

**CITY OF KERRVILLE, TEXAS**  
**ORDINANCE NO. 2025-24**

**AN ORDINANCE AMENDING CHAPTER 30 "BUSINESSES" OF THE CITY'S CODE OF ORDINANCES BY AMENDING SEVERAL SECTIONS WITHIN ARTICLE I "GROUP HOMES AND BOARDING HOME FACILITIES", TO INCLUDE ADDING RECOVERY HOUSE TO THE TYPES OF GROUP HOMES REQUIRED TO BE REGISTERED WITH THE CITY AND CONSEQUENTLY EXEMPTED FROM THE REGULATIONS PROVIDED IN THIS CHAPTER; CLARIFYING THE PROVISION OF FEES; REDUCING THE DISTANCE REQUIREMENT BETWEEN BOARDING HOME FACILITIES; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT**

**WHEREAS**, in response to a study concerning unregulated boarding home facilities in Texas, the State Legislature enacted H.B. 216 in 2009, which is now codified in Chapter 260 of the Texas Health and Safety Code (Chapter 260); and

**WHEREAS**, Chapter 260 authorizes, but does not require, cities to regulate boarding home facilities; and

**WHEREAS**, Chapter 260 required the Texas Health and Human Services Commission (the Commission) to develop model standards for the operation of a boarding home facility, which it did; and

**WHEREAS**, Chapter 260 also provides that a city may (1) require a person to obtain a permit from the city to operate a boarding home facility within the city's jurisdiction; (2) adopt standards developed by the Commission; and (3) require a boarding home facility to comply with the adopted standards; and

**WHEREAS**, Section 215.075 of the Texas Local Government Code grants home-rule municipalities the authority to license any lawful business or occupation that is subject to the police power of the municipality; and

**WHEREAS**, City staff recommends amending the City ordinance regulating "boarding home facilities," as defined in Chapter 30, Article I of the City's Code of Ordinances, to among other things, (1) address the State's application of a recent law regarding "recovery houses," as defined in Section 469.001 of the Texas Health and Safety Code; and (2) reduce the distance requirement between boarding home facilities; and

**WHEREAS**, City Council finds it to be in the public interest to amend Chapter 30 of the City's Code of Ordinances as provided herein;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:**

**SECTION ONE.** Chapter 30 “Businesses”, Article I “Group Homes and Boarding Home Facilities” of the Code of Ordinances of the City of Kerrville, Texas, is amended by revising Section 30-6 to add the language that is underlined (added):

**“Sec. 30-6. Registration.**

A person commits an offense if he owns or operates the following types of group homes without registering with the Department and providing proof of a valid state license or accreditation, where applicable:

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(9) A recovery house accredited under Chapter 469, Texas Health and Safety Code.”

**SECTION TWO.** Chapter 30 “Businesses”, Article I “Group Homes and Boarding Home Facilities” of the Code of Ordinances of the City of Kerrville, Texas, is amended by revising Section 30-12 to add the language that is underlined (added):

**“Sec. 30-12. Exemptions.** This division does not apply to:

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(14) A recovery house accredited under Chapter 469, Texas Health and Safety Code.”

**SECTION THREE.** Chapter 30 “Businesses”, Article I “Group Homes and Boarding Home Facilities” of the Code of Ordinances of the City of Kerrville, Texas, is amended by revising Section 30-13 to delete the language that is stricken (~~deleted~~):

**“Sec. 30-13. Permit application.**

To obtain an annual permit to operate a boarding home facility, a person must submit an application to the director on a form provided for that purpose and pay the permit fee. The applicant must be the owner or operator of the boarding home facility. If the owner or operator is not an individual, an authorized officer or agent of the owner or operator must submit the form. The application must contain the following information before it is considered complete and subject to review:

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~~(10) A zoning verification letter from the City stating that the proposed use of the property complies with the City’s zoning regulations.”~~

**SECTION FOUR.** Chapter 30 “Businesses”, Article I “Group Homes and Boarding Home Facilities” of the Code of Ordinances of the City of Kerrville, Texas, is amended by revising Section 30-15 to add the language that is underlined (added) and deleting the language that is stricken (~~deleted~~):

**“Sec. 30-15 Permit Fees.**

- (a) The Both application and annual fees for a permit to operate a boarding home facility is are as determined from time to time by City Council.
- (b) The City will not refund a permit any fee.”

**SECTION FIVE.** Chapter 30 “Businesses”, Article I “Group Homes and Boarding Home Facilities” of the Code of Ordinances of the City of Kerrville, Texas, is amended by revising Section 30-16 to add the language that is underlined (added) and deleting the language that is stricken (~~deleted~~):

**“Sec. 30-16 Issuance or Denial of Permit.**

- (a) Upon payment of the fee and the submission of a complete application, the director shall issue an annual permit to operate a boarding home facility to the applicant, to include the number of authorized residents, if the director determines that:
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  - .
  - .
- (4) The proposed boarding home facility is not within ~~one-half (1/2) mile~~ five hundred feet (500.0') of an existing boarding home facility. For purposes of this section, the measurement consists of a straight line without regard to intervening structures or objects, from the nearest property line of the lot or tract on which the proposed boarding home facility is located to the nearest property line of the existing registered or permitted boarding home facility, which requires separation. An exception exists where two or more boarding home facilities exist within one-half (1/2) mile of each other as of the adoption date of this Ordinance, such boarding home facilities are exempt from this distance requirement and may remain in operation, but only where they are issued a permit by the City and comply with the remaining requirements of this article. Following the issuance of a permit, should the permit be revoked or a boarding home facility cease operations for a period of time greater than 90 days, then the distance requirement will apply.”

**SECTION SIX.** Chapter 30 “Businesses”, Article I “Group Homes and Boarding Home Facilities” of the Code of Ordinances of the City of Kerrville, Texas, is amended by revising Section 30-17 to add the language that is underlined (added) and deleting the language that is stricken (~~deleted~~):

**“Sec. 30-17 Variance from distance requirement.**

- (a) City council may grant a variance to a proposed boarding home facility authorizing its location within ~~one-half (1/2) mile~~ five hundred feet (500.0') of another boarding home facility.

**SECTION SEVEN.** The City Secretary is authorized and directed to submit this amendment to the publisher of the City’s Code of Ordinances and the publisher is authorized to amend the Code to reflect the amendments adopted herein and to correct typographical errors and to index, format, and number and letter paragraphs to the existing Code, as appropriate.

**SECTION EIGHT.** The provisions of this Ordinance are cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are expressly repealed to the extent of any such inconsistency or conflict.

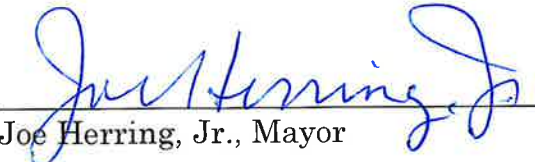
**SECTION NINE.** If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. City Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

**SECTION TEN.** The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-7, or its successor section, of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

**SECTION ELEVEN.** Pursuant to Texas Local Government Code §52.013(a) and Section 3.07 of the City’s Charter, the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by law as an alternative method of publication.

PASSED AND APPROVED ON FIRST READING, this the 14 day of OCTOBER, A.D., 2025.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the 28 day of OCTOBER, A.D., 2025.

  
Joe Herring, Jr., Mayor

ATTEST:

  
Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

  
Michael C. Hayes, City Attorney

**ORDINANCE CAPTION PUBLISHED IN THE  
HILL COUNTRY COMMUNITY JOURNAL  
WEDNESDAY NOVEMBER 5, 2025**

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TEXAS  
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