

ORDINANCE NO. 22-G-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING CHAPTER 66, ARTICLES I AND II OF THE CODE OF ORDINANCES, CITY OF SCHERTZ, TEXAS TO PROVIDE FOR THE ESTABLISHMENT OF THE CITY OF SCHERTZ POLICE DEPARTMENT; ESTABLISHING THE POSITION OF CHIEF OF POLICE AND PROVIDING FOR THE EMPLOYMENT OF POLICE OFFICERS; PRESCRIBING THE QUALIFICATIONS, DUTIES AND RESPONSIBILITIES OF THE CHIEF OF POLICE AND POLICE OFFICERS ESTABLISHING THE JURISDICTIONAL BOUNDARIES OF THE DEPARTMENT; PROVIDING A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Texas Local Government Code Section 341.003 a home-rule municipality may provide for the establishment of a police department; and

WHEREAS, pursuant to such authority the City of Schertz, Texas has previously established a police department, the head of which is the Chief of Police of the City of Schertz; and

WHEREAS, The City of Schertz Police Department is pursuing "Recognized" status from the Texas Police Chiefs Association's Law Enforcement Best Business Practices Recognition Program, and

WHEREAS, the standards of the Recognition Program require explicit language creating a police department and the authority and responsibility of both Officers and the Chief of Police; and

WHEREAS, the City Council desire to formally provide for the establishment of the Police Department by the enactment of this ordinance.

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

Section 1. Chapter 66 Police Articles I and II of the City Code of the City of Schertz Texas is hereby amended as set forth in the attached Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All ordinances, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subjectmatter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Ordinance shall be in force and effect from and after its final passage, and it is so ordained.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, THAT THIS ORDINANCE WAS PASSED and APPROVED on first reading this the 8th day of March, 2022.

PASSED, APPROVED and ADOPTED on second reading this the ___ day of _____, 2022.

APPROVED

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary

(CITY SEAL)

EXHIBIT A

CHAPTER 66 POLICE ARTICLE I AND II ARE HEREBY AMENDED AS SET FORTH BELOW

[Deletions are shown as strikethrough and additions are shown as underscore]

Chapter 66 POLICE ARTICLE I. IN GENERAL

Sec. ~~66-1. Arrest without warrant.~~

- (a) ~~A police officer of the city may arrest an offender, without a warrant, for any offense committed in his presence or within his view.~~
- (b) ~~A police officer of the city may arrest, without warrant, when a felony or breach of the peace has been committed in the presence or within the view of a magistrate, and such magistrate verbally orders the arrest of the offender.~~
- (c) ~~A police officer of the city may arrest, without warrant, persons found in suspicious places and under circumstances which reasonably show that such persons have been guilty of some felony or breach of the peace, or threaten to or are about to commit some offense against the laws of the city or state.~~
- (d) ~~Where it is shown by satisfactory proof to a police officer of the city, upon the representation of a creditable person that a felony has been committed, and that the offender is about to escape, so that there is no time to procure a warrant, such police officer may, without warrant, pursue and arrest the accused.~~

~~(Code 1976, § 14-1; Ord. No. 34, 7-11-1960)~~

~~State law reference(s) — Similar provisions, Vernon's Ann. C.C.P., arts. 14.01—14.04.~~

Sec. 66-1. Establishment of police department; jurisdiction.

There is hereby established a police department for the City of Schertz. The police department shall be composed of the Chief of Police and such other police officers and employees as the city council may provide. The jurisdiction of the police department shall be the corporate limits of the City and that property lying outside the city limits, which is owned by the City. When outside the jurisdictional limits of the City, police officers of the City of Schertz shall have and may exercise such authority and powers as may be granted to them as peace officers under the constitution and laws of the State of Texas and of the United States.

Sec. 66-2. Chief of Police.

The Chief of Police shall be appointed by the City Manager and be in charge of the police department. The Chief of Police shall organize the Department in conformity with the laws of the state and ordinances of the City. The Chief of Police may promulgate policies, procedures, rules, directives and orders for the administration of the department, including, but not limited to discipline within the Department.

Sec. 66-3. Qualifications, appointment and powers of police officers.

- (a) All police officers of the City of Schertz shall be appointed, promoted, disciplined and removed in accordance with the provisions of the City of Schertz Police Department Standard Operating Procedures and the City of Schertz Personnel Policy, as amended. No person may be appointed or continue to serve as a police officer who does not comply with the licensing requirements of the Texas Commission on Law Enforcement.
- (b) Police officers of the City shall possess such power and authority as is given to peace officers under the laws of the State of Texas and the ordinances of the City.
- (c) All personnel of the police department shall be bound by the most current directives, orders, rules, regulations, policies and procedures of the Schertz Police Department and City of Schertz. Failure to abide thereby shall subject the violating personnel to such disciplinary action as may be determined by the Chief of Police and / or City Management within the limits of state law and city ordinance.

Secs. 66-4 66-20. Reserved.

ARTICLE II. ~~RESERVE POLICEMEN~~RESERVED

~~Sec. 66-21. Authority to establish force; maximum number.~~

- ~~(a) In order to better preserve the general safety of the citizens of the city and to provide for trained police assistance in times of emergency, there is created a police reserve force for the city police department.~~
- ~~(b) The police reserve force shall be a volunteer organization with a membership restricted to not more than 25 in number. The police reserve force shall be under the control and direction of the city manager acting through the chief of police.~~

~~(Code 1976, § 14-13; Ord. No. 79-G-13, §§ I, II, 7-17-1979)~~

~~State law reference(s) — Municipal authority to establish police reserve force, Tex. Local Government Code, § 341.012(a).~~

Sec. 66-22. Training.

~~The police reserve force shall be operated under basic policies and rules as established by the city council. The city manager, acting through the chief of police, shall be responsible for ensuring that the policies and rules of the force are adhered to, and for the development of training programs and operating procedures.~~

~~(Code 1976, § 14-14; Ord. No. 79-G-13, § IV, 7-17-1979)~~

~~State law reference(s) — Governing authority shall establish training standards, Tex. Local Government Code, § 341.012(b).~~

Sec. 66-23. Compensation.

~~Members of the police reserve force shall serve without compensation, unless specifically authorized by the city council.~~

~~(Code 1976, § 14-15; Ord. No. 79-G-13, § II, 7-17-1979)~~

Sec. 66-24. Approval of appointments by council; carrying of weapons.

~~No person appointed as part of the police reserve force may carry a weapon or otherwise act as a police officer until he has been approved by the city council. After approval, he may carry a weapon only when authorized by the chief of police, and only when discharging official duties as a duly constituted peace officer.~~

~~(Code 1976, § 14-16; Ord. No. 79-G-13, § III, 7-17-1979)~~

~~State law reference(s) — Similar provision, Tex. Local Government Code, § 341.012(g).~~

Sec. 66-25. To serve at discretion of chief of police.

~~Members of the police reserve force shall act in the capacity of police officers only upon the direction and under the supervision of the chief of police. A member of the police reserve force shall have no police authority or power except when specifically assigned to duty by the chief of police.~~

~~(Code 1976, § 14-17; Ord. No. 79-G-13, § V, 7-17-1979)~~

~~State law reference(s) — Similar provisions, Tex. Local Government Code, § 341.012(e), (f).~~

Sec. 66-26. To act in supplementary capacity.

~~Reserve police officers shall act only in a supplementary capacity to the regular police force and shall, in no case, assume the full time duties of regular police officers without first complying with all requirements for such regular police officers and only then upon the express approval of the city council.~~

~~(Code 1976, § 14-18; Ord. No. 79-G-13, § VI, 7-17-1979)~~

~~State law reference(s)—Similar provision, Tex. Local Government Code, § 341.012(h). Sec. 66-27. Changing policies regarding the police reserve force.~~

~~The city council may at any time change the policies under which the police reserve force is organized and administered, and may expand or disband the unit as it may deem in the best interests of the safety and welfare of the city.~~

~~(Code 1976, § 14-19; Ord. No. 79-G-13, § VII, 7-17-1979)~~