

**ORDINANCE 9005**

**AN ORDINANCE, REPLACING ORDINANCE 245, ESTABLISHING THE OFFICE OF ASSISTANT POLICE CHIEF; DESIGNATING THE DUTIES THEREOF AND PROVIDING FOR SEVERABILITY.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS:**

**Section 1:** There is hereby created and established the office of Assistant Police Chief for the City of Cottonwood Shores, Texas.

**Section 2:** The Assistant Police Chief shall be appointed by and serve at the pleasure of the City Council.

**Section 3:** The Assistant Police Chief shall take and subscribe to the Official Oath prescribed by the Constitution of the State of Texas and shall give surety bond for the faithful performance of duties, in the sum of Five Thousand Dollars (\$5,000.00), premium for which shall be paid by the City of Cottonwood Shores, Texas.

**Section 4:** After taking and subscribing to the Oath of Office and giving bond as provided in Paragraph 3 of this Ordinance, A Commission shall be issued by the appointee.

**Section 5:** The appointment of an Assistant Police Chief or of any Deputy shall be made and entered in the minutes of the City Council at any Regular or Special Meeting of said City Council and the Commission issued to such Police Chief, Assistant Police Chief or Deputy shall become effective after the same has been signed by the Mayor and such appointment has been entered into the Official Record.

**Section 6:** The Assistant Police Chief and each Deputy shall receive compensation as the City shall from time to time determine.

**Section 7:** It is the duty of the Police Chief, Assistant Police Chief or Deputy to preserve the peace within the jurisdiction as granted by State Law and to affect this purpose the Officers may use all lawful means. The Officers shall be responsible for enforcing all Municipal Ordinances of the City of Cottonwood Shores.

**Section 8:** The Assistant Police Chief shall have authority:

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1. To execute warrants of arrest or other process issued out of the Municipal Court in said City of Cottonwood Shores
2. To arrest, without warrant, in all cases where authorized by the laws of the State of Texas
3. To arrest, without warrant, when offenses against the Laws or Ordinances are committed in their presence.
4. To arrest, without warrant, a person who disturbs the peace, otherwise engages in disorderly conduct or a disturbance, or obstructs or interferes with the performance of the Assistant Police Chief's duties.
5. To perform other duties, not inconsistent with State Law, which the governing body prescribes by Ordinance.

**Section 9:** The Assistant Police Chief or Deputy shall be available to the Municipal Court when it is in session and shall promptly and faithfully execute writs and process issued by the court. The Assistant Chief may execute writs and serve process within the State of Texas and within Burnet County, both inside and outside the Incorporated City Limits of Cottonwood Shores.

**Section 10:** The Assistant Police Chief may take suitable and sufficient bail for the appearance before the Municipal Court of a person charged with a violation of an Ordinance or Law of the Municipality, the State of Texas or the United States of America.

**Section 11:** The Assistant Police Chief shall have the same power and jurisdiction as the County Sheriff to execute warrants, to prevent and suppress crime and to arrest offenders. The Assistant Police Chief has other powers, not inconsistent with State Law, which the governing body confers by Ordinance.

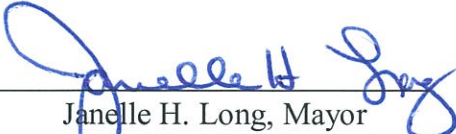
**Section 12 (Severability):** If any provision, section, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be Unconstitutional, void or invalid; the validity of the remaining portions of this Ordinance shall not be affected thereby; it being the intent of the City Council in adopting this Ordinance that no portion thereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any Unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 13 (Open Meetings):** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given, as required by the Open Meetings Act, Chapter 551 of the Texas Local Government Code.

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**PASSED AND APPROVED** by the City Council of Cottonwood Shores, Texas, at a meeting on the 5<sup>th</sup> day of April, 2012 with 5 votes in favor, 0 votes against and 0 abstentions.

  
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Janelle H. Long, Mayor



Attest:

  
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Mark E. Pederson, City Secretary