

ORDINANCE NUMBER 972

AN ORDINANCE OF THE CITY OF BURKBURNETT, TEXAS REAFFIRMING THE ESTABLISHMENT OF THE POLICE DEPARTMENT, REQUIRING ALL POLICE OFFICERS TO BE LICENSED, REAFFIRMING THE POSITION OF CHIEF OF POLICE, OUTLINING THE GENERAL DUTIES AND RESPONSIBILITIES OF THE CHIEF OF POLICE, AND REAFFIRMING THE AUTHORITY, DUTIES, AND RESPONSIBILITIES OF POLICE OFFICERS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Chapter 341 of the Texas Local Government Code authorizes cities to provide for a Police Department; and

WHEREAS, the City of Burkburnett, Texas (“City”) has a long-standing and lawfully existing police department and the Board of Commissioners wishes to reaffirm the police department (“Police Department”) by Ordinance to assist the Police Department of Burkburnett in pursuing “Recognized” status from the Texas Police Chiefs Association’s Law Enforcement Best Business Practices Recognition Program (“Recognition Program”), and

WHEREAS, the standards of the Recognition Program require explicit language confirming the existence of a police department and the authority and responsibility of both Officers and the Chief of Police, rather than reliance upon the general power’s provisions provided in State law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, THAT:

SECTION 1: Findings Incorporated.

The findings set forth above are incorporated into the body of this Ordinance as fully set forth herein.

SECTION 2: Enacted.

A. Purpose and Intent.

The purpose and intent of this Ordinance is to secure the general health, safety, and welfare of the residents of the City of Burkburnett by:

1. Explicitly affirming the existence of the Police Department created by the City;
2. Explicitly affirming the position of Chief of Police to oversee and manage the Burkburnett Police Department; and
3. Outlining the duties and responsibilities of both Chief of Police and Police Officers.

B. Reaffirmation of the Existence of the City’s Police Department.

The existence and creation of the City’s Police Department, the head of which shall be the Chief of Police, is hereby reaffirmed. The Police Department shall be composed of the Chief of Police,

and other officers and employees as the Chief of Police, City Manager and/or City budget may provide. The jurisdiction of the Police Department shall be the corporate limits of the City, that property lying outside the city limits which is owned by the City and other areas allowed by law.

C. Certification; Compliance with State Requirements.

No person will be certified as a police officer of the City who has not complied with the basic requirements established by the state for police officers and by the City acting through the Chief of Police.

D. Chief of Police.

1. The Chief of Police shall be selected and removed by the City Manager in accordance with the City Charter, City Personnel Policy Handbook, and other applicable laws and policies.

2. The Chief of Police shall carry out the functions of the Police Department relating to public safety and enforcement of Ordinances, state, and federal laws; organize the Police Department of the City in conformity with the laws of the state, direction of the City Manager and Ordinances of the City; and shall promulgate policies, procedures, rules, directives, and orders for the administration of the Police Department, including but not limited to discipline with the Police Department.

E. Authority and Duties of Police Officers.

1. Individual officers constituting the City's Police Department are invested with all the power and authority given to them as peace officers under the laws of the state. Inherent with this power and authority is the obligation to preserve the peace, to enforce the Ordinances and regulations of the City, and the laws of the state and the United States, to take legal custody of offenders and to secure the citizens from violence. Nothing in this Ordinance shall limit the authority given to peace officers or the Chief of Police by other law.

2. All personnel of the Police Department shall be bound by the most current directives, orders, rules, regulation and procedures for the operation of the Police Department as may be promulgated or as hereinafter amended by the Chief of Police, City Manager, or Board of Commissioners and failure to abide thereby shall subject the violating personnel to such disciplinary action as may be determined by the Chief of Police within the limits of state law, City Ordinance and City and Police Department policies.

SECTION 3: Severability.

If any section, article, paragraph, sentence, clause, phrase, or word in the Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance. The Board of Commissioners hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4: Repealer.

This Ordinance shall be cumulative of all other Ordinances. It shall not repeal any of the provision of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. All Ordinances and resolutions or parts thereof that conflict with the Ordinance are hereby repealed to the extent of any conflict.

SECTION 5: Savings.

All rights and remedies of the City of Burkburnett, Texas, are expressly saved as to any and all violations of the provisions of any other Ordinance affecting regulations governing and regulating the zoning, platting, and subdivision of land which have secured a the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances same shall not be affected by the Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6: Effective Date.

This Ordinance shall become effective from and after its date of passage in accordance with the law.

PASSED AND APPROVED this the 20th day of April 2020.

Carl Law, Mayor
City of Burkburnett, Texas

ATTEST:

Margie Poole, City Clerk