

CITY OF PELICAN BAY, TEXAS

ORDINANCE NO: 25-002

AN ORDINANCE BY THE PELICAN BAY CITY COUNCIL ADOPTING THE POSITION OF CITY MARSHAL; PROVIDING FOR THE DUTIES AND QUALIFICATION OF THE CITY MARSHAL; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Pelican Bay City Council has abolished the elected office of City Marshal by ordinance, and

WHEREAS, the office of City Marshal is authorized by the Texas Local Government Code §342.021 and its duties defined therein, and

WHEREAS, the Council determines that it is in the best interest of the residents of The City of Pelican Bay to establish the Office of City Marshal.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PELICAN BAY, TEXAS:

Section 1. The Office of the City Marshal is hereby created.

Section 2. The City Marshal and all Deputy City Marshals shall be certified and licensed as a law enforcement officer by the Texas Commission on Law Enforcement.

Section 3. The City Marshal shall be nominated by the Mayor and serves at the discretion thereof. A Mayor's nominee for City Marshal shall be approved by an affirmative vote of the City Council. The Chief of Police shall have the authority to speak and be heard during Council deliberations on a nominee for City Marshal.

Section 4. The City Marshal shall act under the direction of the Mayor, and shall perform the following duties:

- A. Execute warrants, subpoenas, and other legal process issuing out of the City of the Pelican Bay Municipal Court, as determined by the Municipal Judge.
- B. Execute other warrants of arrest, subpoenas, and legal process as authorized by law and as determined by the Municipal Judge.

- C. Any other duties authorized by the Mayor.
- D. Execute the same power and jurisdiction as a peace officer under the Code of Criminal Procedure to prevent and suppress crime, arrest offenders, execute warrants.
- E. During times of a declared emergency issued by the Mayor of the City of Pelican Bay to serve under the Mayor's direction to keep the peace and ensure public safety.
- F. The marshal may close any place of public recreation or entertainment to prevent a breach of the peace or to preserve quiet and good order.
- G. Enforce and/or direct the enforcement of City Ordinances violations.

Section 5. City Marshal shall have the authority to appoint one or more Deputy City Marshals to assist and ensure the proper and effective execution of the duties of the City Marshal. All such appointments must be approved by the Mayor.

Section 6. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstances, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the ordinance, and the City Council hereby declares it would have passed such remaining of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 7. All other Ordinances in effect and not in conflict with this Ordinance shall remain in full force and effect.

Section 8. The City Secretary of the City of Pelican Bay is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the City Council of the City of Pelican Bay and by filing this Ordinance in the Ordinance records of the City.

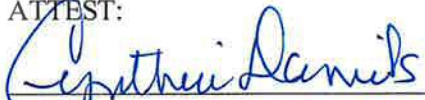
Section 9. This Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

PASSED AND APPROVED January 28, 2025



Tamra Olague, Mayor

ATTEST:



Cynthia Daniels, City Secretary TRMC

