

ORDINANCE NO. 0314-2022

AN ORDINANCE OF THE CITY OF PLUM GROVE, TEXAS ESTABLISHING THE PLUM GROVE POLICE DEPARTMENT; DESIGNATING THE CHIEF OF POLICE AS AN OFFICER OF THE CITY; PROVIDING FOR THE APPOINTMENT OF THE POLICE CHIEF; PROVIDING FOR THE APPOINTMENT AND QUALIFICATIONS OF POLICE OFFICERS; PROVIDING FOR SEVERABILITY; 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 the 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 the 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 interests 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 qualifications 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. All of the facts recited in the preamble to this Ordinance are found by the City Council to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

SECTION 2. ESTABLISHMENT OF CHIEF OF POLICE. The Office of the Chief of Police of the City of Plum Grove, Texas is hereby created and established as a municipal officer of the City of Plum Grove, Texas.

SECTION 3. ESTABLISHMENT OF PLUM GROVE POLICE DEPARTMENT. The Plum Grove Police Department is hereby created and established as a municipal department of the City of Plum Grove, Texas consisting of a Chief of Police and such other commissioned police officers as the City Council may from time to time deem necessary.

SECTION 4. APPOINTMENT AND QUALIFICATIONS OF CHIEF OF POLICE.

- A. Under authority of Local Government Code section 22.071, the City Council of the City of Plum Grove, Texas, has established the Chief of Police as a municipal officer.
- B. The City Council is hereby authorized to appoint the Chief of Police by majority vote. The Chief of Police shall be appointed by the City Council, upon the recommendation of the Mayor, 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. City Council shall establish a compensation to be paid to the Chief of Police either in conjunction with the approval of the budget of the city or at such times as the City Council might desire or direct.
- C. 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 agency. This provision shall not be interpreted to prevent the Chief of Police from holding offices in a non-profit or civic organization.
- D. The Chief of Police shall serve at the pleasure and discretion of the City Council. The Chief of Police may be removed from office by the City Council pursuant to Local Government Code section 22.077 "Removal of Municipal Officers," as may be amended.
- E. The members of the Plum Grove Police Department shall be under the authority, control and command of the Chief of Police, subject to the federal and state laws, 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 subject to final approval of the City Council.
- F. The Chief of Police is granted all powers, duties, and responsibilities defined in Texas Local Government Code §341.021, as amended, and in addition shall:
 - 1. Execute warrants, subpoenas, and other legal process issuing out of the City of the Plum Grove Municipal Court, as determined by the Municipal Judge.

2. Execute other warrants of arrest, subpoenas, and legal process as authorized by law and as determined by the Municipal Judge.
3. Serve as the court bailiff and provide security to the City of Plum Grove Municipal Court.
4. Any other duties authorized by the Municipal Judge in consultation with the Mayor, City Council or the Court Clerk.
5. 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.
6. During times of a declared emergency issued by the Mayor of the City of Plum Grove to serve under the Mayor's direction to keep the peace and ensure public safety.

SECTION 5. APPOINTMENT AND QUALIFICATIONS OF POLICE FORCE.

- A. Under authority of Local Government Code Chapter 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 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.
- C. 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 Plum Grove Police Department Policy and Procedure Manual, and any lawful order by the Chief of Police.
- D. A commissioned police officer serves at the pleasure of the City Council.
- E. 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.

SECTION 6. 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 and the City Council 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 7. 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 8. Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of 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 9. EFFECTIVE DATE. This Ordinance shall be effective and in full force immediately upon its adoption.

SECTION 10. 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 4 day of March 2022.

CITY OF PLUM GROVE, TEXAS


Barbara Norris, Mayor

ATTEST:


Melissa Jo Pouncey, City Secretary