

ORDINANCE NO. 2008-005

AN ORDINANCE OF THE VILLAGE OF WIMBERLEY, TEXAS AMENDING TITLE III (ADMINISTRATION), CHAPTER 30 (CITY GOVERNMENT) OF THE CODE OF ORDINANCES IN ORDER TO ESTABLISH AND CREATE THE POSITION OF VILLAGE CITY MARSHAL ESTABLISHING THE DUTIES AND COMPENSATION FOR THE OFFICE; AND PROVIDING FOR FINDINGS OF FACT; REPEALER, SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the Village is authorized by virtue of sections 22.071 and 22.072 of the Texas Local Government Code to authorize the appointment, powers and duties of municipal officers; and

WHEREAS, the City Council for the Village of Wimberley desires to authorize and establish the position of city marshal in order to ensure the enforcement of its municipal ordinances, in the interest of protecting the health, safety and welfare of its citizens.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE OF WIMBERLEY, COUNTY OF HAYS, STATE OF TEXAS:

SECTION 1. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Wimberley and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. AMENDMENT

That Title III (Administration), Chapter 30 (City Government) of the Code of Ordinances of the Village of Wimberley, is hereby amended by adding the following sections:

“Sec. 30.70 Office created.

The office of city marshal of the city is hereby created.

Sec. 30.71 Appointment; qualifications; duties; pay.

The city marshal shall be appointed by the City Administrator. The city marshal shall be a licensed peace officer under the applicable laws of the State of Texas, in good standing and skilled in investigations, inspections and management and shall devote his time to educating the public in safety while enforcing federal, state and local laws, including service of process for the municipal court of the Village, and perform all such other duties and given authority as described in the job description adopted by the City Council. The city marshal shall receive such compensation as provided for by the City’s compensation plan.”

Except as amended herein, the Code of Ordinances shall remain in full force and effect

SECTION 3. RELATION TO OTHER ORDINANCES

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

SECTION 4. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 5. NO VESTED INTEREST

No person shall acquire any vested interest in this Ordinance or any specific regulations contained herein. This Ordinance and any regulation enacted hereby may be amended or repealed by the City Council in the manner provided by law.

SECTION 6. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

SECTION 7. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this 17th day of January, 2008, by a 5 to 0 vote of the City Council of the Village of Wimberley, Texas.

VILLAGE OF WIMBERLEY

By:


Tom Haley
Mayor

ATTEST:

Caro McPortland
City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby
Carolyn J. Crosby
Assistant City Attorney