

#### ARTICLE 4. -- CITY MARSHAL'S DEPARTMENT

##### Sec. 62.500. - Creation.

- (a) The City marshal's department is created. The director-manager of the City marshal's department is designated as the City Marshal and is appointed by the City Manager. The City Marshal and reports to an Assistant City Manager, the city manager Director of Public Safety. The department shall have two four divisions: the Patrol division, the fire marshal division, the parking enforcement division, and and the code enforcement the municipal ecourt Ballif/warrant division.
- (b) The City marshal's department is not subject to Chapter 143 of the Texas Local Government Code (civil service requirements or standards.) All employees of the department are unclassified employees appointed under and subject to all of the applicable provisions of the city's personnel policies. of the city.
- (c) The City Marshal shall ensure that all training and certifications of the members of each division are maintained as required by law.

(Ord. No. 2005-68, § 2, 9-20-05)

##### Sec. 62.501. -Patrol division. Fire marshal division.

- (a) The patrol division shall be a division of the marshal's department. (a) The fire marshal division shall be a division of the marshal's department. The fire marshal shall be appointed by the director of the marshal's department. The director of the marshal's department may serve as the fire marshal. The director of the marshal's department, however, is not required to be the fire marshal.
- (b) The patrol division is responsible for patrolling within the city limits with an primary focus on City parks, facilities and greenspaces. The patrol division is responsible for enforcing local, state, and federal laws. The patrol division will be responsible for patrolling all city parks and green spaces. (b) The fire marshal division has the fire prevention and investigation duties and authority as defined in chapter 38, article 2 of this Code.

(Ord. No. 2005-68, § 2, 9-20-05)

##### Sec. 62.502. - Fire Marshal division.

- (a) The fire marshal division shall be a division of the City marshal's department when conducting law enforcement activities for purposes of Texas Commission on Law Enforcement (TCOLE) rule compliance and licensing. For departmental operations and reporting, the Fire Marshal division department is a component of the Fire Department. The fire marshal shall be appointed by the Fire Chief. The City Marshal may serve as the fire marshal. However, the City Marshal is not required to be the fire marshal.
- (b) The fire marshal division has the fire prevention and investigation duties and authority as defined in chapter 38, article 2 of this Code.
- (c) Disciplinary actions will be handled by the fire marshal, the fire chief can handle in the absence of the fire marshal.

Code enforcement division.

~~(a) The director of the marshal's department will select, supervise and control the code enforcement division staff members.~~

~~(b) The code enforcement division staff may consist of both licensed peace officer and non-peace officer employees. The marshal may appoint persons, including licensed peace officers, to act under his or her supervision to perform code enforcement duties.~~

~~(c) The director of the marshal's department and any code enforcement officer is authorized to issue citations to any person he or she has probable cause to believe is in violation of any provision of this code, including the land development code, building and construction codes, fire code and health codes to the extent authorized or restricted by state law.~~

(Ord. No. 2005-68, § 2, 9-20-05)

Sec. 62.502. – Parking Enforcement Division

(a) The Pparking eEnforcement division shall be a division of the City Mmarshal's department. The pParking eEnforcement mManager reports directly to the eCity mMarshal.

(b) The parking enforcement division's duties are to enforce state traffic code and city ordinance violations governing the stopping, standing or parking of motor vehicles.7; tThis authority comes from Chapter 82, article 4 of this code.

(Ord. No. 2005-68, § 2, 9-20-05)

Sec. 62.503 – Municipal court bailiff and warrant division.

(a) The municipal court bailiff and warrant division shall be a division of the marshal's department.

(b) All Deputy Marshals shall report directly to the City Marshal or his or her designee.

(c) The City Marshal will assign all required deputies to the municipal court. The municipal court will set the schedule for deputies assigned to them.

(d) Bailiffs shall provide courtroom security and follow the municipal court Judge's orders.

(e) Deputies assigned to warrants shall serve municipal warrants signed by the Municipal Court Judge.

~~Sec. 62.503.—Right of entry; judicial warrant~~

- ~~(a) The code enforcement officers are entitled to enter any building or premises at any reasonable time if they have a reasonable basis for believing that one or more violations of this code exist at the building or premises.~~
- ~~(b) If the owner, occupant or person in control of the refuses to consent to entry or is not available to provide consent, the code enforcement officer may apply to a court of competent jurisdiction for warrants, writs or orders necessary to enforce this section, and the court may grant appropriate relief. A code enforcement officer is not required to give a bond.~~

~~(Ord. No. 2005-68, § 2, 9-20-05)~~