

O R D I N A N C E

(Motion was made by John Richards, seconded by Jan Pierce that the following ordinance be passed.)

ORDINANCE NO. 90-1

AN ORDINANCE PROVIDING FOR THE OFFICE OF CITY MARSHAL FOR THE CITY OF WOODLOCH, TEXAS, AND PRESCRIBING THE APPOINTMENT, QUALIFICATIONS, TERM OF OFFICE, COMPENSATION, BONDING AND POWERS AND DUTIES; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS OF THE ORDINANCE; PROVIDING FOR THE REPEAL OF ANY AND ALL ORDINANCES, RESOLUTIONS, AND/OR INFORMAL POLICIES TO THE EXTENT THE SAME ARE INCONSISTENT WITH OR IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sections 25.076, 341.021 and 341.022 of the Local Government Code, V.T.C.A., provides for the Appointment, Qualifications, Term of Office, Powers and Duties and Bonding of a City Marshal; and,

WHEREAS, the City Council of the City of Woodloch has determined that it is in the best interest of the City and will promote the good government, harmony, peace and order of the City to provide for an ordinance to create this office of City Marshal.

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

Section 1. CREATION OF OFFICE.

The office of City Marshal is hereby created.

Section 2. DEFINITIONS.

For the purpose of this ordinance the following terms, phrases, words, abbreviations and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

A. "City" shall mean the City of Woodloch, Texas, a municipal corporation of the State of Texas.

B. "City Council" shall mean the present governing body of City or any successor to the legislative powers of the present City Council.

C. "Marshal" shall mean the person to be initially appointed City Marshal or any successor to the City Marshal.

Section 3. APPOINTMENT

The City Council by a majority vote shall appoint a City Marshal for the City. Such City Marshal shall be the Chief Law Enforcement Officer of the City and be responsible to the City Council for the proper and efficient administration of the police department of the City.

Section 4. QUALIFICATIONS.

City Marshal shall be chosen solely on the basis of police and administrative training, experience and ability and shall be a certified police officer as prescribed by the laws of the State of Texas.

Section 5. RESIDENCE OF CITY MARSHAL.

The City Marshal may or may not be a resident of the City.

Section 6. TERM.

The City Marshal shall be appointed for an indefinite term and may be removed at the discretion of the City Council, by vote of the majority of the City Council. The action of the City Council in suspending or removing the City Marshal shall be final. The termination shall be in keeping with the appeals and due process as set forth in the laws of the State of Texas.

Section 7. COMPENSATION.

The City Marshal shall receive such compensation as the City Council shall fix from time to time.

Section 8. ABSENCE OR DISABILITY.

During the absence or disability of the City Marshal, the City Council shall designate some properly qualified person to perform the duties said office.

Section 9. FIDELITY BOND.

The City Marshal shall provide a fidelity bond with such surety in the amount of \$5,000. The premiums of the bond shall be paid by the City of Woodloch.

Section 10. POWER AND DUTIES.

A. The Marshal has the same power within the municipality that a constable has within a precinct and is entitled to the same fees as a constable.

B. The Marshal shall perform duties, not inconsistent with state law, prescribed by the bylaws and ordinances of the municipality for fees determined by the City Council.

C. The Marshal or a deputy Marshal shall be available to the municipal court when it is in session and shall promptly and faithfully execute writs and process issued by the court. The Marshal may execute writs and serve process within the county in which the municipality is located, both inside and outside the municipal boundaries.

D. The Marshal may take suitable and sufficient bail for the appearance before the municipal court of a person charged with a violation of an ordinance or law of the municipality.

E. The Marshal has the same power and jurisdiction as the county sheriff to execute warrants, to prevent and suppress crime, and to arrest offenders. The Marshal has other powers, not inconsistent with state law, that the City Council confers by ordinance.

F. The Marshal may close a theater, ballroom, or other place of public recreation or entertainment to prevent a breach of the peace or to preserve quiet and good order.

G. The Marshal shall:

(1) quell riots, disorder, and disturbance of the peace in the municipality;

(2) take into custody a person who disturbs the peace of the municipality;

(3) arrest, without warrant, a person who disturbs the

peace, otherwise engages in disorderly conduct or a disturbance, or obstructs or interferes with the performance of the marshal's duties; and

(4) perform other duties, not inconsistent with state law, that the City Council prescribes by ordinance.

H. The Marshal shall open the park gate at 7:00 o'clock a.m. and close the gate at 9:00 o'clock p.m. each day, make written monthly reports, documenting patrol times, to be turned in prior to council meetings and shall make a minimum of three (3) daily trips through the City, none within four (4) hours of each other.

Section 11. SEVERABILITY.

If any provision, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the remaining portions of this franchise. It is the intent of City in adopting this Ordinance that no portion or provision thereof shall become inoperative or fail by reason of any invalidity or unconstitutionality of any other position or provision, and to this end all provisions of this Ordinance are declared to be severable.


Section 12. PASSAGE AND EFFECTIVE DATE.

This ordinance shall take effect and be in force effective immediately.

PASSED this the 8th day of May, 1990.

APPROVED this the 8th day of May, 1990.

APPROVED:

  
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City Attorney

  
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Mayor of the City of Woodloch