

ORDINANCE NO. 8-19-77

AN ORDINANCE OF THE CITY OF FRANKSTON, TEXAS, PROVIDING FOR THE CREATION OF A POLICE FORCE; CREATING THE OFFICE OF CHIEF OF POLICE; PROVIDING FOR APPOINTMENT OF CHIEF OF POLICE and POLICEMEN; FIXING QUALIFICATIONS; REQUIRING OATH; FIXING POWERS AND DUTIES OF CHIEF OF POLICE AND OTHER POLICEMEN; PROVIDING FOR CERTIFICATE OF APPOINTMENTS; AUTHORIZING ARREST WITHOUT WARRANT; DUTY OF POLICE IN CASE OF ARREST WITHOUT WARRANT; REQUIRING POLICEMEN TO WEAR BADGES AND PROHIBITING OTHERS THAN POLICEMEN FROM WEARING BADGES; PROVIDING A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00); REPEALING ORDINANCE NO. 68-1 INsofar AS IT CREATES THE OFFICE OF CITY MARSHALL; PROVIDING SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRANKSTON, TEXAS:

Section 1. There is hereby created the office of Chief of Police of the City of Frankston, which shall be filled by some suitable person who possesses all of the qualifications desired by the City Commission. Said officer shall be appointed by the City Commission and shall hold office for one year from June 1 to May 31, and until his successor is appointed and qualified.

Section 2. The person occupying the office of Chief of Police shall, by virtue of such appointment and the exercise of the duties thereof, be and become a member of the Police Department, and shall be subject to all of the ordinances and laws applicable to policemen, including all laws presently in force and which may be hereafter enacted.

Section 3. The Chief of Police shall, before entering upon the duties of his office, take the oath of office prescribed by the State Constitution.

Section 4. The Chief of Police shall be the chief police officer of the City and shall operate directly under the City Commission. He shall have like power with the Sheriff of the county to execute search warrants and other writs. He shall be active in quelling riots, disorders and disturbances of the peace, and violations of every kind within the city limits, and shall take into custody all persons thus offending, and may take good and sufficient bail for the appearance before the Municipal Court of any person

charged with an offense which the Municipal Court has jurisdiction to try. It shall be his duty to arrest without warrant all violators of the laws and ordinances and all who obstruct or interfere with him in the discharge of his duties. In the prevention and suppression of crime and the arrest of offenders, he shall have the same powers as the Sheriff of a county under the laws of the State. He shall perform such other duties and have such other powers as the governing body may by resolution or ordinance require or confer, or as may be prescribed by State law.

Section 5. The police force of the City of Frankston shall consist of the Chief of Police and such number of policemen as the governing body may from time to time authorize.

Section 6. It shall be the duty of the policemen to be obedient to the orders of the City Commission, Mayor and the Chief of Police, communicated to them in person or delivered to them in writing, and to keep faithful watch in the district which may be assigned to them, and they shall be further authorized to go into any dwelling house, store, or grocery or other place in which any person may have taken refuge or be, who has, during the night, in their presence or hearing, committed a felony or breach of the peace, or where any felony or breach of the peace is about to be committed, or any noise, alarm, outcry, or disturbance is being made.

Section 7. The Chief of Police shall assign to each man his duties, and may order any of them to render such service in any part of the City whenever and wherever, in his opinion, the occasion shall require it. He shall report in writing to the City the time actually served by each policemen, the time absent and such other information as he may deem proper or may, from time to time, be required by the City. He shall also see that the policemen are equipped with the proper arms and equipment which the emergency shall require. He shall see that they perform their duties, and he shall report each failure promptly to the City, and he shall, as far as practicable,

cause all orders of the City Commission and Mayor to be faithfully executed.

Section 8. It shall be the duty of all policemen to arrest, without warrant, all persons found in suspicious places and under circumstances which reasonably show they have been guilty of some felony or breach of the peace, or who threaten to or are about to commit some offense against the laws and ordinances.

Section 9. In all cases of the arrest of any person without a warrant, the policemen making the arrest shall bring that person forthwith before the Municipal Court, if in session, and, if said Court be not in session, the said policeman shall commit such person to the Anderson County Jail, there to be safely kept in custody until the said Court shall be in session, when such person shall be taken forthwith before said Court, there to be tried according to law; provided, that the Chief of Police, or any policeman duly authorized may take good and sufficient bail from such offender for his appearance before the Municipal Court.

Section 10. It shall be unlawful for any person to falsely represent himself to be a police officer or policeman, or to wear any badge used to designate a policeman.

Section 11. No person shall be appointed a member of the police force who has not a good moral character, and when required by the Chief of Police or the governing body shall furnish any information and references by the same and may be required to give bond in a sum to be fixed by the City Commission if the same should be deemed necessary.

Section 12. It shall be the duty of every policeman to make arrests, without a warrant, when any offense has been in his presence or within his view; but in making such arrests, and in conveying the offender to the Anderson County Jail, he shall use only such force as is necessary to effect his purpose.

Section 13. It shall be the duty of all policemen to treat all City officers, as well as other persons with whom they come in contact in the discharge of their duties, in a courteous and respectful manner.

Section 14. Any member of the police force shall be subject to dismissal for neglect of duty or misconduct in office or for the violation of the lawful orders of the City Commission, Mayor, or Chief of Police, or of some other officer having authority to command.

Section 15. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than Two Hundred Dollars (\$200.00).

Section 16. Ordinance No. 68-1 of the City of Frankston is hereby repealed insofar as it creates the office of City Marshall.

Section 17. If any article, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

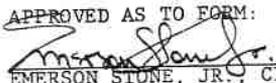
Section 18. The fact that the City of Frankston does not presently have an ordinance creating and regulating the police force of the City of Frankston creates an urgency and an emergency for the preservation of the public health, safety and welfare requires that this ordinance shall take effect immediately from and after its passage as the law in such cases provides.

DULY PASSED BY THE CITY COMMISSION OF THE CITY OF FRANKSTON, TEXAS, on the 19th day of August, 1977.


SANT PERRY, JR., MAYOR

ATTEST:

JANIE JENNINGS, CITY SECRETARY

APPROVED AS TO FORM:

EMERSON STONE, JR., CITY ATTORNEY