

ORDINANCE

NO. OR10-2016-52

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS, RECOGNIZING THE OFFICE OF CITY MARSHAL AND THAT SAID OFFICE IS A DESIGNATED LAW ENFORCEMENT AGENCY WITH THE STATE OF TEXAS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Cleburne, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the Cleburne City Marshal's Office and the Cleburne Police Department are separate and distinct law enforcement agencies that trace their shared history to the position of Town Constable, created by an act of the Texas Legislature, approved May 3, 1871; and

WHEREAS, according to archived records the titles City Marshal and Chief of Police were interchangeable when City Marshal Abe Bledsoe was killed in the line of duty on April 15, 1912 while assisting firefighters fight the fire that destroyed the Johnson County Courthouse; and

WHEREAS, the City Council of the City of Cleburne, Texas, adopted Ordinance No. OR02-1996-04 on February 27, 1996 creating the position of City Marshal/Warrant Officer in the Municipal Court; and

WHEREAS, the City Council of the City of Cleburne, Texas, adopted Ordinance No. OR06-1996-26 on June 25, 1996 establishing the City Marshal's Office within the Municipal Court; and

WHEREAS, the City Council of the City of Cleburne, Texas, adopted Ordinance No. OR05-2004-31 on May 11, 2004 moving the City Marshal's office from the Municipal Court to the City Manager's Office and appointing the currently appointed S.T.O.P Task Force Commander, Adam King, to a position in the City Marshal's office, reporting directly to the City Manager; and

WHEREAS, the City Council of the City of Cleburne, Texas, adopted Ordinance No. OR12-2014-101 on December 9, 2014 providing for the special appointment of Police Chief Robert H. Severance III as Interim City Manager simultaneously holding a commission as Chief City Marshal. Any member of the Cleburne City Marshal's Office who is a peace officer as described by Article 2.12, Tex. Code of Criminal Procedure, shall have authority to enforce the criminal laws of the State of Texas and the ordinances and regulations of the City of Cleburne;

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

SECTION ONE. The City Council of the City of Cleburne hereby recognizes the Office of City Marshal and that said office is a designated Law Enforcement Agency with the State of Texas. The establishment of the Office of City Marshal contains the following:

- (a) *Established.* There is hereby established the office of city marshal, to be filled by qualified persons, appointed by the city manager or his designee.
- (b) *Separate agency.* The city marshal's office is a separate and distinct law enforcement agency from the Cleburne Police Department. The city marshal and deputies are not covered under the Municipal Civil Service provisions of Tex. Loc. Gov't Code Chapter 143.
- (c) *Vacancy.* If the city marshal's office is vacant, the chief of police shall be the ex officio city marshal and a commissioned peace officer of both agencies as permitted by law.
- (d) *Composition.* The city marshal's office may consist of a city marshal, deputy marshals, part-time deputy marshals, and volunteer deputy marshals.
- (e) *Qualifications.* The city marshal and deputies shall meet all qualifications necessary to be certified as peace officers by the State of Texas.
- (f) *Duties.* The city marshal and deputies, acting under the direction of the city manager or his designee, may perform the following duties:
 - (1) Enforce federal and state laws, and all rules, regulations and ordinances adopted by the City Council;
 - (2) Execute warrants of arrest, subpoenas, summons, and other legal process issued by a judge of the municipal court;
 - (3) Perform other duties as assigned by the city manager or his designee. This may include providing security and effecting warrant service of the municipal court, or serving on a multijurisdictional task force.
- (g) *Authority.* The city marshal and deputies shall serve as peace officers of the City and have full police authority in the exercise of their assigned duties.
- (h) *Oath of office.* The city marshal and deputies shall be required to take an oath of office before entering upon the discharge of duties. The oath shall be subscribed by the person taking it and shall be filed and preserved in the office of the City Secretary.

SECTION TWO. Cumulative Clause. That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance, Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION THREE. Severability Clause. That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

SECTION FOUR. Savings Clause. That all provisions of the Code of Ordinances of the City of Cleburne, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION SEVEN. Effective Clause. This Ordinance shall become effective after the date of its passage and upon its publication as required by law.

PASSED AND APPROVED this the 25th day of October, 2016 at a Regular Meeting of the City Council of the City of Cleburne, Texas.

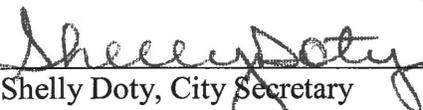


CITY OF CLEBURNE

BY: 

Scott Cain, Mayor

ATTEST:


Shelly Doty, City Secretary