

CITY OF OAK RIDGE
KAUFMAN COUNTY, TEXAS

ORDINANCE NUMBER: 42-16

ESTABLISHMENT OF POLICE FORCE AND
APPOINTMENT OF POLICE CHIEF

AN ORDINANCE OF THE CITY OF OAK RIDGE, TEXAS, APPOINTING THE CHIEF OF POLICE AS A MUNICIPAL OFFICER; ESTABLISHING THE OAK RIDGE POLICE DEPARTMENT; PROVIDING FOR APPOINTMENT AND QUALIFICATIONS OF POLICE OFFICERS; ESTABLISHING A RESERVE POLICE FORCE; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Oak Ridge, Kaufman County, Texas (the “City”), is a Type B general-law municipality and the City Council of the City of Oak Ridge, Kaufman County, Texas (“City Council”), has the authority to adopt an ordinance, not inconsistent with state law, that the City Council considers proper for the governance of the City pursuant to Texas Local Government Code, Section 51.032; and

WHEREAS, Texas Local Government Code, Section 23.051 permits a governing body of a general law city to establish and authorize others officers and agents of the City as municipal officers of a general law city; and

WHEREAS, Texas Local Government Code, Section 341.001 authorizes a general law city to establish and regulate a municipal police force and provide for the appointment and qualifications, by ordinance, of police officers as deemed necessary; and

WHEREAS, Texas Local Government Code, Section 341.012 authorizes a general law city to establish and regulate a reserve police force and provide for the appointment and qualifications, by ordinance, of reserve police officers as deemed necessary; and

WHEREAS, the City Council has determined that it is in the best interests of the City and its residents to create the municipal office of Chief of Police, establish qualifications for such officer, create a police department as a municipal department, authorize the appointment of police officers, and establish qualifications for such police officers as provided for in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE, KAUFMAN COUNTY, TEXAS THAT:

SECTION I.

The above and foregoing premises to this Ordinance are true and correct, are incorporated herein, and made a part of this Ordinance for all purposes.

SECTION II.

The Office of the Chief of Police of the City of Oak Ridge, Kaufman County, Texas is hereby established as a municipal officer of the City of Oak Ridge, Kaufman County, Texas.

SECTION III.

The Police Department of the City of Oak Ridge, Kaufman County, Texas is hereby established as a municipal department of the City of Oak Ridge, Kaufman County, Texas.

SECTION IV.

The Police Reserve Force of the City of Oak Ridge, Kaufman County, Texas is hereby established.

SECTION V.

A. Appointment and Qualifications of Chief of Police.

1. Under authority of Texas Local Government Code Chapter 22, subchapter C, the City Council of the City of Oak Ridge, Texas, has established the Chief of Police as a municipal officer.

2. The City Council is hereby authorized to appoint a Chief of Police by majority vote of council persons. The Chief of Police shall be appointed by the City Council, upon the recommendation of the City Administrator, and shall have such powers and duties as are commonly specified for such an officer in state law or as provided for under City ordinance.

3. The Chief of Police shall not be employed by any business or doing business with the City and shall hold no office with any other governmental unit. This provision shall not be interpreted to prevent the Chief of Police from holding offices in a non-profit or civic organization.

4. The Chief of Police may be removed from office by the City Council pursuant to Texas Local Government Code, Section 22.077 "Removal of Municipal Officers", as may be amended.

5. The members of the Oak Ridge Police Department shall be under the authority, control, and command of the Chief of Police, subject to the federal and state law, and City ordinances. The Chief of Police is authorized to establish the positions of Lieutenant, Sergeant, Corporal, as permitted by the City Council, and fill these positions as permitted by the fiscal budget of the City. Any appointment by the Chief of Police is final upon approval of the City Council.

B. Appointment and Qualifications of Police Force.

1. Under authority of Texas Local Government Code, Chapter 22, subchapter C, the City Council of the City of Oak Ridge, Texas, has established a Police Department consisting of a Chief of Police and such other commissioned police officers as the City Council may from time to time deem necessary.

2. A commissioned police officer shall be certified and licensed as a Texas Peace Officer by the State of Texas and shall meet any additional hiring standards as set by the Chief of Police, based on customary standards and practices.

3. A commissioned police officer shall have all the powers, duties and obligations placed upon them by Texas law, including the authority to make arrests, keep the peace and do and perform each and every act that a peace officer is authorized to do, under the laws of the State of Texas, by City ordinance, the City of Oak Ridge Police Department Policy and Procedure Manual, and any lawful order by the Chief of Police.

4. A commissioned police officer serves at the pleasure of the City Council.

5. A commissioned police officer shall execute a bond if required by the City Council, with such bond conditioned on the officer's faithful performance of his or her duties.

C. Establishment of Reserve Police Force

1. Under authority of Texas Local Government Code, Section 341.012, the City Council has established a Police Reserve Force. The Police Reserve Force may consist of any number of officers appointed by the Chief of Police, provided such officers meet the qualifications as provided for by law. The Chief of Police is hereby authorized and directed, as deemed necessary, to

request the City Treasurer to reimburse any member of the Police Reserve Force for uniform expenses, and the City Treasurer is authorized to approve such requests for reimbursement when the request has been properly made.”

SECTION VI.

Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Glen Rose hereby declares that it would have passed this Ordinance each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION VII.

Effective Date. This Ordinance shall take effect immediately after its passage and publication of the caption as required by law.

DULY PASSED by the City Council of Oak Ridge, Kaufman County, Texas on the 23rd day of May, 2016.

APPROVED:

Al Rudin, Mayor

ATTEST:

Donna Sprague, City Secretary