

CHAPTER 33: POLICE DEPARTMENT

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GENERAL PROVISIONS**§ 33.01 FEE FOR EXECUTION OF WARRANTS, OTHER WRITS.**

The city is authorized to charge a fee in an amount as established by City Council from time to time for executing or processing an arrest warrant, capias or any other writ. If the writ is performed by an officer employed by the state, the city shall forward to the comptroller of public accounts an amount as established by the City Council from time to time of the writ and shall keep an amount as established by City Council from time to time plus any interest earned during the quarter. If the officer who performs the service is local and has local jurisdiction, the city shall keep the entire writ fee. ('97 Code, § 10-1) (Ord. 1990-A, passed 3-27-90)

§ 33.02 POLICE VEHICLES EXEMPTED FROM INSCRIPTION REQUIREMENTS.

Automobiles used to perform an official duty by the Police Department are exempt from the inscription requirements of the Texas Transp. Code, § 721.004, as amended. The Chief of Police is authorized to approve and designate vehicles used by the Police Department in the performance of official duties to be unmarked. The Chief of Police and/or his or her designated representative are authorized to sign all applications, registration forms and/or affidavits necessary to obtain undercover license plates for vehicles approved to be unmarked. (Ord. 1997-I, passed 8-26-97)

CHIEF OF POLICE**§ 33.15 OFFICE CREATED.**

The office of Chief of Police in and for the city is created. ('97 Code, § 10-46)

§ 33.16 APPOINTMENT.

The City Council shall appoint the Chief of Police by a majority vote of the City Council. ('97 Code, § 10-47) (Ord. 1978-C, passed 2-28-79; Am. Ord. 1980-E, passed 6-24-80)

§ 33.17 SUSPENSION, REMOVAL PROCEDURE.

(A) The Mayor or City Council may suspend temporarily, with or without pay, the Chief of Police for good cause, with notice to the Chief in writing. Cause for suspension must be followed immediately by a full and just investigation. The action may be overruled by a majority vote of the Council.

(B) If the City Council lacks confidence in the Chief of Police, the City Council may remove the Police Chief at any time if two-thirds of the elected City Council vote in favor of a resolution declaring a lack of confidence in the Chief of Police and removing the Chief of Police from his or her appointed position.

(C) If a public hearing is requested by the officer, the City Council shall hold a hearing to determine whether good cause exists for the temporary or permanent suspension of an appointed officer. If, at the hearing, the City Council shall determine that grounds constituting good cause exist for the temporary or permanent suspension, the suspended officer shall be notified in writing of the grounds for suspension.

(`97 Code, § 10-48) (Ord. 1978-C, passed 2-28-79; Am. Ord. 1985-L, passed 12-10-85; Am. Ord. 1993-J, passed 8-24-93)

§ 33.18 REASONS FOR REMOVAL.

The City Council may remove the Chief of Police for incompetency, corruption, misconduct or malfeasance in office after providing the Chief of Police with due notice and an opportunity to be heard. (`97 Code, § 10-49) (Ord. 1985-L, passed 12-10-85; Am. Ord. 1993-J, passed 8-24-93)

§ 33.19 RESIGNATION.

When the Chief of Police desires of his or her own free will to vacate the office, he or she shall notify the Mayor, by submitting a written resignation to the City Secretary not later than 30 days prior to the requested termination. The City Secretary shall notify the Mayor of the resignation of the Chief of Police.

(`97 Code, § 10-50)

§ 33.20 GENERAL POWERS AND DUTIES.

The Chief of Police shall have the powers and shall fulfill the duties prescribed by state law for a City Marshal, and he or she shall perform such duties as are required of him or her by this code and other ordinances of the city.

(`97 Code, § 10-51)

POLICE OFFICERS**§ 33.35 APPOINTMENT, TERM QUALIFICATION.**

The City Council may provide for the appointment, term of office and qualification of the police officers as the City Council may deem necessary.

(`97 Code, § 10-71) (Ord. 1985-L, passed 12-10-85)

§ 33.36 REMOVAL PRIOR TO END OF PROBATION.

All police officers on probation may be removed without cause or a hearing prior to the end of their probation.

(`97 Code, § 10-72) (Ord. 1985-L, passed 12-10-85)

RESERVE POLICE**§ 33.50 CREATION; QUALIFICATIONS, STANDARDS.**

(A) Pursuant to the provisions of Tex. Loc. Gov't Code, § 341.012, there is created a reserve police force.

(B) The City Council shall establish qualifications and standards for training of members of the reserve police force.

(`97 Code, § 10-91) (Ord. 1980-D, passed 4-22-80; Am. Ord. 1980-L, passed 6-24-80; Am. Ord. 1989-A, passed 1-24-89)

§ 33.51 APPOINTMENT, REMOVAL; RULES.

(A) The City Council shall appoint and remove reserve police officers and shall adopt guidelines, rules and regulations pertaining to the reserve police force by resolution action.

(B) The City Council shall determine the size of the reserve police force.

(`97 Code, § 10-92) (Ord. 1980-D, passed 4-22-80; Am. Ord. 1980-L, passed 6-24-80; Am. Ord. 1989-A, passed 1-24-89)

§ 33.52 CALL TO DUTY; CAPACITY OF OFFICERS.

(A) The Chief of Police may call the reserve police force into service at any time the Chief considers it necessary to have additional officers to preserve the peace and enforce the law.

(B) Members of the reserve police force shall serve as peace officers during the actual discharge of official duties.

(`97 Code, § 10-93) (Ord. 1989-A, passed 1-24-89)

§ 33.53 CITY COUNCIL AUTHORITY, APPROVAL.

An appointment to the reserve police force must be approved by the City Council before the person appointed may carry a weapon or otherwise act as a police officer. After the appointment is approved, the person appointed may carry a weapon only when authorized to do so by the Chief of Police and only when discharging official duties as a peace officer. From time to time the Chief of Police shall submit to the City Council a list of those persons recommended by the Chief to be appointed as reserve officers and of those persons who have resigned or shall be removed on the recommendation of the Chief, which list the Council may review and exercise its authority to appoint to or approve the removal of any person from the reserve police force, as the City Council may determine to be appropriate.

(`97 Code, § 10-94) (Ord. 1989-A, passed 1-24-89)

§ 33.54 SUPPLEMENTARY CAPACITY.

Reserve police officers may act only in supplementary capacity to the regular police force and may not assume the full-time duties of regular police officers without complying with the requirements for the regular police officers.

(`97 Code, § 10-95) (Ord. 1989-A, passed 1-24-89)

