

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. 009-023**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AFFIRMING THE ONGOING AND CONTINUED EXISTENCE OF THE ADDISON POLICE DEPARTMENT; RECOGNIZING THE REQUIREMENT THAT ALL POLICE OFFICERS BE LICENSED; AFFIRMING THE POSITION OF CHIEF OF POLICE AND THE DUTIES AND RESPONSIBILITIES THEREOF AFFIRMING THE AUTHORITY, DUTIES, AND RESPONSIBILITIES OF POLICE OFFICERS; AMENDING THE CODE OF ORDINANCES OF THE TOWN BY AMENDING CHAPTER 50 THEREOF TO INCLUDE PROVISIONS RELATING TO THE FOREGOING; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Addison, Texas (the "City") is a home rule municipality pursuant to article 11, section 5 of the Texas Constitution and its Home Rule Charter; and

**WHEREAS**, Section 341.003 of the Texas Local Government Code authorizes a home rule municipality to provide for a police department; and

**WHEREAS**, the City has heretofore provided for a police department administered by a chief of police, as recognized annually through the City's budget processes and in numerous ordinances and provisions of the City's Code of Ordinances; and

**WHEREAS**, the City's Police Department is actively engaged in pursuing "Recognized" status from the Texas Police Chiefs Association's Law Enforcement Best Business Practices Recognition Program, and the City desires to adopt this Ordinance in connection with the same.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:**

Section 1. Amendment. The Code of Ordinances of the Town of Addison, Texas (the "City") is hereby amended in the following particulars, and all other chapters, articles, sections, subsections, sentences, phrases and words of the said Code of Ordinances are not amended hereby:

A. Chapter 50 (Law Enforcement), Article I (In General) is hereby amended by adding a new Section 50-1 through Section 50-4 to reads as follows:

**ARTICLE I. IN GENERAL**

**Section 50-1. Police Department; Jurisdiction.**

The Police Department of the town, heretofore provided for and existing, is affirmed, the head of which is the Chief of Police. The Police Department is and shall continue to be

composed of the Chief of the Police and other officers and employees as the City Council may provide. The jurisdiction of the Department is and shall continue to be the corporate limits of the town and that property lying outside the town limits which is owned by the town and such other areas as may be authorized by applicable law or pursuant to an agreement in accordance with applicable law.

**Section 50-2. Certification and Compliance with the State of Texas requirements.**

No person will be certified as a town Police Officer who has not complied with the basic requirements established by the state for Police Officers and by the town acting through the Chief of Police.

**Section 50-3. Chief of Police.**

(a) The Police Department of the town consists and shall continue to consist of the Chief of Police and such members of the Department as the City Council may provide.

(b) The Chief of the Police has been and shall continue to be appointed and subject to removal by the City Manager.

(c) The Chief of the Police has carried and shall continue to carry out the functions of the Police Department relating to: public safety and enforcement of ordinances, state and federal laws; the organization the Police Department of the town in conformity with the laws of the state and ordinances of the town; and has promulgated and shall continue to promulgate policies, procedures, rules, directives and orders for the administration of the Department, including but not limited to discipline within the Department.

**Section 50-4. Authority and Duties of Police Officers.**

(a) Individual officers constituting the city Police Department have been and shall continue to be 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 town, the laws of the State and of the United States, to take legal custody of offenders and to secure the citizens from violence.

(b). All personnel of the Police Department have been and shall continue to be bound by the most current directives, orders, rules, regulations and procedures for the town, and the most current directives, orders, rules, regulations and procedures for the operation of the Police Department as may be promulgated or as hereinafter amended by the town or the Chief of Police, 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 and town ordinance, policies and procedures.

Section 3. Severability Clause. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence paragraph or section of this Ordinance shall be declared unconstitutional or unlawful by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unlawfulness shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional or unlawful phrase, clause, sentence, paragraph or section.


Section 4. Savings Clause. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any and all ordinances which have accrued at 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 this Ordinance but may be prosecuted until final disposition by the courts.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas, on this the 11<sup>th</sup> day of August, 2009.

  
Joe Chow, Mayor

ATTEST:

By:   
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By:   
John Hill, City Attorney