



Communications & Marketing

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FOR IMMEDIATE RELEASE

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City of Brownsville Files Chapter 54 Lawsuit Against Milwhite, Inc. Seeking Public Safety, Health and Compliance with City Ordinances and Urgent Safeguards for the Neighborhood and Community

BROWNSVILLE, TEXAS (February 20, 2024) – The City of Brownsville has filed a Chapter 54 lawsuit against Milwhite, Inc., a company that is operating a heavy industrial use located at 5487 South Padre Island Highway, Brownsville, Texas. The legal action comes after extensive efforts by the City to seek compliance with the City's Code of Ordinances and the Unified Development Code since August 29, 2023.

Section 54.012 of the Texas Local Government Code empowers municipalities to enforce ordinances for the preservation of public safety, health, and compliance with zoning regulations. The City has sought, through various means, to address concerns related to Milwhite, Inc.'s operations, particularly with respect to the materials and methods used in construction, fire safety, zoning, and land subdivision criteria.

Chapter 54 provides the City with legal avenues to address these concerns, including seeking a temporary restraining order, temporary injunction, and permanent injunction. On a showing of substantial danger or adverse health impacts, the municipality may obtain an injunction that prohibits specific conduct violating ordinances and requires specific conduct necessary for compliance.

Residents of nearby neighborhoods have reported issues such as pervasive dust, constant loud noise, declining health, illnesses, discomfort, and fear arising from Milwhite's operations. Given the proximity of Milwhite, Inc.'s property to a residential neighborhood



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and its location along a busy highway, adherence to governing ordinances is crucial for the health and safety of the community.

The Chapter 54 lawsuit includes provisions to compel the repair or demolition of structures and recover removal costs. The City may also seek civil penalties and an action in rem against the structure. To underscore the seriousness of the legal action, the City may file a notice of lis pendens in the county clerk's office, notifying subsequent purchasers or mortgages of the ongoing enforcement proceedings and court orders.

The City of Brownsville remains committed to the well-being of its residents and will vigorously pursue legal remedies to ensure the enforcement of ordinances for the benefit of the community.

“The decision to pursue legal action through a Chapter 54 lawsuit was not taken lightly,” said John Cowen, Jr. “However, it has become evident that this course of action is necessary to protect the well-being and interests of our residents. Our doors for dialogue and cooperation remain open, and we hope that Milwhite, Inc. will take this as an opportunity to rectify their practices and collaborate with the City to create a safer and more harmonious community for all.”

“As the District 2 City Commissioner, I am disheartened by what has happened to the residents of the Rey Jaime neighborhood, near Milwhite, Inc.,” said Linda C. Macias. “I, along with the City Commission and the City of Brownsville remain steadfast in helping residents move past this in the most efficient and precise manner.”

“The City of Brownsville, through its City Attorney’s Office, is taking the necessary steps to ensure compliance with our ordinances that protect the health, safety and welfare of our families and future generations to come,” said Helen Ramirez, AICP, Brownsville City Manager.

For media inquiries regarding this matter, please contact the City of Brownsville’s Communications and Marketing Department at Manuel.Chacon@BrownsvilleTx.gov or at (956) 556-1811.

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