

CITY OF SANDY OAKS, TEXAS

ORDINANCE NO: 2019-154

AN ORDINANCE BY THE SANDY OAKS CITY COUNCIL AMENDING ORDINANCE NO. 2019-152 ADOPTING THE POSITION OF CITY MARSHAL; PROVIDING FOR THE DUTIES AND QUALIFICATIONS OF THE CITY MARSHAL; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Sandy Oaks City Council abolished the elected office of City Marshal by Ordinance; and

WHEREAS, the City Council of the City of Sandy Oaks, Texas adopted Ordinance No. 2014-12 which created the office of City Marshal and provided for the duties and qualifications of the City Marshal; and

WHEREAS, the City Council has amended the ordinance establishing the position of City Marshal, most recently amended by Ordinance No. 2019-152 to designate the City Marshal as building inspector for the City; and

WHEREAS, the City Council has created the position of Building Inspector and therefore desires to amend Ordinance No. 2019-152 to remove the responsibilities and duties of the building inspector from the Marshal; and

WHEREAS, the Council determines that it is in the best interest of the residents of the City of Sandy Oaks to amend the ordinance establishing the Office of City Marshal to remove the responsibilities and duties of building inspector from the Marshal;

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

Section 1. Ordinance No. 2019-152 is hereby amended to remove the responsibilities and duties of building inspector from the duties of the Office of City Marshal.

Section 2. The Office of the City Marshal is hereby created.

Section 3. 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 4. 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 5. 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 §341.021, as amended.
- 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 6. City Marshal shall have the authority to 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.

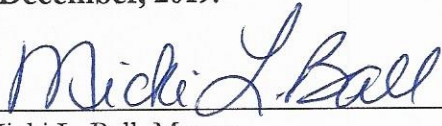
Section 7. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstances, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the 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 8. Any Ordinance or part of Ordinance to the extent it is inconsistent herewith is hereby repealed. All other Ordinances in effect and not in conflict with this Ordinance shall remain in full force and effect.

Section 9. 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 10. This Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

PASSED AND APPROVED this 12th day of December, 2019.



Micki L. Ball, Mayor

ATTEST:



Katherine Yelton, City Clerk