

CITY OF SANDY OAKS, TEXAS

ORDINANCE NO: 2015-20

AN ORDINANCE ESTABLISHING THE MUNICIPAL OFFICE OF CODE ENFORCEMENT OFFICER; PROCEDURE FOR APPOINTMENT; TENURE, VACANCY, COMPENSATION; DUTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER DETAILS REALTING TO THE PASSAGE OF THIS ORDINANCE.

WHEREAS, Sections 54.001 of the Texas Local Government Code authorizes the governing body of a municipality may enforce each rule, ordinance, or police regulation of the municipality and may punish a violation of a rule, ordinance, or police regulation, and;

WHEREAS, in accordance with Sections 22.071 and 22.072 of the Texas Local Government Code, the City Council of the City of Sandy Oaks has determined that it is in the interest of public health, safety and welfare that the office of Code Enforcement Officer shall be established.

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

SECTION 1. The facts and matters set out above in the recitations are found to be true and correct.

SECTION 2. POSITION ESTABLISHED; ALTERNATE REFERENCE; ASSIGNMENT

- a. The position of Code Enforcement Officer is hereby established
- b. A Code Enforcement Officer may also be known as the Code Compliance Officer
- c. Code Enforcement Officers shall serve under the direct supervision and command of the City Marshal

SECTION 3. APPOINTMENT; QUALIFICATION; COMMISSION; NUMBER; OATH

- a. Code Enforcement officers will be nominated by the City Marshal, subject to an affirmative vote of the City Council.
- b. Code Enforcement officers shall be commissioned and licensed police officers in accordance with the laws of the state and the guidelines set forth by the Texas Commission on Law Enforcement Officers Standards and Education, or its successor.
- c. The number of code enforcement officers shall be determined by the city council and shall be consistent with budgetary authorizations and requirements for code enforcement personnel within the department.
- d. Code Enforcement officers shall take the oath of office proscribed by the State of Texas and any additional oath established by the City Council prior to taking office.

SECTION 4. TERM OF CODE ENFORCEMENT OFFICER

The Code Enforcement Officer shall serve for such a term that the Mayor may desire.

SECTION 5. VACANCY

If a vacancy exists in the office of Code Enforcement Officer, the duties of the Code Enforcement Officer shall be performed by the City Marshal or his/her designee.

SECTION 6. COMPENSATION OF CODE ENFORCEMENT OFFICER

The compensation of the Code Enforcement Officer shall be as from time to time determined by the City Council.

SECTION 7. GENERAL DUTIES OF THE CODE ENFORCEMENT OFFICER

The Code Enforcement Officer shall:

- a. protect the life, health, property, safety and welfare of the public by executing the enforcement of city ordinances, state laws, and applicable codes as they pertain to areas of nuisance, illegal signage, high grass/weeds, junk/debris/trash, inoperable vehicles, dangerous or substandard buildings and illegal dumping.
- b. assists citizens by directing them to the proper County, State or Federal agencies for services
- c. issue a stop order to the owner and/or contractor performing work to be done, in violation of the City's building code, fire code, health and safety code, or any other code related to building construction, building standards, health and safety and/or land use regulations and any such person shall forthwith stop such work until authorized by the code enforcement officer, or other authorized city official, to proceed with the work.
- d. have the right to enter upon any premises at any reasonable time prior to the completion of the buildings for the purpose of making inspections of building or premises necessary to carry out his/her duties in the enforcement of city ordinances
- e. perform his/her duties with impartiality, consistency and due process of law

SECTION 8. REMOVAL

- a. The City Council may remove the Code Enforcement Officer for incompetency, corruption, misconduct, or malfeasance in office after providing the officer with due notice and an opportunity to be heard. The removal is effective only if two-thirds of the elected alderman vote in favor of a resolution declaring the lack of confidence.
- b. If the City Council lacks confidence in the Code Enforcement Officer, the Council may remove the officer at any time. The removal is effective only if two-thirds of the elected alderman vote in favor of a resolution declaring the lack of confidence.

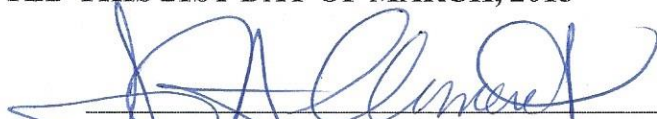
SECTION 9. SEVERABILITY

If any section, paragraph, sentence, clause, phrase or word of this ordinance of the application thereof to any person or circumstance is held invalid or unconstitutional, such holding shall not affect the validity of the remaining portion of this ordinance, and the City Council hereby declares that it would have passed such remaining portions despite invalidity or unconstitutionality.

SECTION 10. AMENDMENT OR REPEAL

A two-thirds (2/3) vote of the City Council shall be required to amend, abolish or supersede this ordinance.

PASSED, APPROVED AND ADOPTED THIS 21ST DAY OF MARCH, 2015


James H. Clement, Mayor

ATTEST:


Charlotte Rabe, City Clerk