

CITY OF PLUM GROVE, TEXAS

ORDINANCE NO. 019-2023A

AN ORDINANCE OF THE CITY OF PLUM GROVE, TEXAS ESTABLISHING A RESERVE POLICE FORCE; PROVIDING FOR SERVEABILITY; PROVIDING FOR PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Plum Grove, Texas (“City”) is a Type A General Law Municipality duly organized and incorporated under the laws of the State of Texas with a population less than 5,000; and

WHEREAS, Local Government Code section 51.001 authorizes the governing body of a municipality to adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for good government, peace, or order of the City or for the trade and commerce of the municipality and is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, Local Government Code section 22.071 provides that in addition to the members of this governing body of the municipality, the other officers of the municipality are the secretary, treasurer, assessor and collector, municipal attorney, marshal, municipal engineer, and any other officers or agents authorized by the governing body; and

WHEREAS, Local Government Code section 341.001 authorizes a Type A General Law Municipality 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, Local Government Code section 22.076 provides the governing body of a municipality with a population of less than 5,000 by ordinance may confer the duties of the office on a municipal police officer appointed as the governing body directs or on any other peace officer of the county; and

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

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLUM GROVE, TEXAS;

SECTION 1. PREAMBLES INCORPORATED

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 2. ESTABLISHMENT OF POLICE RESERVE FORCE

Under authority of Local Government Code section 341.012, the City Council hereby establishes a Police Reserve Force of the City of Plum Grove, Texas. 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, and serve at the discretion of the Chief of Police. The Chief of Police is hereby authorized and directed, as deemed necessary, to expend budgetary funds, as appropriate, for necessary expenses relating to a Police Reserve Force. The Chief of Police is hereby authorized and directed, as deemed necessary, to request City Treasurer, or authorized financial officer or employee of the City, to reimburse any member of the Police Reserve Force for uniform expenses or appropriate expenses, and the City Treasurer, or authorized financial officer or employee of the City, is authorized to approve such requests for reimbursement when the request has been properly made.

SECTION 3. APPOINTMENT AND QUALIFICATIONS OF POLICE RESERVE FORCE

The appointment and qualification of a Police Reserve Force are as follows:

- A. Under authority of Local Government Code 341, the City Council of the City of Plum Grove, 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.
- B. A commissioned police officer of the Police Reserve Force shall be certified and licensed as a Texas Peace Officer by the State of Texas and shall meet an additional hiring standard as set by the Chief of Police, based on customary standards and practices.
- C. A commissioned police officer of the Police Reserve Force 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 Plum Grove Police Department Policy and Procedure Manual, and any lawful order by the Chief of Police.
- D. A commissioned police officer of the Police Reserve Force serves at the pleasure of the City Council.
- E. A commissioned police officer of the Police Reserve Force 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.

SECTION 4. SEVERABILITY

Should any section, subsection, sentence, clause, or phrase of the 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 and the City Council hereby declared 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 5. PRECEDENCE

All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all

other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 6. VIOLATIONS

Any person who violates or causes, allows, or permits another to violate any provision of the Ordinance shall be deemed guilty of a misdemeanor upon conviction thereof, shall be punished by a fine or not more than Two Thousand and No/100 Dollars (\$2,000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of the Ordinance occurs shall constitute a separate offense.


SECTION 7. EFFECTIVE DATE

This Ordinance shall be effective and in full force immediately upon adoption.

SECTION 8. COMPLIANCE

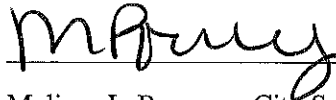
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED on this 9th day of January 2023.

CITY OF PLUM GROVE, TEXAS


Barbara Norris, Mayor

ATTEST:



Melissa Jo Pouncey, City Secretary