



City of Buda Regulating Authority Over Businesses Outside City Limits Update On GrubTubs Inc. Complaint Process

BUDA, TX — In recent weeks the City of Buda has filed multiple cases in Buda Municipal Court against GrubTubs Inc. for violation of the City's Odor Nuisance Ordinance. Per the City's ordinance, if the defendant is found guilty, the penalty in municipal court is a **fine only**. Violation of the ordinance is considered a Class C Misdemeanor, with a fine of up to \$500 with each occurrence being a separate violation. The defendants in municipal court are presumed innocent until and unless found guilty.

On or before Wednesday, August 7, 2019, the defendant must enter a plea of guilty, not guilty, or no contest for the **first round of code enforcement complaints**. The defendant can enter a plea by attorney, via fax, or by email. If the defendant pleads guilty, a fine will be assessed. If the defendant pleads not guilty, municipal court will set a Pre-Trial hearing. The Pre-Trial hearing is closed to the public. If the defendant wants to go to trial after the initial Pre-Trial hearing, the municipal court will set a trial and subpoena citizens who filed complaints. Trials are open to the public.

On or before, Wednesday, August 21, the defendant must enter a plea of guilty, not guilty, or no contest **for the second round of code enforcement complaints and first round of citizen complaints**. If the defendant pleads not guilty, municipal court will set a Pre-Trial hearing. The Pre-Trial hearing is closed to the public. If the defendant wants to go to trial after the initial Pre-Trial hearing, the municipal court will set a trial and subpoena citizens who filed complaints. Trials are open to the public.

What is the City of Buda's regulating authority over Grub Tubs Inc.?

GrubTubs Inc. falls outside the Buda city limits. Regulations concerning land use, environmental controls and permitting for the business are not within the City's jurisdiction. Therefore, the City has no authority to pull the permit or shut down the facility. The facility is located in unincorporated Hays County. Hays County, the Texas Commission on Environmental Quality (TCEQ), or any other applicable state agency may have authority over GrubTubs to regulate the business in accordance with each entity's rules and regulations.

What happens next?

Currently, the criminal charges are processing through municipal court. At any point, the defendant may plead guilty or no contest and be assessed a fine (only) by the court. If the defendant proceeds through the entire process to trial, all residents and witnesses who are willing to testify at the trial(s) will provide corroborative evidence to the City's prosecution. It is essential that witnesses document the date, time, location and details of each offense. In criminal court, the City will be held to the same standard and must provide proof beyond a reasonable doubt.

How do I file a Civilian Municipal Court complaint?

Citizens can file a Civilian Municipal Court complaint at the City of Buda Municipal Court Office located at 405 East Loop Street, Building 100. The complaint form is a sworn statement that will ask for your name, the date of the offense, and the location of the offense. Completion of the form may require that you testify in court. Please note that the civilian complaint is not a requirement.

Citizens who do not want to file a Civilian Municipal Court complaint may still submit statements to the City's Code Enforcement Officer at codeenforcement@ci.buda.tx.us, or online at <https://www.ci.buda.tx.us/RequestTracker.aspx> under the code enforcement tab.



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The City ordinance only allows the City to enforce odor nuisances. Other environmental issues fall within the jurisdiction of and should be filed with Hays County or the TCEQ (Texas Commission on Environmental Quality). Please contact the Hays County Development Services Department at 512-393-2150. To file an environmental complaint with the TCEQ, please contact 512-339-2929 or to file a complaint online go to <https://www.tceq.texas.gov/compliance/complaints>.

Link to Odor Nuisance Ordinance:

<https://www.ci.buda.tx.us/DocumentCenter/View/6956/Odor-Nuisance-Ordinance>