

CITY OF SANDY OAKS, TEXAS

ORDINANCE NO: 2014-12

AN ORDINANCE BY THE SANDY OAKS CITY COUNCIL ADOPTING THE POSITION OF' CITY MARSHAL; PROVIDING FOR THE DUTIES AND QUALIFICATION OF THE CITY MARSHAL; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Sandy Oaks City Council has abolished the elected office of City Marshal by ordinance, and

WHEREAS, the office of City Marshal is authorized by the Texas Local Government Code §342.021 and its duties defined therein, and

WHEREAS, the Council determines that it is in the best interest of the residents of The City of Sandy Oaks to establish the Office of City Marshal.

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

Section 1. The Office of the City Marshal is hereby created.

Section 2. The City Marshal and all Deputy City Marshals shall be certified and licensed as a law enforcement officer by the Texas Commission on Law Enforcement.

Section 3. The City Marshal shall be nominated by the Mayor and serves at the discretion thereof. A Mayor's nominee for City Marshall shall be approved by an affirmative vote of the City Council. The Municipal Judge shall have the authority to speak and be heard during Council deliberations on a nominee for City Marshal.

Section 4. The City Marshal shall act under the direction of the Mayor and Municipal Judge, and shall perform the following duties:

- A. Serve as the ex officio Chief of Police of the City of Sandy Oaks, Texas, with all powers, duties and responsibilities defined in Texas Local Government Code §341.02
- B. Execute warrants, subpoenas, and other legal process issuing out of the City of the Sandy Oaks Municipal Court, as determined by the Municipal Judge.
- C. Execute other warrants of arrest. subpoenas, and legal process as authorized by law and as determined by the Municipal Judge.
- D. Serve as the court bailiff and provide security to the City of Sandy Oaks Municipal Court.

- E. Any other duties authorized by the Municipal Judge in consultation with the Mayor, City Council or the Court Clerk.
- F. Execute the same power and jurisdiction as a peace officer under the Code of Criminal Procedure to prevent and suppress crime. arrest offenders, execute warrants.
- G. During times of a declared emergency issued by the Mayor of the City of Sandy Oaks to serve under the Mayor's direction to keep the peace and ensure public safety.
- H. 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.

Section 5. City Marshal shall have the authority appoint one or more Deputy City Marshals to assist and ensure the proper and effective execution of the duties of the City Marshal. All such appointments must be approved by an affirmative vote of the City Council.

Section 6. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstances, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the ordinance, and the City Council hereby declares it would have passed such remaining of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 7. All other Ordinances in effect and not in conflict with this Ordinance shall remain in full force and effect.


Section 8. The City Clerk of the City of Sandy Oaks is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the City Council of the City of Sandy Oaks and by filing this Ordinance in the Ordinance records of the City.

Section 9. This Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

PASSED, APPROVED AND ADOPTED THIS 11th DAY OF DECEMBER, 2014


James H. Clement, Mayor

ATTEST:


Charlotte Rabe, City Clerk