural Resources Code Chapter 85](#)–86 to confirm the city is not attempting to regulate well-spacing/pooling substantively (an RRC-exclusive function) under the guise of a "drilling unit" permitting concept.

PREEMPTION ([HB 2127](#)) for Article 4.07: APPLIES. Oil and gas drilling and production is governed by the Natural Resources Code, one of the eight codes expressly enumerated in [HB 2127](#). This means that, independent of the older and more specific §81.0523 preemption analysis above (Findings 11–14, which already independently preempt much of this article), [HB 2127](#) provides an additional, broader preemption layer covering this entire article's subject matter. Any provision in Article 4.07 not falling within the §81.0523(c) safe harbor is doubly vulnerable — both under the oil-and-gas-specific 2015 statute and under the 2023 Regulatory Consistency Act's field-wide Natural Resources Code preemption.

ARTICLE 4.08 — Pipeline Regulations ([§4.08.001](#) – [§4.08.005](#))

Adopted by Ordinance O-2022-0712-A — a relatively recent enactment, predating [HB 2127](#)'s September 1, 2023 effective date by roughly fourteen months.

● **[HIGH]** Finding 17 — Article 4.08 generally (pipeline permit, plan review, fees, penalties)

Finding 17 — Article 4.08 generally (pipeline permit, plan review, fees, penalties)

- Issue category: PREEMPTION
- Severity: HIGH
- Explanation: The article requires city staff review and a permit prior to "the commencement of pipeline construction" for any "pipe of any size ... used to transport any and all materials" (expressly excluding public-utility pipelines), with detailed plan-submission requirements (dimensions, location, related facilities,

existing utility/drainage/right-of-way conditions) and operator-identification disclosures. To the extent this article regulates pipelines transporting oil, gas, or other natural resources products, it intersects directly with [Natural Resources Code §81.0523](#)'s exclusive-jurisdiction framework (which defines "oil and gas operation" broadly to include "transportation" of oil and gas, §81.0523(a)(2)) and/or Utilities Code provisions governing common-carrier and gas-utility pipelines (which are typically subject to Railroad Commission of Texas safety jurisdiction under [Natural Resources Code Chapter 117](#) and [49 U.S.C. §60101](#) et seq. federal pipeline safety preemption for interstate lines). A municipal permit requirement reviewing "dimensions and location," "type and size," and imposing conditions on pipeline construction risks regulating the pipeline "operation" itself (subsurface/transportation activity) rather than merely the aboveground use of city rights-of-way, unless carefully limited to right-of-way use, traffic, and surface-disturbance management. Because this ordinance was adopted in 2022, after §81.0523 (2015) but before [HB 2127](#) (2023), it should have already been drafted with §81.0523 in mind; the breadth of "any size" pipe carrying "any and all materials" suggests the drafters intended general municipal infrastructure/right-of-way management rather than targeting oil-and-gas transportation specifically, which somewhat mitigates the risk, but does not eliminate it for any pipeline that does carry oil, gas, or related products.

- Recommendation: Amend the article to expressly limit its scope to (a) pipelines located in or crossing city-owned rights-of-way (a traditional, clearly authorized municipal function under [Local Government Code Chapter 311](#)'s street-management authority), and (b) aboveground/surface-disturbance conditions (traffic control, restoration of pavement, notice), expressly disclaiming any intent to regulate subsurface construction standards, safety specifications, or the oil-and-gas "operation" itself, to align with the §81.0523(c) safe harbor and reduce [HB 2127](#) exposure.

PREEMPTION ([HB 2127](#)): Likely applies to the extent the article reaches oil/gas/petroleum product pipelines, since Natural Resources Code is one of the eight enumerated [HB 2127](#) codes; does not apply to the extent the article is limited to general right-of-way management of pipelines unrelated to oil and gas (e.g., water or wastewater lines, which would not implicate the Natural Resources Code or any other [HB 2127](#)-enumerated code).

ARTICLE 4.09 — Mobile Food Units and Mobile Food Parks ([§4.09.001](#) – [§4.09.006](#))

Adopted by Ordinance O-2023-0314-A (March 14, 2023) and amended by Ordinance O-2023-0919-A (September 19, 2023) — notably, the September 2023 amendment falls just eighteen days after [HB 2127](#)'s September 1, 2023 effective date.

● [HIGH] Finding 18 — [§4.09.006](#) (Penalty)

Finding 18 — [§4.09.006](#) (Penalty)

- Issue category: CONFLICT
- Severity: HIGH

- Text: "Any individual(s) and/or entity(ies) that violates any regulation, term or condition of this article may receive a citation, which shall be a class C misdemeanor. Should the individual(s) ... be found guilty ..., a fine not to exceed \$2,000.00 may be imposed."
- Explanation: [Penal Code §12.23](#) is unambiguous: "An individual adjudged guilty of a Class C misdemeanor shall be punished by a fine not to exceed \$500." A Class C misdemeanor cannot, by definition, carry a \$2,000 fine under Texas law — \$2,000 is the Class B misdemeanor ceiling under [Penal Code §12.22](#), and even the Local Government Code's own general default penalty cap for an ordinance without more specific statutory authorization is \$500 under [Local Government Code §54.001](#)(b). Chandler has mislabeled the offense classification, the penalty amount, or both; as written, the section is internally contradictory and unenforceable above \$500 because no provision of law authorizes a \$2,000 fine for an offense designated "Class C."
- Recommendation: Correct [§4.09.006](#) immediately: either (a) reduce the maximum fine to \$500 to match the stated Class C misdemeanor designation, or (b) if the city intends a \$2,000 maximum, redesignate the offense as a Class B misdemeanor (consistent with [Penal Code §12.22](#)) — but note that even then, the general municipal penalty cap under [Local Government Code §54.001](#)(b) is ordinarily \$500 unless the violation falls within the statute's narrow \$2,000 categories (fire safety, zoning, or public-health-and-sanitation ordinances) or \$4,000 category (dumping refuse), and the city would need to confirm this mobile-food ordinance independently qualifies as a "public health and sanitation" ordinance under §54.001(b) to justify the higher \$2,000 figure even under a corrected classification.

● **[LOW]** Finding 19 — [§4.09.003](#)(e)(7) (No permits along State Highway 31, mobile food context)

Finding 19 — [§4.09.003](#)(e)(7) (No permits along State Highway 31, mobile food context)

- Issue category: Same analysis as Finding 5 (Article 4.04) — confirmed likely clean, TxDOT coordination recommended
- Severity: LOW

PREEMPTION ([HB 2127](#)): Does not directly apply. Mobile food unit/food truck regulation is governed by the Health and Safety Code (food establishment regulation) and general municipal zoning authority, neither of which is among the eight [HB 2127](#)-enumerated codes. The timing (amended eighteen days after [HB 2127](#)'s effective date) does not itself create an [HB 2127](#) problem since the subject matter falls outside the Act's scope.

ARTICLE 4.10 — Commercial Filming Guidelines ([§4.10.001](#) – [§4.10.014](#))

Adopted by Ordinance O-2024-1210-B (December 10, 2024) — the most recently adopted article in Chapter 4.

CONFLICT: None identified.

PREEMPTION ([HB 2127](#)): Does not apply. Commercial filming/location-use permitting does not implicate any of the eight [HB 2127](#)-enumerated codes.

OUTDATED CITATIONS: None — this is the newest article in the chapter and uses current drafting conventions.

III. SUMMARY OF [HB 2127](#) (TEXAS REGULATORY CONSISTENCY ACT) APPLICABILITY TO CHAPTER 4

[HB 2127](#) preempts municipal regulation only within the fields of the eight enumerated codes: Agriculture, Business & Commerce, Finance, Insurance, Labor, Natural Resources, Occupations, and Property. Applying this chapter-by-chapter:

- Does NOT apply: Article 4.02 (Carnivals — general police power/exhibitions authority), Article 4.03 (Junk Dealers — general police power, though [Occupations Code Chapter 1956](#) intersects narrowly), Article 4.04 (Peddlers/Solicitors — general police power), Article 4.06 (Sexually Oriented Businesses — governed by [Local Government Code Chapter 243](#), not an enumerated code), Article 4.09 (Mobile Food Units — governed by Health & Safety Code/zoning, not an enumerated code), Article 4.10 (Commercial Filming — proprietary/police power over city property).
- APPLIES: Article 4.05 (Pawnbrokers — governed by the Finance Code, an enumerated code; [HB 2127](#) reinforces and adds to the ordinary conflict-preemption analysis already requiring repeal of the hours-of-operation provision); Article 4.07 (Oil and Gas Drilling and Production — governed by the Natural Resources Code, an enumerated code; [HB 2127](#) applies on top of the older, independently controlling [Natural Resources Code §81.0523](#) express preemption statute); Article 4.08 (Pipeline Regulations) to the extent it reaches oil-and-gas pipelines (Natural Resources Code nexus), though it may fall outside [HB 2127](#) if narrowed to general right-of-way management unrelated to oil and gas.
- Narrow/contingent exposure: Article 4.03's [Occupations Code Chapter 1956](#) (Metal Recycling Entities) intersection is mitigated by that chapter's own explicit local-law savings clause (§1956.003(a)), which independently permits more-stringent-but-non-conflicting local regulation; this reduces, but does not eliminate, residual [HB 2127](#) risk if a specific provision is found to conflict with Chapter 1956 rather than merely supplement it.

Conclusion on [HB 2127](#): [HB 2127](#) is not a chapter-wide problem for Chapter 4, but it is a real and material consideration for two of the chapter's ten articles — Pawnbrokers (4.05) and Oil and Gas Drilling and Production (4.07) — and a contingent consideration for Pipeline Regulations (4.08). Notably, for Article 4.07, [HB 2127](#) is the second, more recent layer of preemption on top of the older and more specific [Natural Resources Code §81.0523](#) (2015), meaning Article 4.07 has been substantially preempted since 2015 independent of [HB 2127](#) altogether.

IV. TALLY OF FINDINGS BY SEVERITY

CRITICAL: 3 — Finding 1 ([§4.03.035](#) race/sex/nationality data collection); Finding 11 ([§4.07.028](#) municipal oil production tax — ultra vires); Finding 12 ([§4.07.011](#)–.018 subsurface technical well-construction standards — preempted by NRC §81.0523)

HIGH: 4 — Finding 7 ([§4.05.002](#) pawnshop hours conflict with Fin. Code §371.151); Finding 14 ([§4.07.006](#) bonding — preemption risk); Finding 17 (Article 4.08 pipeline permitting — preemption risk); Finding 18 ([§4.09.006](#) Class C misdemeanor/\$2,000 fine — conflicts with [Penal Code §12.23](#))

MEDIUM: 3 — Finding 4 ([§4.04.042](#)(a)(3) SSN collection — privacy/data-security concern); Finding 8 ([§4.05.003](#) paper-ledger recordkeeping — superseded by Fin. Code §371.152); Finding 16 ([§4.07.061](#)–.067 permit/drilling-unit provisions — partial scrutiny needed)

LOW: 5 — Finding 2 ([§4.03.032](#)/.033 stale officer designations); Finding 3 (Division 2 junk dealer licensing — adequate but adjacent to Finding 1); Finding 5 ([§4.04.012](#)(d)(6) SH 31 restriction — confirm TxDOT coordination); Finding 9 (Article 4.04/4.05 citation-numbering proximity); Finding 19 ([§4.09.003](#)(e)(7) SH 31 restriction, mobile food — same as Finding 5)

V. PRIORITY RECOMMENDATIONS (IN ORDER OF URGENCY)

1. Immediate repeal: [§4.03.035](#)'s collection of seller race, sex, and nationality data (constitutional exposure); [§4.07.028](#)'s municipal oil production tax (ultra vires taxation with zero statutory basis).
 2. Immediate correction: [§4.09.006](#)'s Class C misdemeanor with a \$2,000 fine (internally unlawful as written — exceeds the \$500 [Penal Code §12.23](#) ceiling for the stated offense class).
 3. High-priority repeal/amendment: [§4.05.002](#)'s pawnshop hours of operation (conflicts with [Finance Code §371.151](#)'s 9:00 p.m. closing ceiling and contains an unauthorized Sunday-closure mandate); [§4.07.011](#)–.018's subsurface well-construction technical standards (preempted by [Natural Resources Code §81.0523](#) and Railroad Commission exclusive jurisdiction).
 4. Near-term review: Article 4.08's pipeline permitting scope (narrow to right-of-way/surface management to avoid Natural Resources Code/[HB 2127](#) exposure); [§4.07.006](#)'s bonding requirement and [§4.07.067](#)'s drilling-unit/landowner-contract provisions (assess against Railroad Commission's exclusive bonding and spacing/pooling jurisdiction).
 5. Lower-priority cleanup: Update stale municipal-officer designations in [§4.03.032](#)–.033; reassess the necessity of SSN collection in [§4.04.042](#); modernize [§4.05.003](#)'s recordkeeping mechanism to reference [Finance Code Chapter 371](#) compliance; confirm State Highway 31 restrictions in [§4.04.012](#)(d)(6) and [§4.09.003](#)(e)(7) align with TxDOT access-management standards.
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This audit is part of a comprehensive, chapter-by-chapter Dillon's Rule review of the City of Chandler, Texas Code of Ordinances. Chapters 1 through 3 and 5 through 14 have been completed under separate audit reports; this report supersedes and replaces any prior, now-lost audit of Chapter 4.

Chapter 5 — Fire Prevention and Protection

↑ [Back to Quick Reference by Severity](#)

Severity Tally — This Chapter



Total actionable findings retained: 7

25 Clean item(s) removed from this edition; 7 actionable finding(s) retained below, in full, without summarization (2 table entries omitted as unverifiable — see the Fact-Check Edition's Errata item 15).

City of Chandler, TX (General-Law Type A Municipality)

ARTICLE 5.01 — GENERAL PROVISIONS

Finding 3 — [§5.01.003](#) (Burn ban) — **MEDIUM — PROCEDURAL GAP**

Text: "The city will adopt any and all burn bans issued by the county and shall have the power to enforce this section... in accordance with... the laws of the state."

- **Issue:** The ordinance delegates Chandler's burn-ban authority entirely to county action, with no procedural mechanism of its own. Under [Gov't Code §418.108](#) (Declaration of Local Disaster) and §418.1015 (mayor as municipality's emergency management director), a *city's own* burn ban is properly issued as a local disaster declaration by the mayor (or governing body), filed and publicized, and limited to 7 days without governing-body ratification/renewal. Chandler's ordinance contains no cross-reference to this procedure and instead purports to auto-adopt county bans by reference — a workable but legally thin mechanism, since a county judge's burn ban order under [Gov't Code Ch. 418/352](#) applies only in the county's unincorporated area unless the city independently exercises its own declaration authority for the area within city limits.
- **Recommendation:** Add a substantive provision tracking [Gov't Code §418.108](#) — mayor/governing body declaration, public filing, 7-day default term — rather than relying solely on incorporation of county action.

ARTICLE 5.02 — FIRE DEPARTMENT

● [LOW] Finding 7 — [§5.02.004](#) (Destruction of buildings at fires) — **OUTDATED CITATION — LOW

Finding 7 — [§5.02.004](#) (Destruction of buildings at fires) — **OUTDATED CITATION — LOW**

Text cites "V.T.C.A., Local Government Code, section 342.005."

- **Issue:** "V.T.C.A." (Vernon's Texas Codes Annotated) is the *publisher's* parallel-citation prefix, not an outdated/repealed statute — [LGC §342.005](#) *is* the current, correctly-codified statute (verified: [Local Government Code §342.005](#), "Destruction of Buildings; Claim," text matches the ordinance's described mechanism nearly verbatim — chief/mayor concurrence to destroy a burning or hazardous adjacent building, six-month claim window, three-commissioner damages process). This is stylistically outdated drafting convention (pre-1991 V.T.C.A. citation habit retained in this 2001-Code-derived section) but not a substantive defect.
- **Recommendation:** Update citation format to plain "[Local Government Code §342.005](#)" — cosmetic only.

● [LOW] Finding 8 — [§5.02.005](#) (Liability of firemen for property damage) — **MISSING CITATION — LOW

Finding 8 — [§5.02.005](#) (Liability of firemen for property damage) — **MISSING CITATION — LOW**

Text matches [Civil Practice and Remedies Code §78.001](#) (Liability — volunteer fire fighter/department not liable for property damage from reasonable/necessary firefighting action) almost verbatim, but Chandler's ordinance cites only "(2001 Code, sec. 92.31)" with **no statutory cross-reference at all**.

- **Recommendation:** Add citation to CPRC §78.001 for clarity; substantively the provision is sound and consistent with current law.

Finding 9 — [§5.02.006](#) (Billing of insurance carriers for fire department services) — **MEDIUM — AUTHORITY GAP**

- **Issue:** The section authorizes Chandler's volunteer fire department to submit invoices directly to a property owner's insurance carrier for fire suppression/rescue/extrication/hazmat costs. No Texas statute expressly authorizes a **general-law city** (or its affiliated nonprofit VFD) to impose mandatory third-party billing on an insurance carrier; this practice ("cost recovery" billing, e.g., via vendors like Emergifire) is more commonly adopted by home-rule cities under their broader charter powers, or is structured as a subrogation/indemnity claim rather than a direct billing mandate. Dillon's Rule requires an express or fairly implied grant for a Type A general-law city to impose this kind of charge regime on a third party (the insurer) who is not a direct recipient of city services.

- Authority that *does* exist: [LGC §342.004](#) (fire department powers as prescribed by governing body) supports the city authorizing its own VFD's *operations*, and general contract/fee powers support charging the *property owner* directly, but billing the **insurer** specifically rests on thinner footing.
- **Recommendation:** Reframe as a charge against the property owner (with the owner directing payment from insurance proceeds) rather than a direct municipal/VFD claim against the carrier, or seek express authorizing legislation/interlocal agreement language. Flag for city attorney review — moderate enforceability risk, not facially invalid.

ARTICLE 5.03 — FIRE CODE

Finding 10 — [§5.03.001](#) (Adopted) — **HIGH — OUTDATED CODE EDITION**

Text: "(a) The city adopts the International Fire Code of the International Code Congress Series (**2009**)."

- **Issue:** This confirms the same staleness pattern flagged in the Chapter 3 Building Regulations audit (IBC/IRC/IPC/IMC/IFGC stuck at 2009, NEC at 1997). The 2009 IFC is now four code cycles behind (current edition 2024 IFC; ICC publishes triennially: 2012, 2015, 2018, 2021, 2024). Unlike IBC/IRC ([LGC §214.216](#), §214.212, statutorily mandated as of the May 1, 2012 edition with a state-law floor), there is **no parallel Local Government Code provision mandating International Fire Code adoption** — Chandler's fire code authority rests entirely on the general police-power grant in [LGC §342.003\(a\)\(13\)](#) ("adopt other rules for the prevention and extinguishment of fires... considers necessary") and §342.004. This means Chandler has full discretion to update the IFC edition and is not constrained by any state-mandated floor — but 17 years stale is a substantial code-currency/life-safety gap (sprinkler standards, means-of-egress, hazardous materials provisions have changed materially across 2012-2024 cycles).
- **Recommendation:** Update adopted edition to the current (2024 or at minimum 2021) International Fire Code via ordinance amendment, consistent with the Chapter 3 recommendation for IBC/IRC/IPC/IMC/IFGC/NEC.

Finding 16 — [§5.03.007](#) (Violations) — **MEDIUM — PENALTY CLARITY GAP**

Text: violators "shall... be guilty of a misdemeanor" — no fine amount or classification (Class C, etc.) stated in this section; cites only "(2001 Code, sec. 92.32)."

- **Issue:** Under [LGC §54.001\(b\)\(1\)](#), a fire-safety ordinance penalty may not exceed \$2,000 (vs. the general \$500 cap). If this section relies on Chapter 1's general penalty clause ([§1.01.009](#), as cross-referenced by the Outdoor Burning article's [§5.06.007](#)), it should be confirmed that [§1.01.009](#) itself is capped consistently with §54.001(b)(1)'s \$2,000 fire-safety ceiling, not the general \$500 cap, and that the offense is properly classified as a Class C misdemeanor (the only classification a city ordinance violation may carry under [Penal Code §12.41](#) unless state law independently classifies the conduct as a higher offense).

- **Recommendation:** Confirm [§1.01.009](#) (already reviewed in Chapter 1 audit) caps fire-code violations at \$2,000 per §54.001(b)(1), and confirm Class C misdemeanor classification is explicit somewhere in the chapter or in [§1.01.009](#).

ARTICLE 5.04 — FIREWORKS

This article's Summary Table asserts a CRITICAL finding at §5.04.005 (unlawful seizure of packaged fireworks, conflicting with LGC §342.013) with no supporting narrative in the source document — an internal inconsistency that could not be independently verified. Omitted from this Verified Findings Edition; see the Fact-Check Edition's Errata item 15.

ARTICLE 5.05 — FLAMMABLE LIQUIDS

All items in this section were assessed as Clean — no actionable findings retained in this edition.

ARTICLE 5.06 — OUTDOOR BURNING

Finding 31 — [§5.06.007](#) (Penalty) — **LOW — VERIFY CROSS-REFERENCE**

Text: "The penalty for violating any portion of this article shall be as outlined in section 1.01.009 of this code."

- **Note:** Per [LGC §54.001](#)(b)(1), confirmed that fire-safety ordinance penalties may be set up to \$2,000 (vs. \$500 general cap). Outdoor burning, as a fire-safety-related ordinance, should qualify for the \$2,000 fire-safety penalty tier rather than the \$500 general tier — recommend confirming [§1.01.009](#)'s penalty structure (already reviewed in the Chapter 1 audit) properly applies the \$2,000 fire-safety cap to violations of this article, or risk under-penalization/inconsistent enforcement if [§1.01.009](#) defaults to the general \$500 cap for this category.

SUMMARY TABLE

#	Citation	Category	Severity	One-line issue
3	§5.01.003	AUTHORITY GAP (procedural)	MEDIUM	No independent city disaster-declaration mechanism per Gov't Code §418.108 ; relies solely on county adoption

7	§5.02.004	OUTDATED CITATION (cosmetic)	LOW	"V.T.C.A." prefix retained; substance (LGC §342.005) is current and correctly cited
8	§5.02.005	MISSING CITATION	LOW	No statutory cite given; matches current CPRC §78.001 verbatim
9	§5.02.006	AUTHORITY GAP	MEDIUM	No express TX statute authorizes general-law city/VFD to directly bill insurer; thin Dillon's Rule footing
10	§5.03.001	OUTDATED CITATION/CODE EDITION	HIGH	Adopts 2009 IFC — 17 years/4 cycles stale, same pattern as Ch. 3 codes
16	§5.03.007	PENALTY CLARITY	MEDIUM	No fine cap stated; verify §1.01.009 applies LGC §54.001(b)(1) 's \$2,000 fire-safety cap
21	§5.04.005	CONFLICT	N/A — UNVERIFIED	UNVERIFIED — asserted in this table only, with no supporting narrative in the source, and directly contradicted by Article 5.04's own "all items Clean" statement. Omitted from this Verified Findings Edition. (If substantiated, would conflict with LGC §342.013)
28	§5.06.004	DRIFT RISK	N/A — UNVERIFIED	UNVERIFIED — flagged only as a "should be cross-

				checked” item, not a demonstrated violation; no confirmed conflict shown. Omitted from this Verified Findings Edition.
31	§5.06.007	PENALTY CLARITY	LOW	Confirm §1.01.009 applies \$2,000 fire-safety cap (LGC §54.001(b)(1)) rather than \$500 general cap

Highest-priority verified fix: §5.03.001 (Fire Code adoption) — the chapter's only verified HIGH finding: the adopted International Fire Code edition (2009) is four cycles stale, with no state-law floor requiring update but a substantial code-currency gap. Two additional table entries in this chapter (§5.04.005 and §5.06.004) could not be independently verified and have been omitted from this edition — see the Fact-Check Edition's Errata item 15.

Key statutes relied upon (all verified live via statutes.capitol.texas.gov, current through 89th Leg. 2nd C.S. 2025): [LGC §342.001](#)-.013 (Municipal Fire Protection — note: NOT §341.011, which is municipal police force authority, unrelated to fire), [LGC §54.001\(b\)\(1\)](#) (\$2,000 fire-safety penalty cap), [Gov't Code §418.108/§418.1015](#) (local disaster declaration), CPRC §78.001 (volunteer firefighter immunity — NOT [Health & Safety Code Ch. 776](#), which does not exist), [Occupations Code Ch. 2154](#) (state fireworks licensing, non-conflicting parallel field), 30 TAC §§111.201-.221 (TCEQ outdoor burning rules, already correctly cited by Chandler), [LGC Ch. 214](#) Subchapter D (confirms no IFC-specific statutory mandate exists, unlike IBC/IRC/NEC).

Chapter 6 — Health and Sanitation

↑ [Back to Quick Reference by Severity](#)

Severity Tally — This Chapter



Total actionable findings retained: 7

15 Clean item(s) removed from this edition; 7 actionable finding(s) retained below, in full, without summarization.

City of Chandler, TX Code of Ordinances ([§6.01.001](#)–[§6.04.007](#)) | ecode360.com/40017879

Legal status: Type A general-law municipality, Dillon's Rule applies — only express/implied statutory grants confer authority.

ARTICLE 6.01 — GENERAL PROVISIONS

[§6.01.001](#) — Smoking in city buildings

Prohibits smoking in city-owned/leased buildings used for city purposes; requires posted signage. (2001 Code, sec. 31.130)

[§6.01.002](#) — Prohibiting the scattering of litter items

Prohibits scattering litter (paper, garbage, refuse, trimmings, etc.) on public street ROW or public property; corporate officer/employee several liability provision. (Ordinance O-2017-1114-B, 11/14/17)

● **[LOW]** Status: CLEAN — AUTHORITY CONFIRMED.** Grounded in [LGC §217.002](#)(1)–(3) (Type A general-law municipality nuisance-abatement and punishment authority) and HSC ...

Status: CLEAN — AUTHORITY CONFIRMED. Grounded in [LGC §217.002](#)(1)–(3) (Type A general-law municipality nuisance-abatement and punishment authority) and HSC §341.013(b)–(c) (waste/pollution prohibition). No outdated citation; cites only the adopting ordinance. The corporate-officer liability clause (holding a corporation's president/VP/secretary-treasurer/manager/agent/employee "severally liable") deserves a **LOW** flag: imposing personal criminal liability on a corporate officer merely by virtue of office, without an independent culpable-mental-state finding as to that individual, can raise constitutional due-process/vicarious-criminal-liability concerns under Texas case law (cf. [Penal Code §7.23](#) "Criminal Responsibility of Corporation or Association," which conditions individual officer liability on the officer's own personal involvement/authorization). **Recommendation:** Confirm enforcement practice ties personal liability to actual personal participation, not pure title-based imputation, or amend to track [Penal Code §7.23](#) language.

ARTICLE 6.02 — WEEDS

[§6.02.001](#) — Weeds greater than 12 inches in height prohibited

[§6.02.002](#) — Maintenance of area adjacent to property line

[§6.02.003](#) — Duty to cut and remove

[§6.02.005](#) — Cutting and removal by city; lien for city's expenses

Text: "...all as more particularly specified in **chapter 343, V.T.C.A., Health and Safety Code**, which is hereby adopted."

● **[HIGH]** **Finding 1 — OUTDATED CITATION / WRONG CHAPTER. Severity: HIGH.

- **Finding 1 — OUTDATED CITATION / WRONG CHAPTER. Severity: HIGH.**

Two defects: (1) "V.T.C.A." is the pre-1989 Vernon's Texas Civil Statutes citation form; the Health & Safety Code was codified in 1989 and should now be cited simply as "Health and Safety Code," not "V.T.C.A., Health and Safety Code." (2) More substantively, **HSC Chapter 343 expressly does not apply to municipalities** — §343.011(a): "This section applies only to the unincorporated area of a county." Chandler is citing county-only nuisance-abatement law as the authority for its own municipal lien. The correct statutory basis for a municipal weed-abatement lien is **HSC §342.007** (Assessment of Expenses; Lien), which authorizes the mayor/health authority to file a lien statement with the county clerk, sets the same 10%/year interest rate, and the same lien-priority scheme (inferior only to tax liens and street-improvement liens) that Chandler's ordinance describes — meaning the *substance* of [§6.02.005](#) is lawful, but the *citation* is to the wrong, inapplicable chapter.

Recommendation: Replace "chapter 343, V.T.C.A., Health and Safety Code" with "[Health and Safety Code, Chapter 342](#)" in [§6.02.005](#) (and see identical issue in [§6.03.007](#) below).

[§6.02.006](#) — Dangerous weeds

Mirrors HSC §342.008 (Additional Authority to Abate Dangerous Weeds) almost verbatim — 48-inch threshold, no-notice abatement, 10-day post-abatement notice, 30-day hearing-request window, 20-day hearing deadline, lien-by-reference to [§6.02.005](#)/§342.007.

● **[LOW]** **Finding 2 — DRAFTING DEFECT (template residue). Severity: LOW.

- **Finding 2 — DRAFTING DEFECT (template residue). Severity: LOW.**

Subsection (h)(2) refers to "the **town** may enforce the provisions of this section pursuant to... chapter 54 of the Texas Local Government Code." Chandler is a "city," not a "town" — this is leftover boilerplate from a model ordinance template (likely TML or a code-codifier form) that was never conformed to Chandler's correct designation. Not a legal defect (doesn't void the provision — courts read "town" as a scrivener's error for "city" given context), but should be corrected for clarity and to avoid an argument that the section was never properly adopted by Chandler's own ordinance.

The [LGC Chapter 54](#) reference itself is **correct and current** ([LGC Ch. 54](#), "Enforcement of Municipal Ordinances," governs penalty caps and enforcement mechanisms — no outdated cite issue).

Recommendation: Correct "town" to "city."

- Penalty subsection (h)(1): Class C misdemeanor, fine "as prescribed" — consistent with [Penal Code §12.23](#) (\$500 cap) and within (indeed below) the

[LGC §54.001](#)(b)(1) enhanced \$2,000 cap available for "public health and sanitation" ordinances. No conflict.

[§6.02.007](#) — Penalty

References [§1.01.009](#) fine schedule, daily separate-offense rule, cumulative remedies.

ARTICLE 6.03 — UNSANITARY OR OBJECTIONABLE CONDITIONS ON PRIVATE PROPERTY

[§6.03.003](#) — Abandoned refrigerators

Requires removal of locking mechanism from abandoned iceboxes/refrigerators; declares non-compliant abandonment a nuisance; imposes duty on owner of appliance AND owner/occupant of premises.

[§6.03.004](#) — Obstructions to drainage

Declares obstruction of drainage flow a "nuisance per se," imposes a duty to maintain cutouts/sluices/storm sewers, and states failure "shall constitute **negligence per se**" in private suits.

● **[MEDIUM]** **Finding 3 — ULTRA VIRES CIVIL-LIABILITY DECLARATION. Severity: LOW-MEDIUM.

- **Finding 3 — ULTRA VIRES CIVIL-LIABILITY DECLARATION. Severity: LOW-MEDIUM.**

A municipal ordinance may declare a condition a public nuisance (within HSC §342.001/§341.011 and [LGC §217.002](#) authority) and may impose its own penal/civil-abatement consequences, but a city ordinance **cannot, by its own declaration, bind Texas courts to apply the negligence-per-se doctrine** in a private third-party damages suit. Negligence per se is a judicially-controlled tort doctrine; Texas courts independently decide whether violation of a particular ordinance gives rise to negligence per se, weighing factors such as whether the statute is the sole source of duty and whether liability would be disproportionate (see Texas case law applying Restatement-based negligence-per-se factors). The ordinance's self-declaratory "shall constitute negligence per se" clause is not unlawful, but it is legally inoperative surplusage — it cannot actually compel that legal conclusion in litigation.

Recommendation: No required statutory fix (this isn't an authority gap that voids the section), but flag to counsel that the negligence-per-se sentence has no binding legal effect and should not be relied upon to establish civil liability standards; consider revising to state the ordinance creates a nuisance/abatement remedy without purporting to dictate tort standards.

[§6.03.005](#) — Notice to remove or remedy condition

10-day cure notice, personal service or mail, publication if address unknown.

[§6.03.006](#) — Removal or correction by city

City may abate after 10-day notice period and assess costs to owner.

[§6.03.007](#) — Lien for city's expenses

Text: "...to secure the expenditures so made in accordance with **chapter 343, V.T.C.A., Health and Safety Code...**"

● **[HIGH]** **Finding 4 — OUTDATED CITATION / WRONG CHAPTER (duplicate of Finding 1). Severity: HIGH.

- **Finding 4 — OUTDATED CITATION / WRONG CHAPTER (duplicate of Finding 1). Severity: HIGH.**

Identical defect to [§6.02.005](#): cites county-only HSC Chapter 343 (inapplicable to municipalities under §343.011(a)) using the obsolete "V.T.C.A." prefix, when the correct, currently codified authority for a municipal sanitation-abatement lien is **HSC §342.007**. The substantive lien mechanics described (statement of expenses filed with county clerk, lien priority, interest accrual) match §342.007 almost exactly, confirming the drafters simply mis-cited the chapter number (343 instead of 342) when carrying the lien language forward from a pre-codification or county-template source.

Recommendation: Replace "chapter 343, V.T.C.A., Health and Safety Code" with "[Health and Safety Code, Chapter 342](#)" in [§6.03.007](#).

ARTICLE 6.04 — POLLUTION CONTROL NEAR PUBLIC WATER WELLS

[§6.04.001](#) — Purpose

States the article's sanitary-control purpose for land within 500 feet of city wells, "to comply with all applicable state and local regulations."

[§6.04.003](#) — Prohibited activities

Imposes graduated buffer-zone restrictions (10/50/150/300 ft/¼ mile rings) on petrochemical tanks, septic systems, sewer lines, livestock, abandoned wells, etc.

● **[MEDIUM]** **Finding 5 — EXTRATERRITORIAL JURISDICTION (ETJ) APPLICATION. Severity: MEDIUM.

- **Finding 5 — EXTRATERRITORIAL JURISDICTION (ETJ) APPLICATION. Severity: MEDIUM.**

[§6.04.003](#)'s operative clause applies these prohibitions "within the designated areas of land surrounding wells located within the **corporate limits and extraterritorial jurisdiction** of the city." A Type A general-law city's regulatory police power generally does **not** extend into its ETJ for ordinances of general applicability — ETJ authority is narrowly and specifically granted by statute (e.g., [LGC Ch. 212](#) platting/subdivision authority extends into ETJ by express statute; general police-power ordinances like nuisance, health, and zoning ordinances do **not** automatically reach into the ETJ absent a specific statutory extension). Neither HSC §342 (municipal sanitation powers) nor general nuisance authority ([LGC §217.002](#)) extends municipal regulatory reach into the ETJ. However, 30 TAC §290.41(c)(1)(F)'s sanitary-control-easement requirement is

keyed to the *well's location and surrounding land*, irrespective of city-limit lines — if Chandler's wells (or the required buffer rings) physically sit astride or in the ETJ, the city may have a colorable argument that this is an exercise of its proprietary capacity as the public water system operator (akin to a property/easement interest) rather than general police-power regulation, which would not require an ETJ-specific statutory grant. This is a closer question than most other findings in this chapter.

Recommendation: Confirm whether any of Chandler's public wells or the 500-foot¹/₄-mile buffer zones actually extend into the ETJ. If so, document the ordinance's basis as an exercise of proprietary/water-system authority (analogous to easement enforcement) rather than general police power, or seek a private easement/agreement with ETJ landowners as the more conventional/defensible mechanism, since extending punitive (criminal) enforcement into the ETJ via subsection (3)(b) Right of Entry and [§6.04.005](#) penalty provisions is the more legally exposed application.

[§6.04.004](#) — Right of entry

City employees/representatives "shall have access and right to enter the area surrounding well locations."

● **[LOW]** **Finding 6 — VAGUE/POTENTIALLY OVERBROAD RIGHT-OF-ENTRY.
Severity: LOW.

- **Finding 6 — VAGUE/POTENTIALLY OVERBROAD RIGHT-OF-ENTRY.**
Severity: LOW.

This clause grants entry without qualifying language requiring reasonable time, advance notice, or limiting entry to inspection/investigation purposes (contrast with HSC §343.024, the analogous county provision, which requires entry "at a reasonable time" and proper identification be exhibited). As written, this could be read as an unqualified right to enter private property, which raises Fourth Amendment/Texas Constitution Article I §9 search-and-seizure concerns if exercised without consent, warrant, or an admin-inspection-warrant framework, particularly for entry onto a person's residence or curtilage.

Recommendation: Add "at a reasonable time," a notice/credentials requirement, and clarify the scope is inspection of the buffer area (not entry into private structures) to track the county-law model in HSC §343.024 and avoid constitutional exposure.

[§6.04.005](#) — Penalty

Misdemeanor, fine up to \$2,000/day, each day separate offense.

[§6.04.006](#) — Legal and injunctive relief

City may seek legal/equitable redress.

[§6.04.007](#) — Required removal

14-day removal requirement after violation notice; clause stating section doesn't restrict city's ability to seek a TRO.

SUMMARY TABLE

#	Citation	Category	Severity	Issue
1	§6.02.005	OUTDATED CITATION / Wrong chapter	HIGH	Cites "chapter 343, V.T.C.A., Health and Safety Code" — Ch. 343 is county-only (HSC §343.011(a)); correct authority is HSC §342.007
2	§6.02.006(h)(2)	Drafting defect	LOW	Refers to "the town" instead of "the city" — template residue, not legally fatal but should be corrected
3	§6.03.004	Ultra vires civil doctrine declaration	LOW-MEDIUM	Ordinance cannot bind courts to apply "negligence per se" — judicially controlled doctrine; clause is non-binding surplusage
4	§6.03.007	OUTDATED CITATION / Wrong chapter	HIGH	Same defect as #1 — cites inapplicable county-only HSC Ch. 343 instead of HSC §342.007
5	§6.04.003	AUTHORITY GAP (ETJ)	MEDIUM	Prohibited-activities buffer zones purport to apply in the city's ETJ; general police-power/nuisance authority does not automatically extend into ETJ absent specific statutory grant; may be defensible only as proprietary/water-system authority
6	§6.04.004	Constitutional exposure (search/seizure)	LOW	Unqualified right-of-entry lacks "reasonable time"/credentials/notice limitations present in

				the analogous county model (HSC §343.024)
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No [HB 2127](#) (Texas Regulatory Consistency Act) preemption issues identified — Health & Safety Code is not one of the 8 enumerated preempted codes, and no provision in Chapter 6 strays into an enumerated field (no business licensing of waste haulers, no occupational licensing, no agriculture/finance/insurance/labor/natural-resources/property-code subject matter found in this chapter).

No HSC Chapter 361 (Solid Waste Disposal Act)/364 (Municipal Solid Waste), Chapter 366 (OSSF/septic), Chapter 437 (Food Establishments), or Chapter 821-823 (Animal) issues — Chandler's Chapter 6 does not contain a food-service permitting article, an independent solid-waste-hauler licensing article, or an OSSF/septic permitting article; those subject areas are either absent from this chapter or (per the task brief) addressed elsewhere (Chapter 2 for animals — not duplicated here).

[Transportation Code Ch. 683](#) (junked vehicles): Not implicated — Chandler's "abandoned refrigerators" provision ([§6.03.003](#)) is a distinct child-safety ordinance, not a junked-vehicle abatement scheme; no junked-vehicle provisions appear in Chapter 6.

All 27 sections across the 4 articles of Chapter 6 were reviewed against current Texas Health & Safety Code (Chapters 341, 342, 343, 344), Local Government Code (Chapters 54, 217), [Penal Code §12.23](#), and 30 TAC §290.41. Two HIGH-severity outdated/incorrect statutory citations (Findings 1 and 4) are the most actionable items — both are easily correctable by substituting "[Health and Safety Code, Chapter 342](#)" for "chapter 343, V.T.C.A., Health and Safety Code." The ETJ application question in Article 6.04 (Finding 5) is the most legally substantive open issue and warrants factual verification of well/buffer-zone locations relative to city limits.

Chapter 7 — Municipal Court

↑ [Back to Quick Reference by Severity](#)

Severity Tally — This Chapter



Total actionable findings retained: 3

14 Clean item(s) removed from this edition; 5 actionable finding(s) retained below, in full, without summarization.

Chapter scope confirmed: Articles 7.01–7.05, [§7.01.001](#)–[§7.05.004](#) (18 sections total). Source: <https://ecode360.com/40017956> et seq.

ARTICLE 7.01 — GENERAL PROVISIONS

● **[MEDIUM]** [§7.01.003](#) (Jury pay) — MEDIUM / OUTDATED REFERENCE.** Sets juror reimbursement at "not less than \$6.00 nor more than \$50.00" per day, mirroring the *pre-...

[§7.01.003](#) (Jury pay) — MEDIUM / OUTDATED REFERENCE. Sets juror reimbursement at "not less than \$6.00 nor more than \$50.00" per day, mirroring the *pre-2005* [Gov't Code §61.001](#)(a) range verbatim ("not less than \$6 nor more than \$50"; raised to \$6 first day/\$40 subsequent days in 2005, and since amended by [HB 3474](#) effective 9/1/2023 to \$20 minimum first day / \$58 minimum subsequent days for county/district court jurors).

- **Key nuance:** [Gov't Code §61.001](#)(c) expressly states municipal court jurors are **not entitled** to mandatory reimbursement — the city *may* elect to provide it and set its own amount. So Chandler is not in violation of a mandatory floor; this is a *discretionary* local fee schedule that happens to track a copied, now-superseded statutory figure.
- **Recommendation:** Update to reflect a deliberate, current City Council–chosen amount (or expressly reference that it is set independent of Ch. 61) rather than leaving stale numbers that look like an outdated incorporation of §61.001(a). Severity: MEDIUM (clean as a matter of authority/conflict, but citation/figure is stale and could confuse readers into thinking it tracks current state minimums).
- 90-day check-forfeiture provision (subsection (d)) is standard and unremarkable.

ARTICLE 7.02 — JUDGE

[§7.02.001](#) (Office created; appointment; term; compensation; oath) — Creates an *appointed* judge, appointed by city council, 2-year term.

[§7.02.004](#) (Mayor to serve as judge ex officio) — States "The mayor shall serve as ex officio judge of the municipal court."

● **[CRITICAL]** FINDING 1 — CRITICAL / INTERNAL CONFLICT & AUTHORITY-MISALIGNMENT.

FINDING 1 — CRITICAL / INTERNAL CONFLICT & AUTHORITY-MISALIGNMENT.

Gov't Code **§29.004** governs exactly this fact pattern for general-law cities: "In a general-law municipality, the mayor is ex officio judge of the municipal court unless the municipality by ordinance authorizes the election of the judge or provides for the appointment and qualifications of the judge."* If a city wants an appointed judge instead of the mayor, the **ordinance authorizing appointment must affirmatively displace the mayor** — and on enactment of that ordinance, "the mayor ceases to be judge."

Chandler's chapter does both at once and does not resolve which controls: [§7.02.001–.003](#) and [.005](#) set up a fully appointed-judge regime (appointment, term, compensation, removal, qualifications) — which is the lawful mechanism under §29.004 to take the city out of the "mayor as ex officio judge" default. But [§7.02.004](#) then re-asserts "the mayor shall serve as ex officio judge ... and shall have and exercise the authority, jurisdiction, and powers ... conferred by law upon the judge," with the mayor pro tem as backup. These two regimes are facially irreconcilable: either the city has displaced the mayor-as-judge default by ordinance (per §29.004), in which case [§7.02.004](#) is void surplusage/an ultra vires relic, or the mayor is still ex officio judge, in which case [§7.02.001](#)'s appointment/term/removal scheme for a separate appointed judge office is meaningless or creates two competing claimants to the bench.

- **Authority gap component:** If [§7.02.004](#) is operative, the city has not validly created an appointed-judge office consistent with §29.004's "ceases to be judge" displacement rule, undermining the validity of any judgments entered by a council-appointed judge while [§7.02.004](#) remains on the books.
- **Practical/severity note:** This is not merely academic — every judgment, fine, and warrant issued by a non-mayor appointed judge is potentially challengeable on a due-process/lawful-tribunal theory if [§7.02.004](#) has not been formally repealed. This looks like an uncoordinated codification artifact (older "mayor as judge" provision from a prior code revision left in alongside a newer appointed-judge scheme) rather than intentional dual structure.
- **Recommendation:** Repeal [§7.02.004](#) outright if the city in fact operates with a council-appointed, non-mayor judge (the apparent operative practice given [§§7.02.001–.003, .005](#)). Verify against actual city practice immediately — if the mayor is in fact serving as judge, then [§§7.02.001–.003/.005](#) should be repealed instead and the city should operate squarely under the §29.004 default.

[§7.02.003 \(Removal\)](#) — **LOW / VERIFY AGAINST §29.006.** Provides removal "by a majority of the city council for incompetency, corruption, misconduct, or malfeasance in office, after due notice and an opportunity to be heard," plus a separate 2/3-vote "lack of confidence" removal mechanism. [Gov't Code §29.006 \(Removal\)](#) authorizes removal by the governing body for these same grounds (incompetency, official misconduct) with notice and hearing — substantively consistent. The added "lack of confidence" 2/3 vote mechanism is not found in §29.006 and is of uncertain statutory pedigree; under Dillon's Rule this needs an affirmative grant. It is plausible the city is relying on general "removal by appointing authority" home-rule-style logic that does not extend to a Type A general-law city absent express authorization. **Recommendation:** Confirm statutory basis for the discretionary "lack of confidence" removal ground beyond §29.006's enumerated grounds; if none exists, narrow to the statutory grounds only.

ARTICLE 7.03 — CLERK

[§7.03.002 \(Duties\)](#) — **LOW / OUTDATED CITATION FORMAT.** Cites "V.T.C.A., Government Code, section 29.010." §29.010 is the correct, current, *codified* citation ([Government Code §29.010](#) is itself the post-1985 codification — there is no older

"V.T.C.A." version of the codified Government Code, since the Government Code was a 1985 original codification, not a Vernon's recodification). The "V.T.C.A." prefix is pre-codification Vernon's nomenclature improperly carried forward; modern practice cites simply "Texas [Government Code §29.010](#)." **Recommendation:** Drop "V.T.C.A." prefix; cite as "Texas Government Code, Section 29.010." Substance is otherwise correct and current.

ARTICLE 7.04 — CITY PROSECUTOR

All items in this section were assessed as Clean — no actionable findings retained in this edition.

ARTICLE 7.05 — FEES, COSTS AND SPECIAL EXPENSES

● **[HIGH]** [§7.05.003](#) (Technology fund) — HIGH / AUTHORITY GAP.** Establishes a \$4.00 "municipal court technology fee" assessed on every misdemeanor conviction, citi...

[§7.05.003](#) (Technology fund) — HIGH / AUTHORITY GAP. Establishes a \$4.00 "municipal court technology fee" assessed on every misdemeanor conviction, citing "V.T.C.A., [Code of Criminal Procedure, art. 102.0172](#)" as authority.

- **Problem:** CCP Art. 102.0172 contains an express population carve-out: "**This article does not apply to a municipality with a population of less than 100,000.**" Chandler's population is ~3,400–4,100 — far under the threshold. The cited statute, by its own terms, **does not authorize this fee for Chandler.**
- This is a Dillon's Rule authority-gap problem: a Type A general-law city has only the powers the Legislature grants, and the specific grant relied upon here expressly excludes municipalities of Chandler's size. SUPPLEMENTAL CORRECTION: independently of the population carve-out, SB 346 (86th Leg., 2019) restructured criminal court costs effective January 1, 2020 — the separately imposed \$4 ordinance technology fee was eliminated statewide, and municipal court technology money now comes exclusively from the state-mandated local consolidated court cost collected under LGC §134.101 and allocated under LGC §134.103 (art. 102.0172, as amended by SB 346 and HB 1950 (2025), now merely defines the fund and its administration). For offenses committed on or after January 1, 2020, no municipality — of any population — may assess a separate \$4 technology fee by ordinance.
- **Also note:** citation uses outdated "V.T.C.A." prefix (the CCP, like the Government Code, is itself the codified body — "V.T.C.A." is surplus pre-codification Vernon's nomenclature; modern cite is simply "Texas [Code of Criminal Procedure, Article 102.0172](#)").
- **Recommendation:** Repeal [§7.05.003](#) or obtain specific legal confirmation the city qualifies for an exception/has alternate authority; as drafted, this fee is being collected without a valid state-law predicate, which is collectible-fee exposure

(potential refund/disgorgement claims) and an ultra vires action risk. Severity: HIGH (revenue-collection authority gap, not merely cosmetic).

CHAPTER-WIDE OBSERVATIONS

(c) **HB 2127 (Texas Regulatory Consistency Act) PREEMPTION CHECK:** As anticipated, [HB 2127](#) preempts only the 8 enumerated codes (Agriculture, Business & Commerce, Finance, Insurance, Labor, Natural Resources, Occupations, Property). Chapter 7 deals exclusively with [Government Code Ch. 29/30](#) and [Code of Criminal Procedure Ch. 45/102](#) subject matter — none of which are among [HB 2127](#)'s covered codes. **HB 2127 is not implicated anywhere in Chapter 7.** Confirmed as expected — no findings under this category.

Texas Constitution Art. V, §1 / [Gov't Code §29.003](#) jurisdictional scope: [§7.01.001](#)'s grant of jurisdiction is appropriately tied to "all other cases over which municipal courts are given jurisdiction by state law" — it does not attempt to independently expand jurisdiction beyond what §29.003 allows (Class C misdemeanors / fine-only ordinance violations / limited civil per statute). No overreach found.

Indigency (Art. 45.0491), capias pro fine, default judgment/scofflaw procedures (Art. 45.0492), juvenile case manager fund (Art. 102.0174), time payment fees: Not addressed anywhere in Chapter 7. This is a silence/completeness gap rather than an affirmative conflict — the chapter does not purport to override these mandatory CCP procedures, so there's no conflict, but the city's compliance with these mandatory state procedures (especially Art. 45.0491 indigency determinations before jailing/converting fines, now mandatory in all cases) is not reflected in the ordinance and should be confirmed as an operational (not codification) matter. Not a citable ordinance defect, but worth a practice-level flag for whoever uses this audit operationally.

§29.010 clerk duties cross-reference ([Local Government Code §29.010](#) analog requested in framework): Note — the clerk appointment/duties authority for municipal courts actually lives in [Government Code §29.010](#), not Local Government Code; Chandler's own citation in [§7.03.002](#) correctly points to [Government Code §29.010](#) (just with the stale "V.T.C.A." prefix as noted above). No Local Government Code analog exists for this specific function; the audit framework's reference to an "[LGC §29.010](#) analog" appears to be a mislabel — the correct chapter is [Government Code Ch. 29](#), which Chandler does cite correctly in substance.

SUMMARY TABLE

§	Issue	Category	Severity
7.02.001 + 7.02.004	Appointed judge scheme directly conflicts with "mayor as ex officio	CONFLICT / AUTHORITY GAP	CRITICAL

	judge" provision; Gov't Code §29.004 requires affirmative displacement of mayor-as-judge default, not coexistence		
7.05.003	\$4 technology fund fee relies on CCP Art. 102.0172, which by its own terms doesn't apply to municipalities under 100,000 population (Chandler ~3,400- 4,100)	AUTHORITY GAP	HIGH
7.02.003	"Lack of confidence" 2/3- vote removal ground beyond Gov't Code §29.006 's enumerated grounds — unclear statutory basis	AUTHORITY GAP (possible)	LOW
7.01.003	Jury pay range (\$6– \$50) mirrors pre- 2023 Gov't Code §61.001 (a), since amended (\$20/\$58); not a mandatory floor for municipal courts (§61.001(c)) but stale figure	OUTDATED CITATION / stale figure	MEDIUM
7.03.002	"V.T.C.A., Government Code, section 29.010" — stale Vernon's prefix on a citation that is otherwise current and correct	OUTDATED CITATION	LOW

7.05.003	"V.T.C.A., Code of Criminal Procedure, art. 102.0172 " — stale Vernon's prefix	OUTDATED CITATION	LOW
7.05.004	"Vernon's Ann. C.C.P. art. 102.017(d)" — stale Vernon's prefix	OUTDATED CITATION	LOW
7.05.001 / 7.05.002	Dollar fee amounts deferred to Appendix A fee schedule (outside Ch. 7) — cannot verify against CCP Art. 45.203 (\$25 cap) / Art. 45.0511 caps without that schedule	VERIFICATION GAP	flag for Appendix A review

HB 2127 applicability: confirmed NOT implicated anywhere in Chapter 7 (no Agriculture/Business & Commerce/Finance/Insurance/Labor/Natural Resources/Occupations/Property Code subject matter present).

Task #13 (Chapter 7) marked completed in the task tracker. Chapter 8 is next per the existing task list.

Chapter 8 — Offenses and Nuisances

↑ [Back to Quick Reference by Severity](#)

Severity Tally — This Chapter



Total actionable findings retained: 10

11 Clean item(s) removed from this edition; 10 actionable finding(s) retained below, in full, without summarization.

City of Chandler, TX — General Law Type A Municipality

ARTICLE 8.01 — GENERAL PROVISIONS

● [LOW] §8.01.002 (Discharging firearm or airgun).

§8.01.002 (Discharging firearm or airgun).

- Issue: **OUTDATED CITATION** — LOW. Ordinance cites "Local Government Code, section 229.002" for the acreage-based discharge exceptions. This is correct and current ([LGC §229.002](#) was added by the legislature specifically to authorize/limit municipal firearm-discharge ordinances on large tracts). No issue — confirmed accurate, current citation. **Clean section**, citation verified correct.
- Note on authority: [LGC §229.002](#) expressly authorizes a Type A general-law municipality to regulate discharge of firearms within its boundaries, subject to the tract-size/distance exceptions codified at §229.002(a)(1)-(2). The ordinance's text mirrors the statutory exceptions essentially verbatim (10-acre/150-ft for shotgun/air rifle/BB gun/bow; 50-acre/300-ft for centerfire/rimfire). This is a model of correct incorporation — **no findings**.

ARTICLE 8.02 — NOISE

● [MEDIUM] §8.02.001–§8.02.004 (general noise prohibitions, specific noise enumerations).

§8.02.001–§8.02.004 (general noise prohibitions, specific noise enumerations).

- Issue: **AUTHORITY GAP** — LOW/MEDIUM. General law Type A cities have implied police-power authority to regulate noise as a nuisance (no express statutory grant is required for this category; nuisance abatement is a traditional municipal police power recognized under Tex. Att'y Gen. opinions and case law, and [LGC §54.001](#) presupposes cities may enact "ordinances" enforced via the Class C process). No statute is being contravened. **No actionable finding** — this is a well-settled area of municipal authority.
- [§8.02.004\(9\)](#): Construction-noise time restriction (7 a.m.–6 p.m. weekdays in residential districts) — permissible police-power regulation; no conflict with state law identified (Occupations Code regulation of contractors does not preempt local noise/hours-of-work restrictions, and this subject matter is not one of [HB 2127](#)'s 8 covered codes).
- [§8.02.005](#) (vehicle bells/sirens/whistles) — potential overlap with [Transportation Code Ch. 547](#) (vehicle equipment standards, including horns/warning devices) and Ch. 548. [Transportation Code §547.501](#) et seq. governs horns and warning devices on vehicles; a municipal ordinance regulating "unreasonable" vehicle noise from bells/sirens is not directly preempted (Transportation Code does not occupy the entire field of vehicle-noise nuisance), but:
- **CONFLICT** — LOW/MEDIUM. To the extent [§8.02.005](#) could be read to restrict use of horns "as a danger signal, as may be required by state law" — the ordinance itself carves this out appropriately ("except as a danger signal, as may be required by state law"), so no actual conflict. **Clean** — the ordinance properly subordinates itself to state law requirements.

- Emergency vehicle exception properly tracks the practical equivalent of [Transportation Code §547.305](#) (authorized emergency vehicle signal equipment). No issue.

ARTICLE 8.04 — JUNKED VEHICLES, ABANDONED VEHICLES AND OTHER ABANDONED PROPERTY

Division 1 — Generally

● [LOW] [§8.04.001](#) (Definitions).

[§8.04.001](#) (Definitions).

- Issue: **OUTDATED CITATION — MEDIUM.** Definition of "Motor vehicle" cites "**V.T.C.A., [Transportation Code, chapter 501](#)**" (Vernon's Texas Codes Annotated prefix). This is the old pre-1995-recodification citation convention; the Transportation Code was non-existent under that name pre-1995, and "V.T.C.A." is simply an outdated stylistic prefix carried over from the 2001 Code of Ordinances — the substantive chapter 501 (Certificate of Title Act) reference is current and correct, only the "V.T.C.A." label is stale. **Recommendation:** Update citation format to simply "[Transportation Code, Chapter 501](#)" (current Texas Legislative Council style omits the Vernon's prefix since codification).
- Also cites "**V.T.C.A., [Parks and Wildlife Code, chapter 31](#)**" (vessel/outboard motor registration) for Division 3 purposes — same outdated-prefix issue. Substance is correct ([Parks & Wildlife Code Ch. 31](#) does govern boat/motor registration). **Recommendation:** same citation-format fix.
- Severity: LOW (cosmetic; substantively accurate statute identification, no enforcement risk).

● [HIGH] [§8.04.003](#) (Penalty).

[§8.04.003](#) (Penalty).

- Issue: **CONFLICT/AUTHORITY GAP — HIGH.** This section converts a junked-vehicle nuisance-abatement failure into a **misdemeanor criminal offense** "fined according to the provisions of section 1.01.009" (Chapter 1's general penalty clause), with **each day of continuing violation a separate offense**.
- Problem: [Transportation Code Ch. 683](#) is fundamentally a **civil abatement/nuisance-removal scheme** (notice, hearing, removal, lien-type cost recovery) — it does **not** create a criminal misdemeanor offense for maintaining a junked vehicle. Texas courts and the Texas Municipal League have long cautioned that junked-vehicle ordinances should be civil in nature; using the criminal process to compel abatement of a Ch. 683 "junked vehicle" nuisance, while not flatly prohibited, risks **exceeding the penalty structure Ch. 683 contemplates** and risks separate-conviction "each day a separate offense" stacking beyond what [LGC §54.001](#)'s penalty cap structure intends for a single continuing-violation nuisance.
- Cross-reference to general penalty ([§1.01.009](#), audited in Chapter 1) — if that section's cap exceeds the **\$500 general Class C cap under [LGC §54.001\(b\)](#)**, or

if "\$2,000" health/sanitation tier is being applied without it qualifying as a public-health-and-sanitation ordinance under §54.001(b)(3), there is a **penalty-cap exposure**. (Carry-forward note: Chapter 1 audit should be checked for [§1.01.009](#)'s actual cap amount; if it sets \$500 default, this is fine for Ch. 683 violations classified as general violations.)

- **Recommendation:** Confirm [§1.01.009](#)'s cap doesn't exceed \$500 for this offense category (junked vehicles do not fall within the enhanced \$2,000 fire-safety/zoning/public-health-sanitation tier or \$4,000 dumping tier of [LGC §54.001](#) absent specific classification), and consider restating the remedy as primarily civil abatement (as Ch. 683 contemplates) with the criminal penalty as a backstop only — consistent with how Ch. 683 itself is structured (civil removal mechanism, not a criminal statute).

Division 2 — Junked Vehicles

● **[HIGH]** [§8.04.034](#) (Hearing to determine junked vehicle status); [§8.04.035](#) (Filing of complaint); [§8.04.036](#) (Trial; penalty).

§8.04.034 (Hearing to determine junked vehicle status); **§8.04.035** (Filing of complaint); **§8.04.036** (Trial; penalty).

- Issue: same **CONFLICT** concern as [§8.04.003](#) above — **HIGH** (duplicative finding, same root issue). [§8.04.036](#) explicitly states a defendant found in violation "shall be found guilty of a misdemeanor and subject to a fine as provided in section 1.01.009" — this re-confirms the civil Ch. 683 abatement process has been converted into a full criminal misdemeanor prosecution track running through municipal court, with the [§8.04.034](#) "hearing" before the municipal judge functioning as a quasi-civil determination merged into a criminal trial structure. This blended civil/criminal procedure should be reviewed by city counsel against Ch. 683's intended remedy structure — flag for legal review, not a clear black-letter violation, but a structural risk area.

● **[LOW]** [§8.04.039](#) (Notice to state department of transportation).

§8.04.039 (Notice to state department of transportation).

- Issue: **OUTDATED CITATION** — LOW. Cites "**V.T.C.A., [Transportation Code, chapter 501](#)**, as amended" for the TxDOT title-cancellation notice. Same cosmetic Vernon's-prefix issue as [§8.04.001](#). Substance correct ([Transportation Code Ch. 501](#) does govern certificate-of-title cancellation), only the citation style is dated.

Division 3 — Abandoned Vehicles and Other Abandoned Property

● **[MEDIUM]** [§8.04.071](#) (Declaration of nuisance; duty to impound) through [§8.04.075](#) (Records; fees).

§8.04.071 (Declaration of nuisance; duty to impound) through **§8.04.075** (Records; fees).

- Issue: **AUTHORITY GAP — MEDIUM**. This division creates a **separate impoundment/lien/auction-sale scheme** for "abandoned motor vehicles" and "other abandoned property" that is **broader than and structurally distinct from** the [Transportation Code Ch. 683](#) junked-vehicle process audited in Division 2. Impoundment, TxDOT/lienholder notice by registered mail, 15-day redemption-before-sale, and a "double the sale price" post-sale redemption remedy resemble — but do not cite — a specific enabling statute.
- Transportation Code **Ch. 683, Subchapter C** (and related provisions) and/or [Occupations Code Ch. 2303](#) (Vehicle Storage Facilities) are the more likely sources of state authority for impoundment/storage-fee/lien mechanics, but **the ordinance text provided does not cite an enabling statute for Division 3 at all** (unlike Division 1's express adoption of Ch. 683 for Division 2). This is a **citation/authority-gap concern**: if Division 3 is meant to operate under Ch. 683 as well (per the definitions section's cross-reference to "division 3" within the [Transportation Code Ch. 501](#)/Parks & Wildlife Ch. 31 definitions), the operative sections themselves should expressly tie back to the specific Ch. 683 subchapter (or [Occupations Code Ch. 2303](#) if a vehicle storage facility/wrecker statute is intended) authorizing the lien/sale procedure used.
- **Note**: "other abandoned property" (non-vehicle) impoundment is even less clearly grounded — general nuisance/police power likely supports basic abatement, but a **lien and forced public auction sale of seized personal property** is a more aggressive remedy that benefits from an explicit statutory hook (e.g., [LGC Ch. 683](#) analog or specific abandoned-property statute) rather than resting solely on implied police power. **Recommend city counsel verify the specific statutory authority** (likely [Transportation Code Ch. 683](#), Subchapter C for vehicles; less clear for "other abandoned property").
- **PREEMPTION check**: Not implicated — this is Transportation Code/police-power subject matter, not one of [HB 2127](#)'s 8 covered codes, and not Property Code (which IS covered) — important distinction: if any "other abandoned property" provision strayed into general personal-property lien law under the Property Code, that could raise an [HB 2127](#) issue, but as drafted this reads as a vehicle/impoundment-focused, Transportation-Code-adjacent scheme, so **no [HB 2127](#) exposure** is apparent from the text reviewed.

ARTICLE 8.05 — SEX OFFENDER RESIDENCY

● **[HIGH]** [§8.05.002](#) (Sex offender prohibition).

[§8.05.002](#) (Sex offender prohibition).

- Issue: **AUTHORITY GAP — HIGH**. This is the chapter's most legally exposed provision. Texas municipalities' authority to enact sex-offender residency/loitering restrictions derives from a patchwork of home-rule police power and, more specifically for general-law cities, requires either (a) an express statutory grant or (b) a well-established implied police-power basis that withstands Dillon's Rule scrutiny. Key concerns:
- **No express statutory grant** exists in the Local Government Code specifically authorizing **general-law Type A municipalities** (as opposed to home-rule cities)

to enact residency-restriction zones for registered sex offenders. Most Texas sex-offender residency ordinances were adopted by home-rule cities relying on broad home-rule police power ([Tex. Const. Art. XI, §5](#); [LGC §51.072](#) home-rule authority). **Chandler, as a Type A general-law city, lacks home-rule's broad police power** and must point to an express or necessarily-implied grant. The nuisance/police-power rationale that supports noise/junk ordinances is more attenuated here because residency restrictions burden a person's choice of domicile, implicating constitutional considerations (due process, ex post facto under some theories, and potential conflict with [Code of Criminal Procedure Ch. 62](#)'s exclusive state regulatory scheme for sex-offender registration and supervision conditions).

- **CONFLICT** consideration: CCP Ch. 62 (Sex Offender Registration) and Government Code provisions governing community supervision/parole conditions are administered by the state (DPS, parole boards, CSCDs). A municipal ordinance imposing **independent residency and loitering restrictions with criminal penalties** runs a meaningful risk of being characterized as conflicting with or duplicating the state's occupation of sex-offender regulation, particularly where the state already imposes supervision-based residency conditions through parole/probation. Texas courts have not definitively struck down municipal sex-offender residency ordinances, but **most surviving ordinances are from home-rule cities**; a general-law city ordinance of this type is comparatively higher-risk under Dillon's Rule because there is no broad police-power fallback.
- **Recommendation:** City attorney should specifically identify the statutory basis (if any) relied upon for this article (e.g., general nuisance/zoning power under [LGC Ch. 211](#) for general-law cities, if framed as a land-use measure) — the ordinance as drafted does not cite one. Given Dillon's Rule, this is the **highest-severity authority-gap finding in the chapter**.

[§8.05.002\(d\)](#) (Halloween provision — no porch light, no soliciting trick-or-treaters).

- Issue: **AUTHORITY GAP** — MEDIUM (subsumed in above, but independently notable). This specific micro-regulation (compelling/forbidding seasonal conduct on Oct. 30-31) is even further afield from traditional nuisance abatement and has no independent statutory hook. Same Dillon's Rule concern applies with added force given the highly specific, non-nuisance-based nature of the restriction.

● **[HIGH]** **[§8.05.003](#)** (Property owners prohibited from renting to sex offenders).

[§8.05.003](#) (Property owners prohibited from renting to sex offenders).

- Issue: **AUTHORITY GAP/CONFLICT** — **HIGH**. This imposes liability on third-party landlords/property owners for renting to a sex offender "with knowledge" that it would be used as a residence in a prohibited zone. This raises:
- Same Dillon's Rule authority-gap concern as [§8.05.002](#).
- Potential **fair-housing / source-of-conduct discrimination concerns** are a separate (non-Dillon's-Rule) legal risk not in scope here, but flagged for completeness.

- No [HB 2127](#) issue (landlord-tenant residential leasing of this type is Property Code territory in general, but this specific prohibition is a public-safety/criminal regulation rather than a landlord-tenant Property Code regulation — borderline, but likely characterized as police-power criminal regulation, not Property Code subject matter, so [HB 2127](#) preemption is not the primary risk here; Dillon's Rule authority gap is).

[§8.05.004](#) (Evidentiary matters — prima facie evidence from database). Procedural; rises or falls with [§8.05.002](#)'s underlying authority. No independent issue beyond the above.

● **[CRITICAL]** [§8.05.006](#) (Penalties).

[§8.05.006](#) (Penalties).

- Issue: **CONFLICT — CRITICAL**. Sets fine "not to exceed \$2,000.00" with each day of continuing violation a **separate offense**.
- LGC [§54.001\(b\)](#) caps general ordinance-violation fines at \$500 unless the violation falls within an enumerated higher-cap category: (1) **fire safety, zoning, or public health and sanitation ordinances** → up to \$2,000; (2) **dumping of refuse** → up to \$4,000 (the \$2,000/\$4,000 tiers per current [LGC §54.001\(b\)](#)).
- A sex-offender-residency/loitering restriction is **not** a fire-safety, zoning, or public-health-and-sanitation ordinance, nor a refuse-dumping ordinance. It is a criminal-conduct/nuisance-adjacent regulation that, under Dillon's Rule and [LGC §54.001\(b\)](#)'s plain categories, should be capped at **\$500 per offense**, not \$2,000.
- **This is a clear, quantifiable penalty-cap violation** — the single most concrete, citable defect in the chapter. **Recommendation: reduce [§8.05.006](#)'s cap to \$500 per violation** unless the city can affirmatively classify this as falling within one of the enhanced statutory tiers (it cannot, on the ordinance's own subject matter).
- Compounding factor: "each day...a separate offense" stacking on top of an already-excessive per-instance cap multiplies the exposure further, and continuing-offense stacking for a *status* offense (residing somewhere) — as opposed to an ongoing affirmative nuisance like an unaddressed junk pile — is conceptually awkward and worth flagging to counsel even apart from the dollar-cap problem.

CROSS-CUTTING / CHAPTER-WIDE OBSERVATIONS

1. **Penalty cross-references to [§1.01.009](#)** (Chapter 1's general penalty clause) appear repeatedly ([§8.04.003](#), [§8.04.036](#)) — the actual cap set in [§1.01.009](#) controls whether those provisions exceed [LGC §54.001](#). This audit could not re-verify [§1.01.009](#)'s text live (outside current chapter scope) but flags that **if [§1.01.009](#) sets a cap above \$500**, every cross-referencing provision in this chapter inherits that excess-cap problem. (Per the task's stated prior-chapter audit trail, Chapter 1 has already been audited — recommend cross-checking that audit's findings on [§1.01.009](#) against this chapter's three uses of it.)

2. **No [HB 2127](#) (Texas Regulatory Consistency Act) exposure identified** in Chapter 8 as a whole — none of Article 8.01 (firearms/Penal Code), 8.02 (noise), 8.04 (vehicles/Transportation Code), or 8.05 (sex offender/CCP) touch Agriculture, Business & Commerce, Finance, Insurance, Labor, Natural Resources, Occupations, or Property Code subject matter in a way that triggers preemption. Transportation Code and Code of Criminal Procedure are not among the 8 covered codes.

3. **[LGC Ch. 217](#) (weeds/rubbish/brush) and Ch. 214 (dangerous structures) — not present in this chapter**; those topics apparently reside in Chapter 6 (Health and Sanitation) and/or Chapter 3 (Building Regulations), already audited separately. No cross-reference issue arises here.

4. **Outdated "V.T.C.A." citation prefix** appears three times ([§8.04.001](#) ×2, [§8.04.039](#)) — all LOW severity/cosmetic, substance is accurate, recommend a uniform style cleanup to drop the Vernon's prefix.

Key URLs referenced: Chapter index <https://ecode360.com/40018013>; Art. 8.01 <https://ecode360.com/40018014>; Art. 8.02 <https://ecode360.com/40018028>; Art. 8.04 index <https://ecode360.com/40018048> (Div.1 <https://ecode360.com/40018049>, Div.2 <https://ecode360.com/40018078>, Div.3 <https://ecode360.com/40018130>); Art. 8.05 <https://ecode360.com/40018150>.

Chapter 9 — Personnel

↑ [Back to Quick Reference by Severity](#)

Severity Tally — This Chapter



Total actionable findings retained: 6

26 Clean item(s) removed from this edition; 6 actionable finding(s) retained below, in full, without summarization.

City of Chandler, TX (General Law Type A municipality) — [§9.01.001](#) through [§9.03.001](#)

ARTICLE 9.01 — GENERAL PROVISIONS

[§9.01.001](#) — Personnel policy adopted.

Text: Adopts by reference the personnel policy handbook (Attachment A to Ordinance O-042815-B, April 28, 2015), kept on file with the city secretary.

 **[MEDIUM]** Issue category: None — clean, but **MEDIUM** documentation/audit-scope note.

- **Issue category:** None — clean, but **MEDIUM** documentation/audit-scope note.
- **Explanation:** This section incorporates an external handbook by reference; the handbook's actual content (leave policies, discipline procedures, EEO policy, FMLA/ADA compliance language, at-will disclaimers, etc.) is not in the codified text and was outside the scope of this ecode360 audit. Cities setting personnel policy as employer (hiring, firing, leave, discipline) for their own employees exercise a well-settled implied power for general-law cities — no AUTHORITY GAP. Adoption-by-reference of a handbook kept on file is a standard and permissible practice (cf. [Local Gov't Code §52.001](#) et seq. on adoption of codes by reference, and general code-adoption practice).
- **Recommendation:** No action on the codified text itself. Flag for the city: the actual personnel handbook (not reviewed here) should be separately audited for compliance with [Labor Code Ch. 21](#) (employment discrimination), the Texas Payday Law ([Labor Code Ch. 61](#)), FMLA/ADA overlap, and at-will/grievance language consistency with [LGC Ch. 143](#) (since Chandler has NOT adopted civil service — see below) and workers' comp election under [LGC Ch. 504](#).

ARTICLE 9.02 — POLICE

Division 1 — Generally

[§9.02.001](#) — Office of marshal abolished.

Text: "The city, having a population of less than 5,000 as shown by the last preceding federal census, does hereby abolish the office of marshal and in lieu thereof substitutes any qualified peace officer of this state that shall be selected by the city council..." (2001 Code, sec. 37.60)

● **[LOW]** Issue category: OUTDATED CITATION — **LOW**.

- **Issue category:** OUTDATED CITATION — **LOW**.
- **Explanation:** This provision derives from former Tex. Rev. Civ. Stat. art. 998a/Local Government Code provisions historically allowing small cities to abolish the marshal's office (now generally reflected in [Local Government Code §341.001](#) et seq., governing municipal police departments, and the city's general authority under [LGC §341.001](#) to employ police officers in lieu of/alongside a marshal). The "2001 Code, sec. 37.60" citation is to the prior municipal code, not a Vernon's-era statute, so this is not a V.T.C.S.-type defect — it is an internal cross-reference to the prior 2001 code compilation, which is standard ecode360 sourcing notation, not a legal defect itself.
- Substantively, the population recital ("less than 5,000... last preceding federal census") is a factual/historical predicate that should be periodically reverified against current census figures (Chandler's population is confirmed ~3,400-4,100, so the recital remains accurate), but stale population recitals in codified ordinances are common low-risk housekeeping issues.
- **Recommendation:** No substantive legal defect. Recommend the city verify current population against the most recent decennial census at next code update; immaterial to legal validity.

§9.02.002 — Chief of police.

Text: "The position of chief of police is created. The chief of police shall be appointed and/or terminated by the city council." (2001 Code, sec. 33.10)

§9.02.003 — Department created; composition.

Text: Creates police department consisting of chief and officers as council deems necessary; chief is commander/administrative head. (2001 Code, sec. 33.10)

§9.02.004 — Appointment of police officers; oath of office.

Text: (a) Police officers appointed/terminated by chief with council approval; (b) officers take oath under state constitution; (c) officers re-sworn after each mayoral election "in accordance with state law and regulations established by the state commission on law enforcement officer standards and education" [TCOLE].

● **[MEDIUM]** Issue category: CONFLICT — **MEDIUM** (verify, not necessarily an actual defect).

- **Issue category:** CONFLICT — **MEDIUM** (verify, not necessarily an actual defect).
- **Explanation:** The re-swearing-after-each-mayoral-election requirement is an old municipal practice with no current mandatory TCOLE or state statutory requirement compelling re-oath specifically tied to mayoral elections (oaths of office under [Tex. Const. art. XVI, §1](#) are typically tied to the officer's own term/appointment, not the mayor's election cycle). This is not unlawful — a city may impose additional administrative formality — but it is anachronistic and potentially confusing since it implies a re-appointment process that doesn't track actual employment law (police officers are not term-limited the way the mayor is). No conflict with TCOLE rules (37 Tex. Admin. Code Ch. 211), since TCOLE does not regulate oath timing this way; this is purely a local procedural artifact.
- **Recommendation:** LOW priority cleanup — clarify or remove the "re-sworn after each mayoral election" language if it no longer reflects actual practice, since it does not correspond to any state-mandated trigger and could create a defense-attorney argument that an officer who wasn't re-sworn lacked authority to arrest.

§9.02.005 — Bond of police officers. (text not fully extracted — appears between [§9.02.004](#) and [§9.02.006](#); covers officer bonding requirement)

§9.02.006 — Qualifications of police officers.

Text: Officers must meet TCOLE minimum licensing standards, hold current valid peace officer license at appointment, retain license during employment (subject to discharge if license lapses/revoked), and hold a valid Texas driver's license and be insurable under city's auto policy. (2001 Code, sec. 33.13)

§9.02.007 — Duties generally.

Text: Officers vested with state peace-officer power/authority to enforce state criminal/traffic laws and city ordinances; general duty to quell riots/disturbances; no power in civil matters except executing criminal warrants and municipal court process.

§9.02.008 — Uniforms, badges and armament.

Text: Chief prescribes uniforms, badges, and manner of arming. (2001 Code, sec. 33.15)

§9.02.009 — Policy manual adopted.

Text: Adopts city police department manual as official departmental policy.

§9.02.010 — Courteous behavior required.

Text: Officers must treat city officers and public courteously and respectfully. (2001 Code, sec. 33.17)

§9.02.011 — Resisting or impersonating police officer.

Text: Defines "person" and "police officer"; (b) creates offense of "resisting officer" (text continues into use-of-force/penalty provisions not fully captured, but title and structure indicate a local criminal offense ordinance criminalizing resisting/impersonating a police officer).

● **[HIGH] Issue category: PREEMPTION / CONFLICT — HIGH.**

- **Issue category:** PREEMPTION / CONFLICT — HIGH.
- **Explanation:** Resisting arrest and impersonating a public servant/peace officer are already comprehensively defined and criminalized under **Texas Penal Code §38.03 (Resisting Arrest, Search, or Transportation)** and **§37.11/§37.12 (impersonating a public servant)**. Under **Penal Code §1.08** ("No governmental subdivision or agency may enact or enforce a law that makes any conduct covered by this code an offense subject to a criminal penalty"), **municipalities generally lack authority to create new criminal offenses duplicating or conflicting with state penal law**, and **Local Gov't Code §54.001** limits municipal ordinance penalties (fines only, no confinement, capped at \$500 for most offenses / \$2,000 for certain categories) — so to the extent **§9.02.011** purports to impose a *separate criminal offense* (rather than simply restating state law for clarity or providing a civil/administrative enforcement mechanism), it risks exceeding municipal penal authority and being preempted by the comprehensive state Penal Code scheme governing resisting arrest and impersonating an officer. General-law cities have no independent constitutional or statutory grant of penal authority beyond what **LGC Ch. 54** and specific enabling statutes provide.
- This is also a candidate for an **AUTHORITY GAP**: there is no specific Local Government Code provision authorizing a general-law city to independently criminalize "resisting a police officer" as a freestanding municipal offense (as distinct from adopting/incorporating the state Penal Code offense by reference, which is permissible).
- **Recommendation:** Review full text of **§9.02.011** (not fully captured in extraction) to determine whether it (a) merely cross-references/restates **Penal Code §38.03** for local enforcement/citation purposes (acceptable), or (b) creates an independent offense/penalty scheme (problematic). If (b), recommend amending to either repeal and rely on State Penal Code prosecution, or expressly limit the ordinance to a civil/administrative violation within **LGC §54.001** fine caps, expressly cross-referencing **Penal Code §38.03** rather than creating a freestanding definition.

§9.02.012 — Arrest without warrant.

Text: (a)-(e) — officer may arrest without warrant for offenses in view, on magistrate's verbal order for felony/breach of peace in magistrate's presence, on credible report of felony with risk of escape, with duty to bring arrestee before corporation court (or county jail if court not in session); duty to arrest without warrant for state-law/ordinance violations in presence, using only necessary force. (2001 Code, sec. 130.02)

- **Issue category:** OUTDATED CITATION / CONFLICT — **MEDIUM-HIGH**.
- **Explanation:** Warrantless arrest authority for Texas peace officers is now comprehensively governed by [Code of Criminal Procedure Ch. 14](#) (Arrest Without Warrant), specifically arts. 14.01 (offense within view), 14.03 (suspicious places/breach of peace), 14.04 (escape about to occur), and the "corporation court" reference is outdated terminology — Texas no longer uses "corporation court" as the formal designation; the modern term is "**municipal court**" ([Government Code Ch. 29](#), and as Chandler's own Chapter 7 is titled "Municipal Court"). This is a direct **internal inconsistency** within Chandler's own code (Ch. 7 uses "municipal court" while Ch. 9 [§9.02.012](#) still says "corporation court") and an **OUTDATED CITATION/terminology** issue.
- Additionally, art. 14.03 CCP authority is narrower/more conditioned than the broad language in subsection (b)-(c) here (e.g., art. 14.03 has specific "suspicious places and circumstances" predicates); to the extent the ordinance's warrantless-arrest grants are broader than CCP Ch. 14 currently allows, the ordinance cannot expand peace officer arrest authority beyond what state law grants — state law controls and the ordinance provision is at most a (now partially obsolete) restatement.
- **Recommendation:** Amend "corporation court" to "municipal court" throughout. Recommend replacing this entire section with a cross-reference to [Code of Criminal Procedure Ch. 14](#) rather than restating arrest authority in city-ordinance form, since CCP Ch. 14 has been amended multiple times since the "2001 Code, sec. 130.02" source language was drafted and the ordinance text is now a stale paraphrase that could mislead officers about the current scope of warrantless arrest authority.

§9.02.013 through §9.02.050. (Reserved)

- No issue — reserved placeholder.

Division 2 — Police Reserve

§9.02.051 — Created.

Text: Establishes "police reserve" as an auxiliary police force. (2001 Code, sec. 33.20)

● **[MEDIUM] Issue category:** AUTHORITY GAP — **MEDIUM** (verify only; likely fine).

- **Issue category:** AUTHORITY GAP — **MEDIUM** (verify only; likely fine).
- **Explanation:** Texas law does authorize municipalities to establish auxiliary/reserve police forces. The relevant current authority is [Local Government Code §341.012 \(Reserve Municipal Police Force\)](#), which expressly permits a municipality to establish a reserve police force, and members of a reserve force who meet training requirements may be authorized to carry

firearms and exercise arrest powers under [Occupations Code Ch. 1701](#) (TCOLE) — reserve/auxiliary officers must still satisfy TCOLE licensing or "reserve officer" certification requirements under [Occ. Code §1701.260](#) and 37 TAC §211.31 et seq. The ordinance does not expressly reference [LGC §341.012](#), which is fine (cross-reference not legally required), but the city should confirm its reserve officers are TCOLE-certified as reserve law enforcement officers, since unlicensed "reserve" arrest authority would conflict with [Occupations Code Ch. 1701](#) licensing mandates.

- **Recommendation:** No defect in the ordinance text itself; recommend confirming reserve members are TCOLE-licensed under [Occ. Code Ch. 1701](#) (the ordinance's own [§9.02.056](#) "Qualifications of applicants," not fully extracted, may already address this — worth the city double-checking).

[§9.02.052](#) — Authority of chief of police.

Text: Chief is head of police reserve; members under chief's authority/control/command; chief prescribes specific duties and discipline orders; reserve members must obey instructions of regular officers. (2001 Code, sec. 33.21)

[§9.02.053](#) — Composition.

Text: Reserve composed of volunteers accepted per application, complying with rules; capped at 20 members. (2001 Code, sec. 33.22)

[§9.02.054](#) — Reduction or expansion of membership.

Text: Chief may diminish/expand membership within [§9.02.053](#) cap. (2001 Code, sec. 33.23)

[§9.02.055](#) — Application for membership.

Text: Applications filed with police department on chief-prescribed form. (2001 Code, sec. 33.24)

● **[MEDIUM]** [§9.02.056](#) — Qualifications of applicants.** (full text not extracted, title only visible)

[§9.02.056](#) — Qualifications of applicants. (full text not extracted, title only visible)

- Flag for the city to confirm this section requires TCOLE reserve-officer licensing consistent with [Occupations Code Ch. 1701](#) — see [§9.02.051](#) note above. Not independently verifiable from the extracted text; **MEDIUM** priority to confirm internally, not a confirmed defect.

[§9.02.057](#) — Oath. (title only)

- Presumably parallels [§9.02.004](#); same general note about constitutional oath under [Tex. Const. art. XVI, §1](#). No defect apparent.

[§9.02.058](#) — Duties.

Text: Reserve assists regular officers in law enforcement/peace maintenance during emergencies designated by chief; chief may prescribe additional duties not inconsistent with division. (2001 Code, sec. 33.27)

§9.02.059 — Power to arrest.

Text: Reserve member's arrest powers limited to: (1) while on active duty; (2) breach of peace/felony in presence; (3) arrest for felony known as fact even if not in presence [text truncated, presumably continues with CCP Ch. 14-style predicates].

- **Issue category:** CONFLICT — **MEDIUM-HIGH** (same family of issue as [§9.02.012](#)).
- **Explanation:** A reserve officer's arrest authority cannot exceed what Texas law grants to licensed peace officers (CCP Ch. 14) and is in fact narrower unless the reserve officer is TCOLE-licensed as a peace officer with full arrest powers under [Occupations Code §1701.260](#)'s reserve-officer framework. If reserve officers here are not full peace-officer-licensed, their statutory arrest authority is limited to citizen's-arrest-equivalent powers under CCP art. 14.01(a) (felony or breach of peace in view) absent additional licensing — the ordinance's grant of arrest power "while on active duty" for breach of peace/felony "in his presence" tracks CCP art. 14.01 reasonably well, but item (3) (arrest for a felony "known as a fact" even if not committed in presence) tracks CCP art. 14.04 (escape about to occur) more narrowly than stated — art. 14.04 requires satisfactory proof from a credible person AND risk of escape, not simply personal knowledge. If the ordinance text (truncated here) doesn't include the escape predicate, it overstates reserve officers' arrest authority beyond CCP art. 14.04.
- **Recommendation:** Recommend full-text review of [§9.02.059](#) (not completely captured) to confirm parity with CCP Ch. 14 and [Occupations Code §1701.260](#)'s reserve-officer scope; ensure reserve officer arrest power is not stated more broadly than state law allows, since a city ordinance cannot grant peace-officer arrest authority beyond what the Legislature has authorized (Dillon's Rule).

ARTICLE 9.03 — TEXAS MUNICIPAL RETIREMENT SYSTEM

§9.03.001 — Ordinances on file.

Text: "The specific ordinances providing for participation in the Texas Municipal Retirement System, as adopted by the city, are not included in this article, but they are hereby specifically saved from repeal and shall be maintained on file in the office of the city secretary." (Ordinance adopting Code)

SUMMARY TABLE

§	Issue	Category	Severity
9.01.001	Handbook adopted by reference — substance not reviewed	None (scope note)	LOW

9.02.001	"2001 Code" cross-ref / stale population recital (accurate)	None substantive	LOW
9.02.004	Re-oath tied to mayoral election — anachronistic, no statutory basis	CONFLICT (procedural, non-binding)	MEDIUM
9.02.011	Local "resisting/impersonating officer" offense may duplicate/exceed Penal Code §38.03 & municipal penal authority (LGC §54.001)	PREEMPTION/AUTHORITY GAP	HIGH
9.02.012	"Corporation court" outdated term (should be "municipal court"); warrantless-arrest grants may not track current CCP Ch. 14 precisely	OUTDATED CITATION / CONFLICT	MEDIUM-HIGH
9.02.013–.050	Reserved — no issue	—	—
9.02.051	Reserve force authorized by LGC §341.012 ; confirm TCOLE certification of members	AUTHORITY GAP (verify only)	MEDIUM
9.02.059	Reserve officer arrest power may overstate CCP art. 14.04 escape predicate; confirm parity with Occ. Code §1701.260	CONFLICT (verify)	MEDIUM-HIGH
9.03.001	TMRS ordinances saved from repeal/on file — correct practice	None	—

Highest-priority recommendations:

1. [§9.02.011](#) (HIGH) — Obtain full text and confirm whether it creates an independent criminal offense beyond [Penal Code §38.03](#)/§37.11-.12 and within [LGC §54.001](#) fine caps; amend if it exceeds municipal penal authority.
2. [§9.02.012](#) (MEDIUM-HIGH) — Replace "corporation court" with "municipal court"; update warrantless-arrest language to track current CCP Ch. 14 or simply cross-reference it.
3. [§9.02.059](#) (MEDIUM-HIGH) — Verify reserve-officer arrest-power predicate (felony "known as fact") matches CCP art. 14.04's escape requirement and [Occupations Code §1701.260](#) reserve licensing scope.
4. [§9.02.051/.056](#) (MEDIUM) — Confirm reserve force members are TCOLE-licensed under [Occupations Code Ch. 1701](#).

Chapter 10 — Subdivision Regulation (incl. Exhibit 10A)

↑ [Back to Quick Reference by Severity](#)

Severity Tally — This Chapter



Total actionable findings retained: 8

40 Clean item(s) removed from this edition; 8 actionable finding(s) retained below, in full, without summarization.

Source documents: Chapter 10, [§10.02.001–§10.03.006](#) (ecode360.com/40018248, /40018250, /40018252); Exhibit 10A, §1–§14 (ecode360.com/40018270). Both adopted/amended by Ordinance O-2021-0112-A (1/12/21), with earlier provisions from Ordinance 06-007 (6/2/06).

Legal framework note: Chandler is a Type A general-law municipality (Dillon's Rule). Critically, **subdivision platting authority under [LGC Chapter 212](#) is granted to "municipalities" generally** (Tex. Loc. [Gov't Code §212.002](#): "the governing body of a municipality may regulate plats and subdivisions of land within the municipality's jurisdiction") **without regard to home-rule/general-law status**, and §212.003 extends this to a municipality's ETJ. So the baseline authority to regulate subdivisions, unlike many other municipal regulatory fields, is not itself in doubt. The audit below focuses on (1) whether specific *mechanisms* Chandler chose (timelines, vote thresholds, fee/dedication structures, penalty amounts, ETJ scope) match the current statutory mechanics, and (2) outdated cross-references.

CHAPTER 10 — SUBDIVISION REGULATION

● [LOW] §10.03.005 — City to be a party to all contracts

§10.03.005 — City to be a party to all contracts

City is made a party to contracts between developer/owner and third-party contractors for roadway, sewer, and water construction.

- **Category:** LOW / AUTHORITY GAP (minor)
- **Severity:** LOW
- **Explanation:** [LGC Ch. 212](#) does not expressly authorize the city to insert itself as a contracting party to private construction contracts between a developer and its contractor — this is more a private-contract-law mechanism than a Ch. 212 platting power. It is likely implemented in practice as a tri-party agreement requiring contractor consent, which is not unlawful, but the ordinance's blanket assertion that the city "shall be a party to any contract(s)" could be read as compelling a contractual relationship without the third party's consent, which a court would not enforce as drafted. This isn't a Dillon's Rule problem (the city isn't exceeding regulatory authority, since it can require this as a condition of plat approval) but is a drafting/enforceability gap rather than a true statutory conflict.
- **Recommendation:** Clarify that this requirement operates as a condition of plat/construction approval (i.e., the developer's contracts with its contractors must include the city as an intended third-party beneficiary or co-obligee on bonds), rather than implying the city unilaterally becomes a contracting party by operation of ordinance.

EXHIBIT 10A — SUBDIVISION ORDINANCE

§1 — General

● [LOW] §1.4 Annexation

§1.4 Annexation

Requires owner to "request" annexation if an unannexed subdivision (2+ lots) abuts city limits; city may accept or reject; completion required within 90 days of initiating proceedings, citing [LGC §43.053](#).

- **Category:** OUTDATED CITATION / CONFLICT — **MEDIUM**
- **Explanation:** [LGC §43.053](#) (Municipal Annexation Procedure under Subchapter C-1, "Annexation by Petition of Area Owners") was the relevant annexation timing provision for petition-initiated annexation, but Texas annexation law has been substantially rewritten — the 2017-2019 reforms ([HB 347](#), SB 6) restructured municipal annexation procedure (now primarily Subchapter C-3, C-4, and related sections, with annexation by petition/consent now governed by §43.0671 et seq. for many cities, and general-law cities follow different procedural tracks than home-rule cities under current Subchapter C). More importantly, **Chandler, as a Type A general-law municipality, cannot**

involuntarily annex — general-law cities have no eminent-domain-style annexation power; annexation is essentially limited to consent/petition-based annexation ([LGC §43.024](#) et seq., Subchapter B for general law municipalities) or voluntary petition by area landowners. The ordinance's framing — "the owner shall request the City to annex" and "the City may accept or reject" — is consistent with a consent-based model, but the 90-day completion deadline tied to "the governing body institutes the annexation proceedings" mixes old statutory timing language that predates the post-2017 restructuring. The specific citation to §43.053 should be verified against the current version, since that subchapter has been amended multiple times since 2017 and the numbering/cross-references for "institution of proceedings" and tolling for court injunctions have shifted in some recodifications.

- **Recommendation:** Verify §43.053 is still the correct, current citation post-2017/2019 annexation reform, and confirm the provision is limited to petition/consent annexation consistent with Chandler's general-law status (no involuntary annexation power exists for Type A general-law cities of this size).

§3 — Purpose, Authority, and Jurisdiction

● **[HIGH]** §3.3 Jurisdiction** — extends subdivision review to land "inside the corporate limits or extraterritorial jurisdiction (ETJ)"; repeats 5-acre agricultural ex...

§3.3 Jurisdiction — extends subdivision review to land "inside the corporate limits or extraterritorial jurisdiction (ETJ)"; repeats 5-acre agricultural exemption; requires ETJ subdividers to submit materials to both city and county.

- **Category:** AUTHORITY GAP — **HIGH** (ETJ scope concern)
- **Explanation:** This is the single most important finding in this chapter. Chandler's population is given as ~3,400–4,100. Under **current** [LGC §42.021](#) (post-[HB 347/HB 2439](#) — CORRECTION: the population-tiered ETJ formula in §42.021, including the half-mile tier, dates to the Municipal Annexation Act of 1963 and was not created by 2019 legislation; HB 347 (2019) ended most involuntary annexation, HB 2439 (2019) concerned building materials rather than ETJ, and the 2023 ETJ-release petition/election law is SB 2038, codified at LGC ch. 42, subchs. D–E), a city with fewer than 5,000 inhabitants has an ETJ extending only **one-half mile** from its corporate limits. The ordinance's blanket assertion of jurisdiction over "extraterritorial jurisdiction" without specifying or capping the ETJ distance creates a real risk that Chandler's planning staff or commission could attempt to apply subdivision review to land beyond the lawful 1/2-mile ETJ boundary (the pre-2019 tiered formula gave larger cities up to 5 miles, and staff using outdated maps or assumptions risk overreach). This is not necessarily a defect in the *ordinance text* itself (which doesn't specify a wrong mileage), but it is a *gap* — the ordinance never states the applicable ETJ distance or cross-references §42.021's current population-tier formula, creating real risk of ultra vires application beyond the legally available 1/2-mile ETJ. Note also: [LGC §212.003](#) confirms municipal subdivision authority extends "to that portion of the municipality's extraterritorial jurisdiction described by Section 212.002" — i.e.,

subdivision jurisdiction is coextensive with whatever the *current*, correctly calculated ETJ is, no more.

- **Recommendation:** Add an express cross-reference to [LGC §42.021](#) and state plainly that Chandler's ETJ is limited to one-half mile (assuming population remains under 5,000 per the most recent census/estimate), with a mechanism to recheck the applicable tier if population grows. This prevents staff-level overreach into land that is not actually within lawful ETJ.

§4 — Procedure for Approval of Plat

§4.2 Approval Procedure for Preliminary Plat

- §4.2.1: Subdivider submits 30 days prior to Commission meeting.
- §4.2.3.a: "Act within thirty (30) days after the filing of preliminary plat;" recommendation to Council; if PZC doesn't decide within 30 days, plat "deemed to be recommended for approval to the City Council" (i.e., default-approval-by-recommendation, not final approval).
- §4.3 (referenced, captured under 4.4 numbering — see below): If no Commission decision in 30 days, deemed recommended for approval.

● [HIGH] Category: CONFLICT / OUTDATED — **HIGH

- **Category:** CONFLICT / OUTDATED — **HIGH**
- **Explanation:** This is the second major finding. [LGC §212.009\(a\)](#) (as currently in effect, post a series of amendments shortening municipal plat-approval timelines) requires the municipal authority responsible for approving plats to act on a plat **within 30 days** of the plat being filed (the statute's current default is 30 days for plats generally, though certain plat types or simple/minor plats have even shorter statutory windows under §212.0091/§212.0095 — administrative/minor plat approval can require action in as few as 15 business days in some current iterations). Importantly, current law also makes the consequence of inaction **automatic approval of the plat itself** (not merely a "deemed recommendation" forwarded to a second decision-making body) once the statutory clock expires — see [LGC §212.009\(b\)-\(c\)](#) (the plat is considered approved by the municipality if no action is taken within the required period, subject to narrow exceptions).

Chandler's ordinance creates a **two-stage, sequential 30-day process**: (1) PZC has 30 days to act on the *preliminary* plat (or it's "deemed recommended" to Council — not deemed *approved*), then (2) for the *final* plat, PZC again has 30 days (§4.4.3.a), then (3) City Council has another 30 days after PZC's recommendation (§4.4.4), then (4) City Secretary has yet another 30 days after Council approval to process recordation (§4.4.5). Stacking four sequential 30-day windows (potentially 120 days total) for what is functionally a single plat-approval decision is very likely **inconsistent with the current §212.009 statutory deadline scheme**, which is generally understood to impose a single 30-day (or shorter, for simple plats) clock running from filing to final municipal action — not a chain of 30-day windows at each internal review stage. Texas courts and the Legislature's recent amendments (motivated by complaints about exactly this kind of multi-stage delay) have moved toward stricter, consolidated timelines specifically to prevent municipalities from using sequential committee/council review stages to extend total review time well past 30 days.

Additionally, the **"deemed recommended for approval" default** (rather than "deemed approved") at the PZC preliminary-plat stage understates the statutory consequence: under current §212.009, the failure of "the responsible authority" to act within the statutory period results in the plat being **considered approved**, not merely advanced to the next decision-maker. If Chandler's "responsible authority" for final approval is the City Council (with PZC as a recommending body), then arguably only the City Council's 30-day clock under §4.4.4 needs to track §212.009 exactly — but the ordinance's overall architecture (PZC 30 days → Council 30 days → Secretary 30 days) creates real risk that an applicant could face well over 30 days total without any approval, in violation of current law's intent and likely its letter.

- **Recommendation:** Restructure the approval timeline to ensure that **total elapsed time from filing to final municipal decision does not exceed the current [LGC §212.009](#) statutory maximum** (30 days, with shorter windows for minor/amending plats under §212.0091/.0095). Either (a) make the PZC review and Council action run concurrently/within a single 30-day window rather than sequential 30-day windows, or (b) expressly provide that if the **total** process exceeds the statutory period, the plat is **deemed approved** (not merely "recommended"), consistent with §212.009(c). Outside counsel should confirm the current exact text of §212.009 (it has been amended several times in recent sessions) before redrafting.

§6 — General Provisions

● **[CRITICAL]** §6.1 Parks, School Sites, Public Areas** — requires dedication of 5% of total tract acreage (or monetary equivalent) for park land; city's discretion whether...

§6.1 Parks, School Sites, Public Areas — requires dedication of 5% of total tract acreage (or monetary equivalent) for park land; city's discretion whether land or money; valuation by independent appraiser based on pre-development value; funds reserved for "park and recreation service area in which the subdivision is located."

- **Category:** AUTHORITY GAP / CONFLICT — **CRITICAL**
- **Explanation:** This is the most legally significant finding in the entire chapter. Parkland dedication requirements imposed as a condition of subdivision plat approval are governed by [LGC §212.904](#) (**see corrected note below**) — CORRECTION: §212.904 is the codified rough-proportionality rule ("Apportionment of Municipal Infrastructure Costs," enacted 2005); §§212.905–212.908 are not a parkland-dedication scheme, and the statutory parkland-dedication framework (LGC ch. 212, subch. J, §212.201 et seq., added 2023) applies only to municipalities of 800,000+ population — the governing framework here is therefore the general one requiring that any **exaction** (mandatory dedication of land or payment in lieu) bear a clear **rational nexus and rough proportionality** to the impact of the specific development, consistent with constitutional takings doctrine (**Nollan*/Dolan**, as applied in Texas, e.g., in **Town of Flower Mound v. Stafford Estates** and codified via [LGC Ch. 395](#)'s "roughly proportionate" requirement for impact fees and similar exactions). Several elements of Chandler's §6.1 are problematic:

1. **Flat 5% dedication with no individualized nexus/proportionality analysis.** Texas law (and increasingly, LGC provisions addressing exactions, plus constitutional "essential nexus" and "rough proportionality" requirements) requires that a mandatory parkland dedication be tied to the specific development's impact, not an across-the-board flat percentage applied irrespective of the development's actual park-usage impact (e.g., a small lot subdivision of single retirees vs. a large family-oriented subdivision generate very different park-usage impacts). A blanket 5%-of-acreage rule with no proportionality findings creates meaningful exposure to an as-applied or facial takings challenge.

2. **City "discretion" to choose between land or money, with no objective standard.** Unguided discretion in choosing between in-kind dedication and fee-in-lieu, without articulated criteria, increases exaction/takings risk and arguably exceeds what Ch. 212's general grant of subdivision-conditioning authority supports without more specific direction (cf. [LGC §212.904](#) et seq. which contemplate fee structures used for capital improvements/impact fees with much more detailed procedural safeguards — public hearings, capital improvement plans, fee study, statutory caps — none of which appear here).

3. **No express statutory citation or capital improvements plan (CIP) basis.** If Chandler intends this fee as something like an impact fee, [LGC §212.904](#) (rough proportionality) / **Ch. 395** impose specific procedural prerequisites (adopted land use assumptions, capital improvements plan, public hearing, fee calculated per service unit, fee credited against other exactions, fee refundable if not spent within a statutory period) — none of which §6.1 references or appears to satisfy. If instead Chandler intends this as a straightforward "parkland dedication ordinance" (a distinct, older municipal practice authorized more generally under home-rule charter power and, for general-law cities, more narrowly under Ch. 212's plat-conditioning authority), the absence of any nexus/proportionality methodology is still a serious gap, because Dillon's Rule means Chandler (general-law) has **no implied home-rule-style police power to impose exactions beyond what Ch. 212 specifically authorizes** — and Ch. 212's express text supports plat conditions tied to public improvements directly serving the subdivision (streets, drainage, utilities under §212.0045) far more clearly than it supports a freestanding 5%-of-acreage park exaction valued by independent appraisal.

4. Note: [HB 2127](#) (2023, the 8 enumerated codes) does **not** apply here — parkland dedication is grounded in Local Government Code, not one of the 8 preempted codes — so [HB 2127](#) is not the vehicle for challenging this provision. The vulnerability is constitutional (takings/exaction) and Dillon's Rule/authority-based, not [HB 2127](#) preemption.

- **Recommendation:** This provision should receive priority legal review. At minimum: (a) add findings requiring an individualized nexus/proportionality determination for each subdivision rather than a flat 5% rule, or alternatively (b) restructure as a formal parkland dedication/impact-fee ordinance fully compliant with Ch. 395 and [LGC §212.904](#)'s rough-proportionality determination and Ch. 395's procedural prerequisites (land use assumptions, CIP, public hearing, service-area fee calculation, refund mechanism), and (c) articulate objective

standards guiding the city's choice between land dedication and fee-in-lieu rather than unguided discretion.

§8 — General Requirements

● **[MEDIUM]** §8.8 Issuance of Permits** — withholds building/utility permits until subdivider complies with the ordinance and §4.4.6 requirements.

§8.8 Issuance of Permits — withholds building/utility permits until subdivider complies with the ordinance and §4.4.6 requirements.

- **Category:** CONFLICT — **MEDIUM** (vested rights / [LGC Ch. 245](#) interaction)
- **Explanation:** LGC **Chapter 245** ("Issuance of Local Permits") establishes that a property development's permit applications are generally governed by the regulations in effect at the time the **original application** for a permit was filed (the "vesting" date), and a series of permits for a single project are treated together such that subsequent changes in city ordinances generally cannot be applied retroactively to defeat a project's vested rights, subject to specific exceptions (e.g., for life-safety/health-related code changes under §245.004). Chandler's blanket statement that "[n]o building permit... shall be issued... until such time as the developer and/or owner has complied with the requirements of this ordinance and the approved final plat" is not inherently a Ch. 245 violation (requiring final plat compliance before issuing permits is standard and expected — plat approval is itself part of the "project" application process establishing the vesting baseline), but the ordinance contains **no acknowledgment of Ch. 245 vesting principles at all** — there is no savings clause addressing what happens if the subdivision ordinance is amended **after** a developer's original application was filed but **before** final plat/permit issuance. Without an express Ch. 245 vesting savings clause, the ordinance creates litigation risk if Chandler amends its subdivision ordinance mid-process and then attempts to apply the new requirements to a project that should be vested under the older rules.
- **Recommendation:** Add an express provision acknowledging that permit issuance and plat-approval standards are subject to [LGC Ch. 245](#) vested-rights principles — i.e., that the regulations applicable to a given project are those in effect on the date the original application (which, per §245.002, can be the first filed document seeking plat approval) was filed, not later-amended requirements, except where a Ch. 245 exception (life/safety) applies.

● **[LOW]** §10 — Penalty

§10 — Penalty

Violation is a misdemeanor punishable by a fine "not exceeding two thousand dollars (\$2,000.00)," with each day of continuing violation a separate offense.

- **Category:** CLEAN
- **Explanation:** [LGC §212.018](#) (Penalty) authorizes a fine of up to \$1,000 for most subdivision-ordinance violations, **but [LGC §212.018\(b\)](#)** (and related general municipal penalty provisions, e.g., [LGC §54.001](#) maximum fine schedules) permits up to **\$2,000 per day** for violations of ordinances that govern fire safety,

zoning, or **(critically)** that the Legislature has separately authorized higher penalty caps for certain platting/subdivision violations involving health-and-safety or environmental/dangerous conditions. Texas municipalities generally may set subdivision-ordinance penalties up to \$2,000/day under the current general penalty statute framework for ordinances reasonably related to public health and safety ([LGC §54.001](#)(b), which sets the \$2,000 cap for "fire safety, zoning, or public health and sanitation" ordinances, and subdivision/platting ordinances are routinely treated as falling within public health/safety/sanitation given their connection to utilities, drainage, and street safety). Given subdivision regulation's direct ties to sanitation, drainage, and traffic safety, the \$2,000/day cap here is very likely within Chandler's authorized range and not in conflict. This should be flagged as LOW priority for confirmation only (verify Chandler's classification doesn't fall into the residual \$500/day general-penalty bucket under §54.001(a) for ordinances unrelated to health/safety/sanitation/zoning/fire), but on the substance, subdivision regulation almost certainly qualifies for the higher cap.

- **Severity:** LOW (confirmatory only)
- **Recommendation:** Confirm during final compilation that subdivision-ordinance penalties properly fall under the \$2,000/day tier of [LGC §54.001](#)(b) rather than the \$500/day default tier; if so, no change needed.

● [LOW] §11 — Filing Fees and Charges

§11 — Filing Fees and Charges

Cross-references "Section A7.001 of the Code of Ordinances" for the fee schedule.

- **Category:** OUTDATED CITATION — **LOW**
- **Explanation:** The reference to "Section A7.001" uses an old appendix-style numbering convention ("A7.001") that does not match Chandler's current chapter-based numbering scheme used throughout the rest of the Code (e.g., "[§10.02.001](#)," "[§13.03.123](#)" as seen in [§10.03.002](#)). This strongly suggests the fee-schedule cross-reference is stale and was not updated when the Code was renumbered/recodified. This is an internal-consistency/citation-currency issue rather than a state-law conflict, but it should be corrected so the fee schedule is actually findable.
- **Recommendation:** Update the cross-reference to the correct, current section number for the city's fee schedule (likely now within Chapter 1, General Provisions, fee appendix, given the renumbering pattern observed elsewhere in the Code). Also confirm that filing fees themselves are reasonably related to administrative cost recovery ([LGC §212.904](#), §212.012 contemplate reasonable filing fees) and not used as a revenue-generating device disproportionate to actual processing costs, which could otherwise function as an unauthorized tax.

SUMMARY

HB 2127 applicability: [HB 2127](#) (the 2023 Regulatory Consistency Act) **does not apply** to Chapter 10 or Exhibit 10A. Subdivision platting regulation is grounded entirely

in [Texas Local Government Code Chapter 212](#) (and related annexation/ETJ provisions in Chapters 42-43), none of which are among the 8 codes [HB 2127](#) preempts (Agriculture, Business & Commerce, Finance, Insurance, Labor, Natural Resources, Occupations, Property). No provision in this chapter strays into regulating private deed restrictions or property transactions in a way that would implicate the Property Code. [HB 2127](#) is not a relevant vector of challenge for any provision audited here.

Chapter 11 — Taxation

↑ [Back to Quick Reference by Severity](#)

Severity Tally — This Chapter



Total actionable findings retained: 6

13 Clean item(s) removed from this edition; 6 actionable finding(s) retained below, in full, without summarization.

[§11.02.001](#) – [§11.04.008](#) | Type A general-law municipality (Dillon's Rule)

ARTICLE 11.01 — General Provisions (Reserved)

No content. Not applicable — no audit needed.

ARTICLE 11.02 — Property Tax

[§11.02.001](#) — Authority to levy; rate.

Text: Establishes authority to levy ad valorem tax "not exceeding one and one-half percent (1-1/2%) on one hundred dollars (\$100.00) valuation," rate set annually by council to fund the budget.

[LOW] Issue category: CLEAN (with a citation-modernization note)

- **Issue category:** CLEAN (with a citation-modernization note)
- **Severity:** N/A (clean), but flag LOW for terminology
- **Explanation:** General-law (Type A) cities derive property tax authority from [Tax Code §302.001](#) (formerly Art. 1175/1015, V.A.C.S.) and the Tax Code generally; a 1.5% (\$1.50/\$100) cap is well within statutory norms and there is no current Tax Code provision capping Type A general-law city rates below this. The "rate set annually... to fund the annual budget" language is consistent with [Tax Code](#)

[Ch. 26](#) truth-in-taxation process (rate must still be calculated/adopted following no-new-revenue/voter-approval rate procedures — see [§11.02.002](#) discussion below, since the chapter never actually codifies the Ch. 26 procedural steps).

- **Recommendation:** No substantive change required to the rate-authority text itself. However, note under [§11.02.002](#) below: the chapter is silent on the Ch. 26 truth-in-taxation rate-setting procedure (no-new-revenue rate / voter-approval rate calculations, public notice, hearings). This is not itself a defect — most general-law city codes don't recite Ch. 26's procedural mechanics in the ordinance text since the Tax Code controls directly — but recommend adding a cross-reference sentence: "The tax rate shall be adopted in accordance with the no-new-revenue tax rate and voter-approval tax rate procedures of [Tax Code Chapter 26](#)."

[§11.02.002](#) — Participation in appraisal district.

Text: Authorizes participation in the Henderson County Appraisal District; appraisal district performs appraisal/assessment; city responsible for collection unless other contractual arrangements made.

[§11.02.003](#) — Tax limitation and exemption for residence homestead of elderly or disabled persons.

Text: Implements the [Tex. Const. art. VIII, §1-b\(h\)](#) tax freeze/exemption for elderly (65+)/disabled persons and extends to surviving spouse 55+; limitation made irrevocable per (d).

[§11.02.004](#) — Due date; penalties and interest on delinquent taxes.

Text: Taxes due October 1, delinquent following February 1; "penalties and interest for delinquent taxes shall be incurred in accordance with section 33.01 of the Texas Property Tax Code."

● **[LOW] Issue category:** OUTDATED CITATION (minor) / otherwise CLEAN on substance

- **Issue category:** OUTDATED CITATION (minor) / otherwise CLEAN on substance
- **Severity:** LOW
- **Explanation:** The due/delinquency dates match [Tax Code §31.02](#) (delinquency date generally February 1 following the tax year). The substantive cross-reference to "section 33.01 of the Texas Property Tax Code" is the right mechanism — by incorporating §33.01 by reference rather than reciting fixed numbers, the ordinance automatically stays current with the statutory schedule (6% penalty in the first month delinquent + 1%/month additional, capped at 12% by July, plus 1%/month interest accruing with no cap). This is actually the BEST drafting approach since it avoids the "stale fixed percentage" problem altogether. The only issue is the citation label: there is no longer a free-standing "Texas Property Tax Code" — it has been part of the consolidated Texas Tax Code since 1982, and the more precise modern citation is simply "[Tax Code §33.01](#)."

This naming convention ("Property Tax Code") is informal/legacy phrasing still in occasional use but should be modernized for precision.

- **Recommendation:** Replace "section 33.01 of the Texas Property Tax Code" with "[Texas Tax Code §33.01](#)" throughout the chapter for consistency.

[§11.02.005](#) — Additional penalty for costs of collection of delinquent taxes.

Text: 15% additional penalty for taxes delinquent on July 1, citing [Tax Code §6.30](#) and §33.07, "to defray the costs of collection."

[§11.02.006](#) — Freeport goods.

Text: (a) authorizes ad valorem tax on certain goods/merchandise/ores under [Tex. Const. art. VIII, §1-j](#) and [Tax Code §11.251](#) "in tax year 1990 and each year thereafter"; (b) repeals the Freeport exemption under art. VIII, §1-j(b); (c)-(f) cumulative/non-offset/liberal-construction boilerplate.

ARTICLE 11.03 — Sales and Use Taxes

[§11.03.001](#) — One-percent tax adopted.

Text: "In accordance with chapter 321 of the Tax Code, a local sales and use tax of one percent (1%) has been adopted... election held on January 1, 1972."

[§11.03.002](#) — Additional one-half-percent tax for promotion of economic development.

Text: "In accordance with section 4B, art. 5190.6, V.T.C.S., as amended by the Development Corporation Act of 1979, a local sales and use tax of one-half of one percent (0.5%) has been adopted... election held August 9, 1997... Ordinance No. 97.3... Ordinance No. 97.4..."

● [MEDIUM] Issue category: OUTDATED CITATION

- **Issue category:** OUTDATED CITATION
- **Severity:** MEDIUM
- **Explanation:** "Article 5190.6, V.T.C.S." (Vernon's Texas Civil Statutes) was the old citation for the Development Corporation Act of 1979. That free-standing statute was **repealed and codified** into the Local Government Code, Title 12, Subtitle C1 (Development Corporation Act), specifically [LGC Chapter 504](#) (Type A corporations, the "4A" sales tax) and [LGC Chapter 505](#) (Type B corporations, the "4B" sales tax), effective as part of the 2007 non-substantive codification (and further amended since). "Section 4B" of the old article corresponds to what is now [LGC Chapter 505](#). The ordinance cites a statute that no longer has independent legal existence in that form — courts and bond counsel today look to [LGC Ch. 504/505](#) (and the implementing sales tax authorization in [Tax Code §321.101\(b\)](#) for Type A/Type B EDC sales taxes), not Art. 5190.6.
- **Recommendation:** Update citation to read substantially: "In accordance with [Local Government Code Chapter 505](#) (Type B corporations) and [Tax Code §321.101\(b\)](#), a local sales and use tax of one-half of one percent (0.5%) has

been adopted for the promotion of economic development..." This is a citation-modernization issue, not a substantive validity problem — the tax itself remains validly in effect because codification is non-substantive (the underlying authorization carried over), but the ordinance text is misleading/confusing to a present-day reader and could create due-diligence friction (e.g., in bond opinions, EDC governance review).

[§11.03.003](#) — Tax on residential use of gas and electricity.

Text: "The imposition of the one percent (1%) city sales tax on residential use of gas and electricity... shall be continued beyond October 1, 1979."

[§11.03.004](#) — Tax on telecommunications services.

Text: Imposes tax on telecommunications services; (b) repeals the [Tax Code §321.210](#) exemption per §321.210(b); (d) requires city secretary to forward ordinance copy + council minutes to the Comptroller via certified mail.

ARTICLE 11.04 — Hotel Occupancy Tax

[§11.04.001](#) — Definitions.

Text: Defines Consideration, Hotel, Occupancy, Occupant, Permanent resident (30+ consecutive days), Person, Quarterly period, Tax assessor and collector.

[§11.04.002](#) — Levy; rate; exceptions.

Text: Levies HOT at "seven (7) percent, beginning October 1, 2006," on rooms costing \$2.00+/day; exempts permanent residents and qualifying nonprofit/religious/educational/charitable organizations.

● **[MEDIUM] Issue category:** AUTHORITY GAP (verification flag) — otherwise CLEAN on rate

- **Issue category:** AUTHORITY GAP (verification flag) — otherwise CLEAN on rate
- **Severity:** MEDIUM
- **Explanation:** [Tax Code §351.002](#) sets the general municipal HOT rate cap at 7% of the price paid for a room for most general-law and home-rule cities (with some special higher caps — up to 9% — reserved for specific named cities/categories under §351.002(b)/(c) and §351.0025, none of which appear applicable to a small East Texas general-law city like Chandler). A flat 7% rate is therefore presumptively within the standard cap and is CLEAN as to rate. However, two items need verification, which I flag as AUTHORITY GAP / MEDIUM rather than a confirmed defect: (1) Chandler's combined state (6%) + local (7%) HOT here would total 13%, which is unremarkable and within normal ranges seen statewide; (2) the \$2.00/day minimum-consideration threshold for taxability is a holdover figure with no current statutory basis I am aware of in [Tax Code Ch. 351](#) (the state HOT under Ch. 156 does not carry a minimum daily rate

threshold as an exemption trigger) — this might be a vestige of a very old minimum-room-charge convention and could improperly exempt cheap rooms that should otherwise be taxed under current law, or could simply be surplus/inoperative language with no current effect. This needs a closer look against current Ch. 351 text to confirm whether it's a relic.

- **Recommendation:** (1) Confirm the \$2.00 minimum has no continuing legal basis and remove it as obsolete language (current [Tax Code Ch. 351](#) does not condition the tax on a minimum nightly rate); retaining it could improperly narrow the tax base. (2) Confirm 7% does not exceed any applicable cap for Chandler's specific city category under §351.002/351.0025 (general practice = no, it does not, since Chandler doesn't fall into any of the enumerated higher-cap special categories, but this should be confirmed against the current Comptroller's Hotel Occupancy Tax rate list).

[§11.04.003](#) — Collection.

Text: Hotel operators must collect the tax imposed in [§11.04.002](#).

[§11.04.004](#) — Reports; payment.

Text: Quarterly reports due "on or before the last day of the month following each quarterly period"; must provide city a copy of the report filed with the state comptroller.

[§11.04.005](#) — Procedures, rules and regulations.

Text: Tax assessor/collector may adopt procedures/rules; must furnish copies on request; rules filed with city clerk.

[§11.04.006](#) — Violations; penalties.

Text: Failure to collect/report/pay, or filing a false report, or violating the article = Class C misdemeanor (citing the general penalty provision [§1.01.009](#)), "shall pay... the tax due, together with a penalty of five (5) percent of the tax due for each thirty (30) days that the same is not timely filed" — uncapped.

● [HIGH] Issue category: CONFLICT

- **Issue category:** CONFLICT
- **Severity:** HIGH
- **Explanation:** [Tax Code §351.004\(c\)/\(d\)](#) (and the parallel provisions governing municipal HOT enforcement) make a person who fails to file a required report or pay the tax when due liable for a **penalty equal to 15 percent** of the total tax owed once the tax is delinquent for at least one complete municipal fiscal quarter (plus attorney's fees and audit costs in a collection suit) — this 15 percent figure functions as the controlling ceiling on municipal HOT delinquency penalties, distinct from the property-tax penalty/interest schedule under §33.01 (which doesn't apply to HOT at all). Chandler's ordinance imposes 5% **per 30-day period with no stated cap** — meaning after 90 days the cumulative penalty already reaches 15%, and the ordinance's plain text keeps accruing 5% every 30 days indefinitely thereafter (180 days = 30%, one year = 60%, etc.), which on its

face authorizes penalties far in excess of the statutory ceiling. This is a direct conflict with the Tax Code's municipal HOT penalty cap.

- **Recommendation:** Amend to cap the cumulative penalty at 15% of the tax due, consistent with [Tax Code §351.004](#)'s authorized maximum (e.g., restructure as "five percent (5%) of the tax due if not paid within 30 days, plus an additional five percent (5%) for each additional 30 days of delinquency, up to a maximum of fifteen percent (15%) of the tax due"). This is the highest-severity finding in Article 11.04 given the uncapped accrual creates real over-collection exposure and likely unenforceability of penalty amounts beyond the statutory cap.

[§11.04.007](#) — Disbursement and use of proceeds.

Text: Proceeds used "only for purpose of advertising and encouraging the growth of visitor and convention activity," disbursed by the director of finance at council direction; **"provided, however, that the city shall deposit in the general fund of the city 10 percent of the amount collected under this article."**

● **[CRITICAL]** Issue category: CONFLICT

- **Issue category:** CONFLICT
- **Severity:** CRITICAL
- **Explanation:** [Tax Code §351.101](#) strictly limits the use of HOT revenue to a closed, enumerated list of statutory categories (convention center/visitor facility construction and maintenance, convention/tourist advertising and promotion, arts funding, historical restoration/preservation programs tied to tourism, certain sporting event expenses, transportation systems for tourists, signage, etc.) — and [Tax Code §351.101](#)(a) further provides that revenue from the tax **may not be used for general governmental purposes or general operating expenses of the city**. Diverting a flat 10% of HOT proceeds into the unrestricted general fund — with no statutory category attached, no nexus to tourism/convention promotion required for that 10% slice — is a direct, on-its-face violation of the use-of-proceeds restriction in §351.101. This is exactly the kind of provision the audit framework flagged in advance as a likely conflict, and the ordinance text confirms it. This exposes the city to disgorgement/repayment liability, Comptroller enforcement action, or a taxpayer/competitor lawsuit ([Tax Code §351.101](#) has been the basis of real enforcement actions and audits against Texas municipalities that mingled HOT funds with general revenue).
- **Recommendation:** Delete the 10%-to-general-fund provision entirely, or — if the intent is to recover the city's administrative cost of administering the tax — restructure it as a reimbursement of actual, documented administrative/collection costs directly tied to administering the HOT program (which may be defensible under a narrower theory), not a flat unrestricted 10% sweep into the general fund. This is the most serious finding in Chapter 11 and should be prioritized for immediate legal review and likely ordinance amendment, given the magnitude of potential clawback exposure if the city has been routing HOT funds to the general fund for years.

[§11.04.008](#) — Deduction for person required to collect tax.

Text: Hotel operators may withhold up to 1% of tax collected as a collection-cost reimbursement; forfeited if tax/report untimely.

PREEMPTION ANALYSIS ([HB 2127](#) / Regulatory Consistency Act, 2023)

[HB 2127](#) amended [LGC §1.005](#) et seq. to preempt local regulation in eight enumerated codes: Agriculture, Business & Commerce, Finance, Insurance, Labor, Natural Resources, Occupations, and Property Code. **Chapter 11 of Chandler's Code is grounded entirely in the Tax Code** (property tax under Tax Code Title 1, sales tax under [Tax Code Ch. 321](#), hotel occupancy tax under [Tax Code Ch. 351](#)) and, secondarily, the Local Government Code's Development Corporation provisions (Ch. 504/505) for the [§11.03.002](#) economic-development sales tax. **The Tax Code is not one of the eight [HB 2127](#)-covered codes, and none of Chapter 11's provisions stray into regulating a covered subject matter** (e.g., no provisions here regulate agriculture, occupations, labor practices, natural resources, insurance, finance-industry conduct, business/commerce practices, or property use/development standards as such — taxation is a distinct field of municipal authority not touched by the Act). **Conclusion: [HB 2127](#) does not apply to Chapter 11.** This confirms the audit framework's prediction.

SALES TAX RATE-CAP VERIFICATION ITEM ([Tax Code §321.101\(f\)](#))

Chandler imposes 1% base sales tax ([§11.03.001](#)) + 0.5% economic development tax ([§11.03.002](#)) = **1.5% total municipal sales tax**, well under the city's own 2% maximum allocation. Whether the **combined** city + county + special-purpose-district + transit-authority rate in the Chandler vicinity exceeds the statewide 2% local-tax cap under [§321.101\(f\)](#) cannot be determined from the municipal ordinance text alone — it depends on overlapping Henderson County or special district impositions, which are outside this chapter's text. **Flagged as a verification-only item, not a confirmed defect** — recommend the city's tax office confirm with the Comptroller's combined local rate lookup that no jurisdictional overlap pushes the combined rate above 2% within any part of the city's territory (this occasionally occurs at city/county/SPD boundary overlaps and is a Comptroller administrative matter, not something fixable by amending Chandler's own ordinance).

SUMMARY TALLY

Severity	Count	Findings
CRITICAL	1	§11.04.007 (unrestricted 10% HOT diversion to general fund — Tax Code §351.101 conflict)

HIGH	1	§11.04.006 (uncapped/excess HOT delinquency penalty — exceeds Tax Code §351.004 's 15% cap)
MEDIUM	2	§11.03.002 (outdated "Art. 5190.6, V.T.C.S." citation, superseded by LGC Ch. 504/505); §11.04.002 (\$2.00/day minimum-consideration threshold of uncertain current validity — verification flag)
LOW	2	§11.02.004 / §11.02.005 (legacy "Texas Property Tax Code" naming convention rather than "Texas Tax Code")

HB 2127 applicability: Does NOT apply to Chapter 11. All provisions are grounded in the Tax Code (and [LGC Ch. 504/505](#) for the economic development sales tax), none of which are among [HB 2127](#)'s eight enumerated preempted codes, and no provision regulates subject matter falling within those eight codes.

The two priority items for the City Attorney are the [§11.04.007](#) **general-fund diversion** (CRITICAL — likely the single most legally exposed provision in the chapter, given [Tax Code §351.101](#)'s strict, judicially-enforced use-of-proceeds restriction) and the [§11.04.006](#) **uncapped penalty escalator** (HIGH — straightforward fix by adding the statutory 15% ceiling).

Chapter 12 — Traffic and Vehicles

↑ [Back to Quick Reference by Severity](#)

Severity Tally — This Chapter



Total actionable findings retained: 15

64 Clean item(s) removed from this edition; 15 actionable finding(s) retained below, in full, without summarization.

ARTICLE 12.01 — GENERAL PROVISIONS

● [MEDIUM] [§12.01.001](#) — Uniform Act Regulating Traffic on Highways adopted

[§12.01.001](#) — Uniform Act Regulating Traffic on Highways adopted

- Category: OUTDATED CITATION
- Severity: MEDIUM
- The section heading and substance reference the pre-1995 "Uniform Act Regulating Traffic on Highways" (former Art. 6701d, V.A.C.S.), which was codified into [Transportation Code Ch. 541](#)-600+ in 1995. The ordinance never updated this heading/adopting language to reference the Transportation Code by its current name, even though substance is generally consistent.
- Recommendation: Amend to expressly adopt/reference Transportation Code, Subtitle C (Rules of the Road) and Ch. 541-601, replacing the obsolete "Uniform Act" terminology.

● [MEDIUM] [§12.01.008](#) — Obedience to officer signaling for driver to stop

[§12.01.008](#) — Obedience to officer signaling for driver to stop

- Category: AUTHORITY GAP / CONFLICT
- Severity: MEDIUM
- This is a local "evading detention/fleeing" ordinance. Evading arrest/detention by vehicle is independently and comprehensively addressed by [Penal Code §38.04](#) (a state offense, ranging from Class A misdemeanor to felony) and there is a real question whether a municipality has authority to create a duplicate municipal-court-enforceable offense for conduct that the Penal Code already classifies as (at minimum) a Class A misdemeanor — Class C municipal courts only have jurisdiction over fine-only misdemeanors. If charged as written, this ordinance might only be enforceable for technical "failure to comply" not rising to the Penal Code's evading standard, but the overlap risks a CONFLICT/double jeopardy or jurisdictional issue.
- Recommendation: Narrow this section to acts that do not constitute evading arrest/detention under [Penal Code §38.04](#) (e.g., simple failure to yield/stop for civil traffic enforcement purposes only), or simply remove and rely on state law/county/state prosecution for the criminal conduct.

● [LOW] [§12.01.011](#) — Riding motorcycle or motor scooter**:

[§12.01.011](#) — Riding motorcycle or motor scooter:

- Category: CONFLICT (potential) / OUTDATED
- Severity: LOW
- [Transportation Code §545.412](#) already comprehensively regulates motorcycle passenger/seating rules at the state level. This duplicative local ordinance is not prohibited (supplementing, not conflicting, since substance matches), but should be checked periodically against current §545.412 to ensure no drift. CLEAN in substance, flagged only for monitoring.

● [HIGH] §12.01.016 — Accident reports**§12.01.016 — Accident reports**

- Category: CONFLICT
- Severity: HIGH
- This section requires drivers to report accidents involving property damage of "\$25.00 or more" to police. Current [Transportation Code §550.062](#) — CORRECTION: §550.062 governs the investigating officer's crash report (required where a crash results in injury, death, or property damage of \$1,000 or more); it imposes no duty on drivers. The driver's crash report (former §550.061/§550.064, the CR-2 "blue form") was repealed by SB 312 (85th Leg.), effective September 1, 2017 — current state law imposes no driver accident-report duty at all. A driver's remaining duties are to stop, render aid, and exchange information (§§550.021–.025) and to immediately notify law enforcement of a crash involving injury, death, or a vehicle that cannot be normally and safely driven (§550.026). An ordinance compelling drivers to report \$25+ property-damage accidents imposes a duty the Legislature deliberately eliminated in 2017. A local ordinance mandating reporting at a far lower dollar threshold than state law conflicts with the state's specific occupation of this field via Ch. 550, and imposing a stricter/broader citizen reporting duty than state law authorizes raises a genuine conflict-preemption problem, since accident reporting requirements are substantively addressed by the Transportation Code in a manner that appears intended to be uniform statewide.
- Recommendation: Repeal or amend to track [Transportation Code §550.062](#) (officer's report) and §550.026 (driver's immediate-notice duty). Corrected recommendation: repeal §12.01.016 outright rather than raising the dollar figure — no driver-report duty exists under current state law.

● [MEDIUM] §12.01.021 — Giving false information in promise to appear**§12.01.021 — Giving false information in promise to appear**

- Category: CONFLICT (potential)
- Severity: MEDIUM
- This duplicates conduct already criminalized at the state level — [Transportation Code §543.011](#) (giving fictitious name/address when signing promise to appear) is itself already a Class C misdemeanor under state law enforceable through the [Transportation Code Ch. 543](#) citation procedure framework. A local ordinance creating a parallel municipal offense for identical conduct is generally permissible as supplementing rather than conflicting (since both are Class C-level), but the local penalty should not exceed what Ch. 543 contemplates. Verify the penalty clause (see [§12.01.024](#) area / general Chapter 12 penalty section, not shown as a discrete numbered section in 12.01) does not exceed [Transportation Code §542.401](#)'s \$200 general cap, since this offense is not separately exempted to a higher cap.
- Recommendation: Confirm penalty conforms to §542.401 (\$200 default for Subtitle C offenses without specific contrary statutory penalty); cite [Transportation Code §543.011](#) directly.

● [MEDIUM] [§12.01.024](#) — Court appearance by juvenile traffic offenders

[§12.01.024](#) — Court appearance by juvenile traffic offenders

- Category: AUTHORITY GAP / CONFLICT
- Severity: MEDIUM
- This provision imposes parent/guardian appearance requirements for minors aged 14-17 facing traffic charges, which significantly overlaps with the Family Code's juvenile justice framework and Code of Criminal Procedure provisions governing juveniles and parental notification/appearance in Class C cases (Code of Crim. Proc. Art. 45.0215, [Family Code Ch. 51](#) in some respects for traffic offenses involving minors). Municipal courts' handling of juvenile defendants is governed substantially by state procedural law, and a municipal ordinance purporting to impose its own parental-appearance mandate (with a discretionary waiver) risks conflicting with or duplicating the state's specific procedural scheme for juvenile Class C proceedings.
- Recommendation: Cross-reference and confirm consistency with [Code of Criminal Procedure Art. 45.0215](#) (notice to parent in cases involving a child) rather than maintaining an independent local procedural rule; consider repeal in favor of direct application of state law.

ARTICLE 12.02 — TRAFFIC-CONTROL DEVICES

● [LOW] [§12.02.001](#) — Conformity with state manual and specifications

[§12.02.001](#) — Conformity with state manual and specifications

- Category: CLEAN (substantively) / DRAFTING ERROR
- Severity: LOW
- Properly cites current [Transportation Code §544.001](#) (uniform manual and specifications for traffic-control devices — the MUTCD adoption authority). However, the operative text reads "...erected or used by the **town**..." instead of "city" — an evident copy-paste/template drafting error from a source ordinance for a different municipality type. Not a legal-authority defect, but should be corrected for accuracy.
- Recommendation: Correct "town" to "city" throughout.

ARTICLE 12.03 — OPERATION OF VEHICLES

Note: [§12.03.001](#) through [§12.03.050](#) are marked "(Reserved)" — no operative text exists for the bulk of this article's number range. This appears to reflect a 2025 restructuring (Ordinance O-2025-1014-A, adopted 10/14/2025, "Amends Traffic and Vehicles: Operation of Vehicles") that evidently stripped out older rules-of-the-road provisions (likely duplicative of [Transportation Code Ch. 545](#)) and left only the speed-limit division intact. This is a GOOD practice from a Dillon's Rule perspective — removing locally-drafted rules-of-the-road language that largely duplicated comprehensively state-occupied subject matter (Ch. 545) reduces conflict/drift risk. No issue to flag for the reserved range itself.

● **[HIGH]** [§12.03.051](#) — General speed limit; limits on specific streets

[§12.03.051](#) — General speed limit; limits on specific streets

- Category: CLEAN (well-grounded) — with monitoring note
- This section expressly cites and properly invokes Texas [Transportation Code §545.356\(b\)\(1\)](#) as authority for setting the 25 mph limit and street-specific limits. This is a model of GOOD authority citation — exactly the kind of express statutory hook required to alter prima facie speed limits.
- IMPORTANT FLAG: Several of the specifically-listed streets are **State Highway 31** and **FM 2010 / FM 315** segments — these are state highways within city limits. [Transportation Code §545.353-354](#) and related TxDOT coordination provisions generally require that speed limit changes on state highway segments be established by the Texas Transportation Commission/TxDOT (via engineering and traffic investigation under §545.353-354), not unilaterally by city ordinance, UNLESS the municipality has obtained the required engineering/traffic investigation concurrence or specific TxDOT designation authority under §545.356(b) extending municipal authority to a particular state highway segment within municipal limits (which does occur but requires the specific predicate). The ordinance text doesn't show on its face whether the required traffic-engineering investigation or TxDOT concurrence for the SH 31/FM 2010/FM 315 segments was performed and documented.
- Severity: MEDIUM (AUTHORITY GAP/CONFLICT risk specifically on the state highway segments, not the purely municipal streets)
- Recommendation: Confirm and retain documentation that the speed limits set for SH 31, FM 2010, and FM 315 segments were established consistent with required engineering/traffic investigation and any necessary TxDOT concurrence/agreement under §545.356 and related provisions; if not on file, request retroactive concurrence or correct via interlocal agreement with TxDOT.

● **[MEDIUM]** [§12.03.053](#) — Speed limits near schools, churches and hospitals

[§12.03.053](#) — Speed limits near schools, churches and hospitals

- Category: AUTHORITY GAP (partial) / CLEAN as to schools
- Severity: LOW-MEDIUM
- School zone reduced speed limits (20 mph) are squarely authorized under [Transportation Code §545.356\(c\)](#) and §541.302 (school crossing zone). However, extending the same 20 mph reduced-speed treatment to "church" and "hospital" frontages is less clearly grounded in express statutory authority — §545.356 specifically authorizes school zones; there is no parallel express statutory provision singling out churches/hospitals for an automatic reduced speed zone independent of the general traffic-engineering-investigation requirements applicable to ordinary speed limit changes under §545.353-354. This portion of the ordinance should be analyzed as an ordinary local speed-limit alteration (permissible under §545.356(b) generally, provided signs are posted, as the section already requires) rather than relying on the school-zone-specific authority.

- Recommendation: Clarify that the church/hospital speed reduction is adopted under the general municipal speed-limit-alteration authority of §545.356(b)(1) (with appropriate signage, which the section already requires) rather than conflating it with the school-zone provision; no separate engineering study is likely required given the modest, signed, localized nature of the change, but documentation of the council's basis is good practice.

● [LOW] §12.03.055 — Signs

§12.03.055 — Signs

- Category: OUTDATED REFERENCE (internal, not state-law)
- Severity: LOW
- References "the speed limit of thirty (30) miles per hour, as prescribed by provisions of this chapter" — but the substantive default in [§12.03.051](#) sets 25 mph as the general municipal limit, with thirty (30) appearing only in the golf cart/UTV articles' street-speed ceiling. This internal cross-reference appears stale/inconsistent with current [§12.03.051](#)'s 25 mph baseline (which itself is consistent with [Transportation Code §545.353](#)'s default prima facie urban district limit of 30 mph unless lawfully altered, which Chandler did alter to 25 via [§12.03.051](#)). This is an internal drafting inconsistency rather than a state-law conflict.
- Recommendation: Update internal cross-reference in [§12.03.055](#) to match the current 25 mph baseline set in [§12.03.051](#), or clarify which baseline the signage-requirement provision is keyed to.

ARTICLE 12.04 — PARKING

● [MEDIUM] §12.04.001 — No parking zones

§12.04.001 — No parking zones

- Category: AUTHORITY GAP (partial, state highway segments)
- Severity: MEDIUM
- This section designates no-parking zones on segments of **FM 315 North, FM 315 South (Broad Street)** — state highways. [Transportation Code §542.202](#) grants municipalities authority to regulate stopping, standing, and parking generally, including on state highways within municipal limits in many circumstances, but parking restrictions on state highway rights-of-way can also implicate TxDOT's authority over its highway system and any maintenance agreements. Given this is a fairly common and well-established area of municipal authority under §542.202(a)(1)-(2) (local authorities may regulate parking on highways under their jurisdiction), this is LOWER risk than the speed-limit state-highway issue, but should still be cross-checked against any TxDOT maintenance/access agreement covering these FM segments.
- Recommendation: Confirm consistency with any TxDOT maintenance agreement for FM 315 frontage; otherwise CLEAN as within §542.202 authority.

● [LOW] §12.04.003 — Recreational vehicle parking and storage

§12.04.003 — Recreational vehicle parking and storage

- Category: AUTHORITY GAP (review)
- Severity: LOW
- This section regulates parking/storage of recreational vehicles based on size thresholds (e.g., over 22 feet), which functions as much as a zoning/property-use regulation as a traffic regulation. Municipalities have general police power to regulate parking on public streets (§542.202) and (separately) zoning/land-use authority over storage on private property in residential areas ([Local Government Code Ch. 211](#), zoning enabling act) — but Chandler's status as a Type A general-law municipality means its zoning authority itself must be properly established (this should already have been checked under the Chapter 14 Zoning audit). To the extent this section reaches storage on private property, the authority lies in the zoning enabling act, not the Transportation Code; to the extent it reaches public streets, §542.202 applies. No outright conflict found, but flagging for cross-reference with the Chapter 14 zoning audit to ensure consistent treatment of RV parking/storage restrictions across chapters.
- Recommendation: Cross-check this section against Chapter 14 (Zoning) RV/recreational vehicle storage provisions for consistency; ensure the private-property application is anchored in the zoning ordinance rather than this traffic chapter alone.

§12.04.004 through §12.04.050 — (Reserved): No content, no issue.

● [CRITICAL] §12.04.052 — Penalty

§12.04.052 — Penalty

- Category: CONFLICT
- Severity: CRITICAL
- This section authorizes a fine "not exceeding \$500.00, except that any such violation that puts the public's health, safety, and welfare at issue may be punishable up to a fine of \$2,000.00," with each day a separate offense, and classifies the offense as "Class C misdemeanor." This is a serious conflict on multiple levels:

1. [Local Government Code §54.001](#) generally caps municipal ordinance penalties at \$500 (with limited statutory exceptions, e.g., certain health/sanitation/fire-safety ordinances allowing up to \$2,000 under §54.001(b)-(c) for specific subject matters — but **parking/commercial vehicle regulation under the Transportation Code is not one of the enumerated exceptions** that [LGC §54.001](#) allows to reach \$2,000; that higher tier is reserved for things like dumping, fire safety code, and similarly enumerated categories).

2. Class C misdemeanors are, by definition under [Penal Code §12.23](#), punishable by fine only **not to exceed \$500** (with specific statutory exceptions elsewhere, none of which apply to ordinary commercial-vehicle parking restrictions). A municipal Class C misdemeanor ordinance cannot lawfully authorize a \$2,000 fine — Class C is capped at \$500 by the Penal Code itself, and Transportation Code traffic offenses are independently capped at \$200 by §542.401 absent a specific contrary provision.

3. There is no Transportation Code provision authorizing escalated \$2,000 fines for commercial vehicle parking restrictions specifically.

- Recommendation: Amend immediately to remove the \$2,000 escalation clause; cap fines at \$500 per [LGC §54.001](#) and [Penal Code §12.23](#) (or lower if [Transportation Code §542.401](#)'s \$200 default cap is found to govern instead, since this is fundamentally a traffic/parking offense under the Transportation Code framework). This is the most serious finding in Chapter 12 and should be prioritized for correction, as it is currently unenforceable as written and exposes the city to defense challenges.

ARTICLE 12.05 — TOWING OF UNINSURED VEHICLES

● [MEDIUM] [§12.05.003](#) — Conditions for towing

[§12.05.003](#) — Conditions for towing

- Category: AUTHORITY GAP (review) / CLEAN-leaning
- Severity: LOW-MEDIUM
- This section authorizes officer discretion to impound vehicles for lack of proof of financial responsibility. The authority for a political subdivision to impound for financial-responsibility violations derives from [Transportation Code §601.053](#) (impoundment of vehicle for violation of financial responsibility requirements) and related provisions in Ch. 601 Subchapter D. The ordinance's discretionary "best interest of the public or operator" framework and arrest-discretion language are consistent with how Chapter 601 impoundment programs are typically structured, but the city should confirm it has formally adopted the impoundment program in the manner contemplated by §601.053's procedural prerequisites (which can require specific findings/procedures), since impoundment authority under Ch. 601 is itself somewhat narrowly granted and procedurally conditioned.
- Recommendation: Confirm formal program adoption complies with [Transportation Code Ch. 601](#), Subchapter D procedural prerequisites (notice, hearing rights for owner to contest impoundment, etc., if applicable) — if not already verified in the city's program documentation outside this ordinance text.

ARTICLE 12.06 — RECREATIONAL OFF-HIGHWAY VEHICLES AND UTILITY VEHICLES

● [LOW] [§12.06.005](#) — Permit required

[§12.06.005](#) — Permit required

- Category: DRAFTING ERROR (internal consistency)
- Severity: LOW
- Subsection (c) states the permit "shall be permanently affixed on the left side of the **golf cart**" — but this is the UTV/ROHV article, not the golf cart article (12.07). This is a clear copy-paste drafting error carried over from the parallel golf cart ordinance template. Not a legal-authority defect, but should be corrected for clarity and enforceability (a UTV/ROHV owner could argue

ambiguity/unenforceability against them based on the literal text referring to a different vehicle type).

- Recommendation: Correct "golf cart" to "UTV or ROHV" in [§12.06.005\(c\)](#).

ARTICLE 12.07 — GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES AND SLOW-MOVING VEHICLES

All items in this section were assessed as Clean — no actionable findings retained in this edition.

SUMMARY

HB 2127 applicability: [HB 2127](#) (2023 Regulatory Consistency Act) does **NOT** apply to Chapter 12 as a whole, since traffic and vehicle regulation is grounded in the Transportation Code, which is not one of the 8 covered codes. The one provision specifically checked for [Occupations Code Ch. 2308](#) (towing/vehicle storage facility) preemption exposure — [§12.05.004](#) (wrecker company selection for city-initiated impound tows) — was reviewed and found to **NOT** trigger [HB 2127](#) preemption, because it governs the city's own law-enforcement-directed impound rotation rather than regulating the private towing/vehicle-storage industry's licensing or operations generally. No provision in Chapter 12 regulates private-property towing, booting, or vehicle storage facility licensing, so no [HB 2127](#) PREEMPTION findings arise in this chapter.

Most significant priorities for correction: (1) [§12.04.052](#)'s unlawful \$2,000 penalty escalation (CRITICAL — immediate amendment needed), and (2) [§12.01.016](#)'s obsolete \$25 accident-reporting threshold (HIGH — should track current \$1,000 statutory figure). The October 2025 restructuring of Article 12.03 (removing duplicative rules-of-the-road sections in favor of reserved placeholders) reflects good Dillon's-Rule housekeeping practice and should be considered a model for similarly streamlining other articles' duplicative state-law restatements over time.

Cross-reference: See New Laws Queue, Ordinance O-2025-1014-A — confirms the Article 6701d / Vernon's Civil Statutes citation defect flagged at §12.01.001 is current drafting practice, not merely inherited legacy text. [Jump to New Laws Queue](#)

Chapter 13 — Utilities

↑ [Back to Quick Reference by Severity](#)

Severity Tally — This Chapter



CRITICAL

HIGH

MEDIUM

LOW

Total actionable findings retained: 13

29 Clean item(s) removed from this edition; 13 actionable finding(s) retained below, in full, without summarization.

Scope: [§13.01.001](#) through [§13.06.012](#) (Articles 13.01–13.06), audited against current Texas state law. Chandler is a Type A general-law municipality (Dillon's Rule) — every regulatory assertion is tested for express/implied statutory authority.

ARTICLE 13.01 — GENERAL PROVISIONS

All items in this section were assessed as Clean — no actionable findings retained in this edition.

ARTICLE 13.02 — RATES AND BILLING

● **[LOW]** [§13.02.002](#) (Late penalty) — Issue: CONFLICT — Severity: LOW.

[§13.02.002](#) (Late penalty) — Issue: CONFLICT — Severity: LOW.

A flat 10% late penalty on the "entire amount owed" is permissible as a rate/billing term under [LGC §552.013](#), but cities should ensure the penalty is not applied in a manner that effectively functions as a disconnection trigger without the notice procedures required by [§13.02.003](#). No independent statutory cap on late fees for municipal utilities exists, so this is not a hard conflict — flagged only to confirm coordination with [§13.02.003](#) notice timing.

Recommendation: No change needed; confirm penalty assessment occurs only after the due date in [§13.02.001](#), not retroactively.

● **[MEDIUM]** [§13.02.003](#) (Termination for nonpayment) — Issue: AUTHORITY GAP / CONFLICT — Severity: MEDIUM.

[§13.02.003](#) (Termination for nonpayment) — Issue: AUTHORITY GAP / CONFLICT — Severity: MEDIUM.

Service termination for nonpayment is authorized under [LGC §552.0025](#)/§552.090 et seq., but those provisions (and general due-process principles under *Memphis Light, Gas & Water Div. v. Craft*, 436 U.S. 1 (1978)) require adequate prior notice and an opportunity to dispute before disconnection. The ordinance describes a disconnect-by-the-25th mechanism but does not itself specify a pre-termination notice/dispute procedure (it may be addressed in Appendix A, not reviewed here).

Recommendation: Confirm a written pre-termination notice and dispute/appeal mechanism exists somewhere in the fee schedule or administrative policy; if not, add one to avoid due-process exposure.

ARTICLE 13.03 — WATER AND SEWERS

Division 1: Generally

● **[LOW]** [§13.03.013](#) (Mandatory sewer connection within 100 ft; cost allocation) — Issue: AUTHORITY GAP — Severity: LOW.

[§13.03.013](#) (Mandatory sewer connection within 100 ft; cost allocation) — Issue: AUTHORITY GAP — Severity: LOW.

Mandatory connection ordinances of this type are well-established as within implied municipal utility authority (protecting public health/sanitation) and are common statewide; [Health & Safety Code §366.004](#) also supports mandatory connection where public sewer is reasonably available. Clean, noting only that "reasonably available" distance thresholds (100 ft) are consistent with common state-law septic/OSSF practice.

Division 2: Waterworks Regulations

● **[LOW]** [§13.03.077](#) (Cross-connection control program) — Issue: OUTDATED CITATION — Severity: LOW.

[§13.03.077](#) (Cross-connection control program) — Issue: OUTDATED CITATION — Severity: LOW.

Tracks 30 TAC §290.44(h)/§290.46(j) substantively, but the informal reference to "state commission on environmental quality" should be updated/confirmed to read "Texas Commission on Environmental Quality (TCEQ)" consistently. Lead content limits (8.0% pipe/fitting, 0.2% solder/flux) match the federal Safe Drinking Water Act lead-free standard as historically codified — note that the federal "lead free" definition was tightened by the 2011 Reduction of Lead in Drinking Water Act (effective 2014) to 0.25% weighted average lead content for wetted surfaces, replacing the older 8%/0.2% solder-flux-only standard in many model codes. Chandler's 8.0% figure for "pipe or pipe fitting" is the pre-2014 standard and is now outdated relative to current federal/TCEQ adoption practice (30 TAC §290.44(h) incorporates the federal definition by reference).

Recommendation: Update [§13.03.077](#)'s lead content standard to track the current federal "lead free" definition ($\leq 0.25\%$ weighted average lead for wetted surfaces) as incorporated by 30 TAC §290.44(h), and replace informal agency references with "TCEQ."

Division 3: Sewer Use

● **[MEDIUM]** [§13.03.126](#) (Hazardous/toxic materials) — Issue: OUTDATED CITATION — Severity: MEDIUM.

[§13.03.126](#) (Hazardous/toxic materials) — Issue: OUTDATED CITATION — Severity: MEDIUM.

Text reads: "These concentration parameters and rules governing same are promulgated under authority of sections 5.131 and 5.132, Texas Water Code (Hazardous Metals) and in accordance with state water commission rule 156.19." This cites the **abolished Texas Water Commission** (consolidated into TNRCC in 1993, renamed TCEQ in 2002) and **non-current Water Code section numbers** (current hazardous-substance/spill provisions are codified at [Water Code Ch. 26](#), Subchapter D, and Ch. 7 enforcement; "rule 156.19" does not correspond to any current 30 TAC citation).

Recommendation: Replace with current TCEQ citation (30 TAC Ch. 327 — Spill Prevention and Control, or applicable Ch. 217/319 pretreatment provisions) and update agency name to TCEQ.

● **[LOW]** [§13.03.128](#) (Stormwater/unpolluted drainage) — Issue: OUTDATED CITATION — Severity: LOW.

[§13.03.128](#) (Stormwater/unpolluted drainage) — Issue: OUTDATED CITATION — Severity: LOW.

References the "Texas Water Quality Act," the pre-1985 name for what is now [Water Code Ch. 26](#) (Water Quality Control). Substance is unaffected; citation is stale.

Recommendation: Update reference to "Texas [Water Code, Chapter 26](#)."

● **[HIGH]** [§13.03.137](#) (Damaging/tampering with sewer system) — Issue: CONFLICT — Severity: HIGH.

[§13.03.137](#) (Damaging/tampering with sewer system) — Issue: CONFLICT — Severity: HIGH.

Text states: "Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct." This conflates a sewer-system-tampering offense with [Penal Code §42.01 \(Disorderly Conduct\)](#), a wholly distinct offense with its own elements (none of which involve sewer tampering). A municipal ordinance cannot redefine conduct to fit a state penal statute it does not match, and "immediate arrest" language is inconsistent with standard municipal citation/summons practice for Class C misdemeanors ([Code of Criminal Procedure Ch. 14](#) governs arrest authority; most municipal ordinance violations are citable, not arrestable, offenses absent statutory arrest authority).

Recommendation: Strike the "disorderly conduct"/"immediate arrest" language. Replace with a standard municipal penalty clause (citation, Class C misdemeanor, fine per [LGC §54.001](#)) consistent with [§13.03.146](#).

● **[MEDIUM]** [§13.03.143](#) (Authority to disconnect service) — Issue: CONFLICT — Severity: MEDIUM.

[§13.03.143](#) (Authority to disconnect service) — Issue: CONFLICT — Severity: MEDIUM.

Disconnection-as-enforcement-remedy for sewer-use violations should be paired with notice/cure procedures; [§13.03.144](#) (notice of violation with reasonable cure period)

appears to supply this for prohibited-discharge violations, which substantially mitigates due-process risk. Flagged only to confirm [§13.03.144](#)'s procedure governs all [§13.03.143](#) disconnections, not just discharge violations.

Recommendation: Cross-reference [§13.03.144](#) explicitly within [§13.03.143](#) to remove ambiguity.

ARTICLE 13.04 — DROUGHT CONTINGENCY PLAN

● **[CRITICAL]** [§13.04.009](#) (Notification and updates) — Issue: CONFLICT (mandatory rule non-compliance) — Severity: CRITICAL.

[§13.04.009](#) (Notification and updates) — Issue: CONFLICT (mandatory rule non-compliance) — Severity: CRITICAL.

[§13.04.009](#)(c) correctly cites the current rule, **30 TAC §288.20(c)**, which mandates that a drought contingency plan be "reviewed and updated as appropriate at least once every five years." The ordinance text itself states the plan "will be mandatory reviewed and updated on or before November 2018." **As of the current date (June 2026), this update is approximately 7.5 years overdue.** This is not merely a stale citation — it is an active, ongoing violation of a binding TCEQ procedural rule, and the plan's underlying technical data (2014 population of 3,034, well capacities, storage figures) is now materially out of date for emergency-response planning purposes.

Recommendation: Treat as the single highest-priority item in this chapter. The city should immediately commission an updated Drought Contingency Plan reflecting current well capacity, population served, and storage data, re-adopt by ordinance, and re-notify the TCEQ executive director per [§13.04.009](#)(a)'s five-business-day notice requirement once the update is adopted.

ARTICLE 13.05 — SOLID WASTE

[§13.05.001](#) through [§13.05.040](#) (Reserved) — N/A.

● **[HIGH]** [§13.05.045](#) (Containers; placement) — Issue: CONFLICT — Severity: HIGH.

[§13.05.045](#) (Containers; placement) — Issue: CONFLICT — Severity: HIGH.

Subsections (c), (d), and (e) each impose a nuisance citation fine "not to exceed two thousand dollars (\$2,000.00)" for container overflow, improperly bagged waste, and curbside timing violations, respectively. The general municipal ordinance penalty cap under **LGC §54.001(b)** is **\$500**. A \$2,000 cap is permissible only under specific statutory exceptions — e.g., **Health & Safety Code §341.091** (up to \$2,000/day for certain health-and-sanitation violations) or **LGC §54.001(d)–(e)** (substandard-structure/dangerous-building, fire code, or specific public-health nuisance categories). Whether Chandler's solid-waste container violations actually fall within the [Health &](#)

[Safety Code Ch. 341](#) sanitation exception is questionable — Ch. 341 is generally aimed at sanitation standards tied to disease/health hazards (e.g., §341.011 nuisance definitions), and a routine "garbage can lid not closed" violation is a stretch to characterize as a Ch. 341 sanitation violation warranting the elevated cap.

Recommendation: Either (a) document the specific [Health & Safety Code Ch. 341](#) nuisance basis supporting the \$2,000 cap for each subsection, or (b) reduce the stated maximum fine to \$500 to align with the default [LGC §54.001](#)(b) cap and avoid an ultra vires penalty challenge.

● **[MEDIUM]** [§13.05.047](#) (Failure to pay solid waste bills) — Issue: CONFLICT — Severity: MEDIUM.

[§13.05.047](#) (Failure to pay solid waste bills) — Issue: CONFLICT — Severity: MEDIUM.

Authorizes the city to "discontinue all utilities provided to the customer" for nonpayment of a solid waste bill specifically. Terminating water/sewer service — which implicates public health and safety — as leverage for an unrelated and non-essential solid waste billing dispute raises a due-process and proportionality concern beyond ordinary utility shutoff law ([LGC §552.090](#) et seq. contemplates termination of "the service for which payment is owed", not cross-service termination as a debt-collection tool for a different service). Some cities successfully cross-collateralize utility accounts by ordinance, but this should be confirmed against current [LGC §552.0025](#)-related case law/AG opinions, as cross-service shutoffs for non-life-safety services (solid waste) have drawn scrutiny.

Recommendation: Consider limiting the remedy to discontinuing solid waste service only (or to liens/civil collection), reserving water/sewer disconnection for water/sewer nonpayment, to reduce due-process exposure.

ARTICLE 13.06 — REGULATION AND PERMITTING OF WATER WELLS

● **[LOW]** [§13.06.002](#) (Water well permit; \$1,200 fee) — Issue: AUTHORITY GAP (resolved as CLEAN on closer reading) — Severity: LOW (informational only).

[§13.06.002](#) (Water well permit; \$1,200 fee) — Issue: AUTHORITY GAP (resolved as CLEAN on closer reading) — Severity: LOW (informational only).

At first glance, municipal permitting of private water well drilling raises an authority question, since groundwater regulation is principally the domain of Groundwater Conservation Districts under [Water Code Ch. 36](#), and well-driller licensing is administered by TDLR under [Occupations Code Ch. 1901](#) (**Water Well Drillers Act**) and **16 TAC Ch. 76**. However, on full review, Chandler's ordinance is narrowly drawn: it restricts permitted wells to **irrigation/agricultural use only** ([§13.06.004](#)(11), [§13.06.006](#)(5)), prohibits potable/human-contact use, mandates cross-connection inspection consent, and is grounded in protecting the city's own public water supply and distribution system from contamination — a legitimate exercise of implied municipal authority under [LGC Ch. 552](#) to protect municipal utility system integrity, not an assertion of general groundwater-allocation authority that would belong to a GCD (no

GCD is referenced or appears to cover Chandler, in Henderson County). No conflict with TDLR/16 TAC Ch. 76 since those govern the driller, not the municipal permit-of-use layer.

Recommendation: No substantive change needed; consider adding an explicit savings clause confirming this article does not purport to regulate groundwater withdrawal/allocation rights reserved to a groundwater conservation district, to foreclose any future authority challenge.

● **[HIGH]** [§13.06.009](#) (Use of sanitary sewer system) — Issue: AUTHORITY GAP / CONFLICT — Severity: HIGH.

[§13.06.009](#) (Use of sanitary sewer system) — Issue: AUTHORITY GAP / CONFLICT — Severity: HIGH.

Subsection (c) authorizes the city to, upon nonpayment of sewer charges tied to well-water metering, "disconnect municipal water service" **and** "enter upon applicant's property and disable the water well" — i.e., physically disable a privately-owned well, not merely a city-owned connection. Disabling private property (the well itself, as opposed to terminating the city's own water service or removing a meter the city installed) is a materially more aggressive remedy than ordinary utility disconnection and is not clearly supported by [LGC §552.090](#) et seq. (which addresses termination of city-provided utility service, not self-help entry to disable a customer's own private infrastructure). This could implicate unconstitutional self-help/due-process concerns absent a judicial order, even though the permit-applicant has nominally "consented" to inspection/entry as a permit condition.

Recommendation: Limit the remedy to disconnecting city-provided water service and/or removing the city-installed meter; remove or substantially narrow the "disable the water well" self-help provision, or condition it on a judicial order/warrant, to reduce constitutional exposure.

SUMMARY

[HB 2127](#) (Texas Regulatory Consistency Act, 2023) applicability: [HB 2127](#) preempts only the eight enumerated codes (Agriculture, Business & Commerce, Finance, Insurance, Labor, Natural Resources, Occupations, Property Code). Chapter 13 is overwhelmingly grounded in Local Government Code, Water Code, and Health & Safety Code authority, none of which are [HB 2127](#)-covered codes — [HB 2127](#) **generally does not apply to Chapter 13**. The narrow possible edge case is [§13.06.004/§13.06.006](#), which reference TDLR driller licensing under [Occupations Code Ch. 1901](#) (a covered code) — but Chandler's ordinance does not regulate or restrict driller licensure itself (that remains exclusively a TDLR/state function); it only requires permit applicants to use a licensed driller in good standing, which is a condition on the *city's own permit*, not regulation of an occupation, so [HB 2127](#) preemption is not triggered. No other provision in Chapter 13 implicates a covered code.

§13.03.123 cross-reference resolution (Chapter 10/Exhibit 10A audit follow-up): Confirmed. [§13.03.123](#) ("Building sewers and connections") exists, is current, and substantively addresses sanitary sewer connection requirements (permits, construction standards, industrial control-manhole requirements) exactly as cited in Exhibit 10A [§10.03.002](#). **No discrepancy found; the cross-reference is accurate.**

Chapter 13 audit is complete. Per the task list, Chapter 14 (Zoning + Exhibit 14A) is the next chapter to fetch and review, followed by compiling the final overall audit report.

Chapter 14, Part 1 — Zoning (Articles 1–10)

↑ [Back to Quick Reference by Severity](#)

Severity Tally — This Chapter



Total actionable findings retained: 7

12 Clean item(s) removed from this edition; 7 actionable finding(s) retained below, in full, without summarization.

City of Chandler, Texas Code of Ordinances — Part 1 of 2

Article Map of Exhibit 14A (Zoning Ordinance) — for clean handoff to Part 2

Article	Title	Section Range
Art 1	SHORT TITLE	§ 1-1
Art 2	PURPOSE	§ 2-1
Art 3	DEFINITION OF WORDS	§ 3-1 – § 3-2
Art 4	ZONING DISTRICTS	§ 4-1 – § 4-4
Art 5	AGRICULTURAL DISTRICT (AG)	§ 5-1 – § 5-4
Art 6	SINGLE-FAMILY DETACHED RESIDENTIAL (R-1)	§ 6-1 – § 6-4
Art 7	SINGLE-FAMILY DETACHED RESIDENTIAL/GARDEN HOME (R-2)	§ 7-1 – § 7-4

Art 8	MULTIPLE-FAMILY RESIDENTIAL (MF-1)	§ 8-1 – § 8-4
Art 9A	MANUFACTURED HOME SUBDIVISION (MHS)	§ 9A-1 – § 9A-4
Art 9B	MANUFACTURED HOME PARK DISTRICT (MHP)	§ 9B-1 – § 9B-8 (and a "§9B-9" penalty section referenced but not separately retrieved)
Art 10	LOCAL BUSINESS DISTRICT (B-1)	§ 10-1 – § 10-4 — END OF THIS DISPATCH'S SCOPE
Art 11	GENERAL BUSINESS DISTRICT (B-2)	begins at ecode360.com/40020089 — NEXT DISPATCH PICKS UP HERE
Art 12	LIGHT INDUSTRIAL DISTRICT (I-1)	—
Art 13	GENERAL INDUSTRIAL DISTRICT (I-2)	—
Art 14	PLANNED DEVELOPMENT DISTRICT (PD)	—
Art 15	THOROUGHFARE DISTRICT (overlay) (THOR)	—
Art 16	FLOOD HAZARD DISTRICT (overlay) (FH)	—
Art 17	LANDSCAPING REQUIREMENTS	—
Art 18	SPECIAL PROVISIONS	—
Art 19	GENERAL PROVISIONS (referenced repeatedly by Arts. 5-10 for access/nonconforming uses/parking/home occupations — substantive content not yet reviewed)	—
Art 20	SITE PLAN APPROVAL PROCESS	—
Art 21	ADMINISTRATIVE AND ENFORCEMENT REGULATIONS (likely	—

	contains BOA composition, variance standard, penalty clause — high priority for next dispatch)	
Appendix	(Schedule of Uses [Appendix 1], Area/Setback/Height/Coverage tables [Appendix 3A series, 3C], etc. — referenced throughout but not a numbered Article)	—

Important note for Part 2 dispatcher: Articles 19 and 21 are heavily cross-referenced by every district article reviewed in this dispatch (Arts. 5–10 all incorporate "Access — See Section 19-1," "Nonconforming uses — See Section 19-7," "Off-street parking and loading — See Section 19-8," "Home occupations — See Section 19-5"). Article 19's actual text (nonconforming use amortization/termination rules, home-occupation restrictions, parking ratios) and Article 21's actual text (Board of Adjustment composition, variance standard, notice procedures, penalty/enforcement clause) are THE most legally consequential sections in the entire ordinance for [LGC Ch. 211](#) compliance purposes, and have NOT yet been reviewed — Part 2 should prioritize them specifically rather than treating them as boilerplate.

Chapter 14, § 14.02.001 (Adopted)

Text: Adopts Ordinance 03-01 (3/11/2003), as amended, as the city's Zoning Ordinance, printed as Exhibit/Article 14A; states codification conventions (capitalization, bracketed clarifications, history notes).

● **[LOW]** Analysis:** This is purely a codification/adoption clause with no independent substantive regulatory content. No authority, conflict, or preemption issue. On...

Analysis: This is purely a codification/adoption clause with no independent substantive regulatory content. No authority, conflict, or preemption issue. One **LOW** severity observation: the clause states the ordinance is "printed herein as enacted, with only nonsubstantive formatting and style changes" — given that Ordinance 03-01 dates to 2003, this is also the city's implicit certification that no subsequent comprehensive-plan/zoning-consistency review has been documented in this codification layer. This dovetails with the [LGC §211.004](#) comprehensive plan question addressed below under Article 2.

Recommendation: None required; purely clerical. Confirm via city records that all amendments since 2003 have in fact been folded into the printed Exhibit/Article 14A (the codifier's own caveat suggests reliance on history notes — spot-check that none have been missed).

ARTICLE 1 — Short Title (§ 1-1)

Establishes the short title "Zoning Ordinance for the City of Chandler, Texas" and adopts an incorporated zoning map. Purely nominal; no authority/conflict/preemption issues. Standard practice and consistent with [LGC §211.002](#) (zoning regulations "may be designated and known as a 'zoning ordinance'").

ARTICLE 2 — Purpose (§ 2-1)

Chandler citation: § 2-1

Issue category: AUTHORITY GAP

● **[MEDIUM]** Severity:** MEDIUM

Severity: MEDIUM

Explanation: Section 2-1(2) states the regulations "are prepared in accordance with and for the promotion of the goals and objectives of the Comprehensive Development Plan." This single sentence is the *entire* textual link in Articles 1-10 between Chandler's zoning ordinance and a comprehensive plan. [LGC §211.004\(a\)](#) requires that zoning regulations "must be adopted in accordance with a comprehensive plan." Texas courts (e.g., *Mayhew v. Town of Sunnyvale*, 964 S.W.2d 922 (Tex. 1998)) treat this as a substantive precondition to valid exercise of zoning power for cities — failure to actually maintain and follow an adopted comprehensive plan (not just recite the phrase) is a recognized vulnerability in zoning-validity challenges, particularly for small general-law cities that often lack a current, formally adopted comprehensive plan document distinct from the zoning ordinance itself. Nothing in the materials reviewed in Articles 1-10 evidences an independently adopted, currently-maintained "Comprehensive Development Plan" — the phrase is asserted but the underlying document's existence/currency cannot be confirmed from the zoning ordinance text alone.

Recommendation: Confirm the city maintains a currently adopted, council-approved Comprehensive Development Plan referenced by this section, that it has been updated within a reasonable period (best practice 5-10 years), and that the zoning map/district regulations are demonstrably consistent with it. If no such plan exists or it is outdated/never formally adopted by ordinance, this creates a latent authority defect that could be raised in any future rezoning litigation. This is a structural, ordinance-wide issue rather than one confined to § 2-1, so it should be flagged prominently in the final compiled report.

ARTICLE 3 — Definition of Words (§ 3-1, § 3-2)

§ 3-1 (Rules for Construction of Language)

All items in this section were assessed as Clean — no actionable findings retained in this edition.

§ 3-2 (Definitions) — General

The bulk of the definitions (BUILDING, BUILDING HEIGHT, BUILDING LINE, LOT DEPTH, LOT LINE [front/side/rear], LOT OF RECORD, LOT COVERAGE, NONCONFORMING BUILDING/STRUCTURE, NONCONFORMING LOT, NONCONFORMING USE, FRONTAGE, HOTEL/MOTEL, RESTAURANT, RIGHT-OF-WAY, SEMI-PUBLIC BODY/USE, SPECIAL EXCEPTION, PARKING SPACE OFF-STREET, etc.) are standard, content-neutral physical/use definitions consistent with the scope of authority granted by [LGC §211.001](#) and present no authority, conflict, or preemption issue.

§ 3-2 — "FAMILY" Definition

Chandler citation: § 3-2, definition of "FAMILY"

Issue category: AUTHORITY GAP / potential federal conflict (Fair Housing Act)

● **[HIGH]** Severity:** HIGH

Severity: HIGH

Explanation: The ordinance defines FAMILY as "[o]ne (1) or more persons occupying a single dwelling unit provided that unless all members are related by law, blood or marriage, no such family shall contain over three (3) persons..." This is a classic occupancy-limit-by-relatedness definition. Such provisions are a well-documented source of Fair Housing Act, [42 U.S.C. §3604](#), exposure: when used to exclude group living arrangements for persons with disabilities (e.g., group homes, sober-living homes, supportive housing for persons with disabilities) by capping unrelated occupants at a low number, the ordinance can constitute facial or as-applied discrimination unless the city maintains a reasonable-accommodation procedure allowing waiver of the numeric cap for protected group living arrangements. Nothing in Articles 1-10 (including the Permitted Uses sections of Articles 5-10, which defer entirely to "Appendix 1 - Schedule of Uses," not yet reviewed) establishes such a reasonable-accommodation/exception procedure. This is independent of, but related to, the [LGC §216.001](#) et seq. concern about group homes flagged in the audit framework.

This is not a Texas Local Government Code authority problem per se (the city has authority to define "family" for occupancy purposes under [LGC §211.001](#)'s density/use regulation grant) but is a federal civil-rights conflict risk layered on top of the zoning authority.

Recommendation: (1) Confirm "Appendix 1 - Schedule of Uses" and/or Article 18 (Special Provisions, not yet reviewed) contains a reasonable-accommodation procedure for group homes/community residences serving persons with disabilities, consistent with FHA requirements. (2) If no such procedure exists, recommend the city adopt one — either by amending the FAMILY definition to expressly except state- or federally-licensed community/group homes up to a reasonable occupancy threshold, or by adding a standalone reasonable-accommodation variance mechanism administered by the

Board of Adjustment. (3) Flag for Part 2 reviewer: check Article 18 (Special Provisions) and Article 21 (Administrative/Enforcement) specifically for any such accommodation procedure before concluding this finding is uncured.

ARTICLE 4 — Zoning Districts (§ 4-1 to § 4-4)

Chandler citation: Article 4 generally

Explanation: § 4-1 establishes 13 zoning districts (AG, R-1, R-2, MF-1, MHS, MHP, B-1, B-2, I-1, I-2, PD, THOR overlay, FH overlay) — squarely within the [LGC §211.001](#)(a) grant of authority to "divide a municipality into districts." § 4-2 ties district boundaries to an incorporated Zoning Map — standard and required practice. § 4-3 (split-lot interpretation rules: majority-area-controls, more-restrictive-controls-if-evenly-split) and § 4-4 (continuation of existing uses/structures upon ordinance adoption, conformance of alterations to current dimensional standards) are standard, well-drafted provisions consistent with [LGC §211.001](#) and the nonconforming-use protections of §211.013 (continuation of lawful existing use is honored, with new construction/enlargement held to current standards — the correct approach, as opposed to immediately forcing nonconforming structures into compliance).

● **[LOW]** Severity:** LOW (only as to an observation, not a defect) — § 4-4.1.c requires that "enlargement, alteration, conversion, reconstruction, rehabilitation, or ...

Severity: LOW (only as to an observation, not a defect) — § 4-4.1.c requires that "enlargement, alteration, conversion, reconstruction, rehabilitation, or relocation" of an existing nonconforming structure comply with current dimensional regulations. This is consistent with [LGC §211.013](#) (a city may regulate the alteration/expansion of nonconforming structures even though it cannot force termination of the underlying nonconforming use itself) and is CLEAN as drafted, but the interaction with Article 19's not-yet-reviewed nonconforming-use provisions (§19-7) needs cross-checking in Part 2 to ensure Article 19 does not impose impermissible amortization (forced termination on a timetable) of nonconforming uses, which would conflict with [LGC §211.013](#) and *Texas* case law disfavoring amortization without express authority (cf. analytical line drawn from *Hines v. City of Nederland*-type reasoning referenced in the audit framework — Texas general-law cities lack express amortization authority absent a specific grant, distinguishing them from broader-power home-rule cities in some other jurisdictions).

Recommendation: No change needed to Article 4 itself. Part 2 reviewer should specifically check Article 19 §19-7 (Nonconforming Uses) for any amortization/forced-termination timetable and flag it there if found, cross-referencing this note.

ARTICLE 5 — Agricultural District (AG) (§ 5-1 to § 5-4)

Explanation: Standard single-district template: Purpose (§5-1, transitional/holding-zone rationale for areas with inadequate utility/transportation infrastructure — a legitimate,

well-established zoning rationale); Permitted Uses (§5-2, by cross-reference to "Appendix 1 - Schedule of Uses" — not part of the numbered articles reviewed, but the cross-referencing structure itself is unremarkable); Dimensional Requirements (§5-3, by cross-reference to Appendix 3A/3C tables); Special Regulations (§5-4, cross-references Article 19 for access, nonconforming uses, parking, home occupations). No authority, conflict, or preemption issue in the article's own text. This article-template structure recurs nearly verbatim in Articles 6, 7, 8, 9A, and 10 (see consolidated finding below).

Recommendation: None for Article 5 itself. The substantive content of "Appendix 1 - Schedule of Uses" and the Appendix 3 dimensional tables was not directly retrievable as numbered articles within this dispatch's scope; if those appendices are within Part 2's scope (likely as part of the "Appendix" node in the tree) they should be reviewed for any district that, e.g., excludes manufactured housing or group homes outright by omission from the use schedule, which would raise the same [LGC §211.013](#)/FHA-type issues flagged above.

ARTICLES 6, 7, 8, 10 — Single-Family R-1, Single-Family/Garden Home R-2, Multi-Family MF-1, Local Business B-1 (Consolidated Dimensional/Template Finding)

Chandler citation: §§ 6-1 to 6-4; §§ 7-1 to 7-4; §§ 8-1 to 8-4; §§ 10-1 to 10-4

Explanation: As anticipated by the audit scope's instruction to consolidate repetitive district boilerplate: Articles 6, 7, 8, and 10 all follow the identical four-section template seen in Article 5 (Purpose / Permitted Uses by Appendix-1 cross-reference / Dimensional Requirements by Appendix-3 cross-reference / Special Regulations by Article-19 cross-reference). Each Purpose section articulates a legitimate, density/character-based rationale (low-density single-family stability and traffic/congestion management for R-1; medium-density "garden home" development for R-2; efficient higher-density multi-family development near services for MF-1; limited low-intensity office/commercial clustering avoiding strip-commercial sprawl for B-1) — all squarely within the [LGC §211.001](#)(a) grant to regulate height, bulk, density, setbacks, and use by district. No district-specific authority, conflict, or preemption defects appear in the article text itself.

Recommendation: None for these four articles as drafted. As with Article 5, the actual numeric dimensional standards live in Appendix 3A-1 through 3A-6 (not separately retrieved in this dispatch) — no unique legal issue is evident from the cross-reference structure itself, so no further action is needed unless Part 2's review of the Appendix tables reveals an outlier (e.g., a minimum lot size or width so large in a single district as to function as exclusionary zoning, which would be a fact-specific finding requiring the actual numbers).

ARTICLE 9A — Manufactured Home Subdivision (MHS) (§ 9A-1 to § 9A-4)

§ 9A-1 (Purpose) / § 9A-2 (Permitted Uses) / § 9A-3 (Dimensional Requirements)

All items in this section were assessed as Clean — no actionable findings retained in this edition.

§ 9A-4.5 (Additional Restrictions Applicable to MHS — installation standards)

Chandler citation: § 9A-4, subsection 5(a)-(f)

Issue category: OUTDATED CITATION + PREEMPTION/CONFLICT risk

● **[HIGH]** Severity:** HIGH

Severity: HIGH

Explanation: Subsection 5(a) states manufactured housing "will comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the **National Mobile Home and Safety Standards Act of 1974**." This is an outdated/incorrect name — the controlling federal statute is the **National Manufactured Housing Construction and Safety Standards Act of 1974**, [42 U.S.C. §5401](#) et seq. (the "Mobile Home" name was changed to "Manufactured Home" by Congress in 1980 amendments). More importantly, subsections (b)-(d) impose city-specified technical installation standards (solid slab/17"-20" runners, mandatory tie-downs "secured prior to occupancy," mandatory underpinning/skirting "installed prior to occupancy," with only the Mayor empowered to grant a 90-day occupancy hardship waiver).

Texas [Occupations Code Chapter 1201](#) (Texas Manufactured Housing Standards Act, administered by TDHCA) is the exclusive statewide regulatory scheme governing manufactured housing installation standards, including anchoring/tie-down/foundation requirements (see [Occ. Code §1201.003](#) et seq. and 10 TAC Ch. 80 installation standards promulgated by TDHCA). A general-law city's authority to impose its *own* divergent technical installation standards (as opposed to zoning siting/use/density restrictions, which remain squarely [LGC Ch. 211](#) territory) is doubtful absent express statutory delegation, and to the extent Chandler's standards diverge from or duplicate TDHCA's statewide installation code, this raises both an AUTHORITY GAP (no express [LGC Ch. 211](#) grant to set installation technical standards) and a PREEMPTION concern, since [Occupations Code Ch. 1201](#) is one of the eight [HB 2127](#)-covered codes. Subsection (f) ("All manufactured homes and modular homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this section") is a savings clause that helps but does not cure the problem, since subsections (b)-(d) impose specific, independently-stated city requirements that could diverge from or exceed the state standard rather than simply deferring to it.

Recommendation: (1) Correct the federal statute name to the "National Manufactured Housing Construction and Safety Standards Act of 1974," [42 U.S.C. §5401](#) et seq. (2) Revise subsections (b)-(d) to either explicitly track and cross-reference current TDHCA/[Occupations Code Ch. 1201](#) installation standards rather than stating independent city specifications, or to confirm (with citation) that the specific requirements (runner width, tie-down timing, skirting-before-occupancy) are not more

stringent than or in conflict with the state standard. (3) Confirm the Mayor's individual "hardship waiver" authority for occupancy timing has some procedural/ administrative basis (this kind of single-official waiver power, untethered to any standard, is itself a minor due-process/administrative-law soft spot, though LOW severity standalone).

ARTICLE 9B — Manufactured Home Park District (MHP) (§ 9B-1 to § 9B-8, referencing a §9B-9 penalty clause)

§ 9B-1 (Purpose) / § 9B-2 (Definitions)

All items in this section were assessed as Clean — no actionable findings retained in this edition.

§ 9B-3 (Permits) / § 9B-4 (Licenses) / § 9B-5 (Inspection) / § 9B-6 (Notices, Hearing, and Orders)

Chandler citation: §§ 9B-3 through 9B-6

Issue category: AUTHORITY GAP / PREEMPTION (flag for further factual confirmation)

● **[HIGH]** Severity:** HIGH

Severity: HIGH

Explanation: These sections establish a full local licensing regime for the *business* of operating a manufactured home park — separate from, and layered on top of, ordinary zoning siting authority: a construction/alteration permit (\$100 fee) under §9B-3; an annual operating *license* with affidavit, Certificate of Occupancy, annual renewal deadline (Dec. 1), and a license-denial rehearing procedure before City Council under §9B-4; a right of city inspectors to enter and inspect parks under §9B-5; and a notice/hearing/license-suspension-or-revocation enforcement scheme under §9B-6 (license suspension triggers a mandatory 10-day cease-operation requirement).

This is meaningfully different from ordinary zoning-district siting and dimensional regulation (squarely [LGC Ch. 211](#) territory) — it is a business-licensing-and-inspection scheme for manufactured home park *operators*. [LGC Ch. 211](#) contains no express grant of authority for a general-law city to license and inspect the *business* of operating a manufactured home park as such (as opposed to regulating where MHP-zoned land may be located and what physical/dimensional standards apply to development within it). Authority for licensing manufactured home park operations as a business activity, if it exists at all for a Type A general-law city, would need to be located either in a specific enabling statute (none identified in [LGC Ch. 211](#), Ch. 214, or elsewhere in the audit's standard general-law municipal powers) or treated as an exercise of the city's general police power — itself a contested basis for a Dillon's Rule city, which possesses only expressly granted or necessarily implied powers. To the extent licensing of manufactured housing park operations could be characterized as regulation of the manufactured housing *industry* (rather than pure land-use siting), [Occupations Code Ch. 1201](#) — a [HB 2127](#)-covered code — looms as a potential

preemption issue, since TDHCA administers statewide licensing of manufactured housing installers, retailers, and certain related business activities; a city-level parallel licensing-and-inspection scheme for park *operators* (as opposed to manufacturers/retailers/installers, who are the entities Ch. 1201 most directly licenses) sits in a genuinely gray zone that has not been definitively resolved in reported Texas case law as of this audit's knowledge cutoff.

Recommendation: (1) Have city attorney research whether any specific enabling statute (beyond [LGC Ch. 211](#)) authorizes general-law-city licensing of manufactured home park operations — if none is found, this scheme rests on an uncertain Dillon's-Rule foundation and should be either re-grounded in an identified statute or restructured as a straightforward zoning/site-plan-approval-and-building-permit process (clearly authorized) rather than an annual business license with suspension/revocation authority. (2) Independently assess whether the post-2023 [HB 2127](#) landscape and any TDHCA guidance affects the viability of a city-level MHP operator licensing scheme; if [Occupations Code Ch. 1201](#) occupies this field, the licensing provisions (not the underlying zoning/siting authority) would need to be repealed or narrowed. (3) This is flagged HIGH rather than CRITICAL because: (a) MHP licensing schemes of this general type have historically been common in smaller Texas cities and have not been the subject of widespread successful legal challenge to date, and (b) the analysis turns on an unsettled legal question rather than a clear black-letter violation — but the exposure is real and should be prioritized for legal review.

§ 9B-7 (Mobile Homes Prohibited)

Explanation: Prospectively prohibits installation of pre-HUD-Code "mobile homes" (as distinct from HUD-Code "manufactured homes," which remain permitted) for residential use, with a grandfather clause for existing units. This terminology distinction (mobile home = pre-6/15/1976 HUD construction standards; manufactured home = post-6/15/1976 HUD Code compliant) is the correct, legally current distinction and the prospective-only application avoids retroactively terminating existing lawful uses — consistent with [LGC §211.013](#) nonconforming-use protection. No defect.

§ 9B-8 (Manufactured Home Park — site/design standards)

Chandler citation: § 9B-8.3.f (manufactured home pad/tie-down/anchor specifications) and the skirting/tie-down-standards cross-reference

Issue category: OUTDATED CITATION

● **[MEDIUM]** Severity:** MEDIUM

Severity: MEDIUM

Explanation: § 9B-8 imposes detailed site-design standards (space dimensions, pad construction, anchoring devices — "dead men," eyelets, screw augers, arrowhead anchors — storage facility specifications, drainage, double-frontage avoidance) that for the most part are legitimate site-plan/subdivision-design standards within zoning authority (these are about the *park's* physical layout, not solely about individual home installation, and so present a materially weaker authority-gap argument than the §9A-4

installation standards above). However, the section closes by stating: "The park occupant shall be responsible for complying with the **Texas Department of Labor and Standards Texas Manufactured Home Tie-down Standards**." The Texas Department of Labor and Standards was abolished/its manufactured-housing functions transferred years ago; manufactured housing tie-down/installation standards in Texas are now promulgated and enforced by the **Texas Department of Housing and Community Affairs (TDHCA)** under [Occupations Code Chapter 1201](#) (originally enacted as the Texas Manufactured Housing Standards Act). This is a clear OUTDATED AGENCY CITATION that should be corrected to avoid confusion and potential mis-enforcement (citing a defunct agency's "standards" that residents/operators cannot actually locate or comply with as named).

Recommendation: Replace "Texas Department of Labor and Standards Texas Manufactured Home Tie-down Standards" with a current cite to TDHCA's installation standards under [Occupations Code Ch. 1201](#) and implementing rules at 10 Tex. Admin. Code Ch. 80. This is the same underlying installation-standards-incorporation concern raised under Article 9A (§9A-4) — recommend addressing both sections together with one corrected, consistent citation to current TDHCA authority.

§ 9B-3.3 (Permit fee) and referenced § 9B-9 (penalty, not independently retrieved in this dispatch)

Issue category: Flag only — incomplete review

Severity: N/A (informational)

Explanation: The \$100 construction/alteration permit fee in §9B-3.3 is unremarkable on its face (a reasonable administrative-cost recovery fee, not an impact fee subject to Ch. 395/211.015-019 analysis). However, §9B-6's text cross-references "any punishment provided in Section 9B-9 [sic]" for park-license violations, and Article 9B's own table of contents (as captured at the top of this dispatch) does not list a separate §9B-9 — the section may be mis-numbered, or may exist but wasn't captured in the heading list extracted. **This should be confirmed and, if found, checked against [LGC §54.001's general municipal penalty cap](#).** Zoning-ordinance violations are not among the enumerated exceptions permitting penalties above \$500/day in [LGC §54.001\(b\)-\(c\)](#); if §9B-9 (or wherever the actual penalty clause resides, quite possibly consolidated in Article 21's enforcement provisions) sets a penalty exceeding \$500 per violation/per day without an independent statutory hook (e.g., health/fire/building code tie-in), that would be a CONFLICT finding. This is exactly the kind of issue Part 2's review of Article 21 (Administrative and Enforcement Regulations) should resolve definitively — flagging here so it isn't lost at the Article 9B/Article 21 seam.

Recommendation: Part 2 reviewer: locate the actual numbered penalty section (whether mislabeled "9B-9" or properly housed in Article 21) and verify the penalty amount against [LGC §54.001](#).

ARTICLE 10 — Local Business District (B-1) (§ 10-1 to § 10-4)

All items in this section were assessed as Clean — no actionable findings retained in this edition.

Summary on [HB 2127](#) Applicability

[HB 2127](#) (2023) preempts only eight enumerated codes: Agriculture, Business & Commerce, Finance, Insurance, Labor, Natural Resources, Occupations, and Property. Core zoning regulation — district establishment, use/density/height/setback/lot-coverage standards, nonconforming-use treatment — is grounded in [Local Government Code Chapter 211](#), which is **not** a covered code, so [HB 2127](#) does **not** apply to the great bulk of Articles 1-10 reviewed in this dispatch. The one area where [HB 2127](#) is potentially implicated is **manufactured housing regulation**:

1. **Article 9A §9A-4** (installation/tie-down/skirting technical standards for the MHS district) and **Article 9B §9B-8** (tie-down standards cross-reference) touch [Occupations Code Chapter 1201](#) (a covered code) to the extent the city imposes or purports to incorporate installation/construction technical standards that are properly the domain of TDHCA's statewide manufactured-housing regulatory scheme.
2. **Article 9B §§9B-3 to 9B-6** (the MHP operator licensing/inspection/suspension scheme) presents the strongest potential [HB 2127/Occupations Code Ch. 1201](#) exposure identified in this dispatch, because it most closely resembles regulation of a licensed industry/business activity rather than pure land-use siting — though as noted above, this is a genuinely unsettled question rather than a clear-cut violation.

No short-term rental regulation, sign-content-based regulation, or Business & Commerce Code-adjacent advertising regulation was found within Articles 1-10 (the alcohol-advertising-related "SIGN"/"ELECTRIC SIGN"/"OUTDOOR ADVERTISING" definitions in Article 3 appear to be vestigial cross-references tied to alcoholic beverage sales regulation rather than the zoning ordinance's own sign-control scheme, which — if a separate, content-based sign ordinance exists — would live in Article 17 (Landscaping) or Article 18 (Special Provisions), neither reviewed in this dispatch; **Part 2 should specifically screen Articles 17-18 for content-based sign classifications under the *Reed v. Town of Gilbert* framework**, since that is squarely within this dispatch's flagged risk areas but the operative sign-regulation article has not yet been located/reviewed).

Tally of Findings — This Part (Articles 1-10 + [§14.02.001](#))

Outstanding item requiring Part 2 confirmation (not separately tallied): possible §9B-9 penalty clause / [LGC §54.001](#) cap compliance, to be resolved once Article 21's enforcement provisions are reviewed.

Key file/page references (ecode360 IDs, for reproducibility)

- Chapter 14 root: <https://ecode360.com/40019708> ([§14.02.001](#) text included)

- Exhibit/Article 14A root: <https://ecode360.com/40019712>
- Article 1: <https://ecode360.com/40019713>
- Article 2: <https://ecode360.com/40019715>
- Article 3: <https://ecode360.com/40019728>
- Article 4: <https://ecode360.com/40019830>
- Article 5: <https://ecode360.com/40019860>
- Article 6: <https://ecode360.com/40019874>
- Article 7: <https://ecode360.com/40019888>
- Article 8: <https://ecode360.com/40019911>
- Article 9A: <https://ecode360.com/40019925>
- Article 9B: <https://ecode360.com/40019946>
- Article 10: <https://ecode360.com/40020075>
- Article 11 (next dispatch start): <https://ecode360.com/40020089>

Chapter 14, Part 2 — Zoning Fee Schedule, Exhibit 14A (Articles 11–21)

[↑ Back to Quick Reference by Severity](#)

Severity Tally — This Chapter



Total actionable findings retained: 0

0 Clean item(s) removed from this edition; 0 actionable finding(s) retained below, in full, without summarization.

City of Chandler, Texas Code of Ordinances — Chapter 14, Part 2: Exhibit 14A (Fee Schedule), Articles 11–21

Audit Date: June 18, 2026

Scope: Exhibit 14A, Articles 11 through 21, plus the consolidated Fee Schedule

SUMMARY OF FINDINGS

This part's claimed tally (CRITICAL: 1, HIGH: 3, MEDIUM: 5, LOW: 1 — 10 total) is not supported by any findings narrative anywhere in this file or in a separately filed companion document; no such file was located. The severity-distribution text above describes only generic issue categories, not specific, cited findings tied to actual fee-schedule provisions. Per the Verified Findings Edition standard, all 10 claimed findings

are omitted from this edition as unverifiable. See the Fact-Check Edition's Errata item 15 for the full analysis.

This audit is part of a comprehensive, chapter-by-chapter Dillon's Rule review of the City of Chandler, Texas Code of Ordinances. All 14 chapters, plus Exhibits 10A and 14A, have now been audited.

New Laws Queue — Recently Adopted, Uncodified Ordinances

↑ [Back to Quick Reference by Severity](#)

Severity Tally — This Chapter



Total actionable findings retained: 2

0 Clean item(s) removed from this edition; 2 actionable finding(s) retained below, in full, without summarization.

NEW LAWS QUEUE — ecode360.com/CH4875/laws (9 items, checked 2026-06-18)

Adopted ordinances not yet codified into the main Code text. Screened against Dillon's Rule framework.

NIC (Not In Code — administrative/one-time acts, excluded from code-text audit, no Dillon's Rule exposure):

- O-2025-0211-A — Orders General Election. Election Code-governed, routine, no issue.
- O-2025-0211-B — Rezoning. Case-specific zoning action under [LGC Ch.211](#); not a code-text amendment.
- O-2025-0513-A — Canvasses Returns of General Election. Election Code-governed, routine.
- O-2025-0825-A — Budget. [LGC Ch.102](#) budget adoption, routine, annual.
- O-2025-0908-B — Tax Levy. [Tax Code Ch.26/LGC Ch.140](#) levy-setting, routine, annual.
- O-2025-0908-C — Abandons Alley. Case-specific ROW abandonment under [LGC Ch.272](#), not a standing code rule.
- O-2025-1209-A — Annexation. Case-specific under [LGC Ch.43](#), not a code-text amendment.

All seven are one-time/administrative acts outside the scope of a Code-of-Ordinances Dillon's Rule audit. No further action.

SUBSTANTIVE — affects standing Code text:

● **[LOW]** Ordinance O-2025-0812-A (adopted 2025-08-12, effective billing period beginning 2025-10-15)

1. Ordinance O-2025-0812-A (adopted 2025-08-12, effective billing period beginning 2025-10-15)

Amends Appendix A, Article A6.000 (Utilities), Sec. A6.003 Water Rates and Sec. A6.004 Wastewater Rates.

New rates: water minimum \$35.49/2,000 gal + tiered volume charges (\$4.81/\$6.20/\$7.66/\$9.19 per thousand); bulk water \$50 connect + \$10.00/thousand; wastewater residential minimum \$36.87, commercial minimum \$38.96 (to 2,000 gal) + \$1.05/thousand thereafter. Rates apply uniformly "regardless of being inside or outside the city limits."

AUTHORITY: Clean. General-law municipalities have express statutory authority to own/operate water and wastewater utilities and set rates ([LGC Ch.552](#); [Water Code Ch.13](#) exempts municipally-owned utilities from PUC original rate jurisdiction but requires rates be set by the governing body). No Dillon's Rule gap.

PREEMPTION: None — Water Code is not one of [HB 2127](#)'s 8 enumerated preempted codes.

CONFLICT: None apparent on the face of the rate schedule.

NOTE (LOW): Flat in-city/out-of-city rate parity is permissible but forecloses the differential-rate option [Water Code §13.043](#) contemplates for out-of-city retail customers; confirm this is an intentional policy choice, not an oversight, and confirm any required CCN (Certificate of Convenience and Necessity) territory is current for extraterritorial service. Administrative note: once codified, replaces existing A6.003/A6.004 — no audit action needed beyond noting the supersession.

Severity: LOW (1).

● **[MEDIUM]** Ordinance O-2025-1014-A (adopted 2025-10-14)

2. Ordinance O-2025-1014-A (adopted 2025-10-14)

Sets prima facie speed limit at 15 mph on Nathan Drive and Deer Point Circle (Ch.12 Art.03, Operation of Vehicles). Penalty: fine not exceeding \$200.00 (within the \$500 Class C/[LGC §54.001](#)(b) cap — compliant).

OUTDATED CITATION (MEDIUM): The ordinance's sole recited legal authority is "Article 6701d, Vernon's Texas Civil Statutes" — repealed and recodified into Transportation Code Title 7, Subtitle C effective September 1, 1995 (the actual governing authority for altering prima facie limits by engineering/traffic investigation is [Transportation Code §545.356](#)/§545.365). A 2025 ordinance — drafted three decades after recodification — citing a defunct Vernon's statute as its operative legal basis is not a legacy-code artifact; it is current drafting practice. Substantively the action is

authorized (municipalities may alter prima facie limits via traffic/engineering investigation under §545.356), so this is a citation defect rather than an authority gap, but it should be corrected going forward.

CROSS-REFERENCE: This is live confirmation that the defect already flagged at Chapter 12 [§12.01.001](#) (Uniform Act adopted under the pre-1995 Art. 6701d heading) is not merely inherited legacy text — the same citation is still being used in the city's current ordinance-drafting template as of October 2025. Recommend escalating [§12.01.001](#)'s remediation priority: a standing drafting-template fix (substitute [Transportation Code Ch.541](#)-600 citations for all Art. 6701d/Uniform Act references) would prevent recurrence in every future traffic ordinance, not just a one-time correction to the existing Code text.

Severity: MEDIUM (1).

TALLY: CRITICAL 0, HIGH 0, MEDIUM 1, LOW 1. Total actionable: 2. NIC screened: 7 (no action).