

NO. 46

AN ORDINANCE CREATING A POLICE DEPARTMENT
FOR THE TOWN OF MAGNOLIA, TEXAS.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MAGNOLIA, TEXAS:

Section 1. There is hereby created and established a Police Department for the Town of Magnolia, Texas.

Section 2. The Police Department of the Town of Magnolia, Texas shall consist of one Chief of Police and such additional Policemen as the Town Council may from time to time deem necessary and proper.

Section 3. The Chief of Police and other members of the Police Department shall be appointed by the Mayor, by and with the advice and consent of the Town Council.

Section 4. The Chief of Police and all members of the Police Department shall take and subscribe to the official oath prescribed by the Constitution of the State of Texas, and shall give surety bond for faithful performance of duties, payable to the Town of Magnolia, Texas, in the sum of One Thousand Dollars (\$1,000.00), premium for which shall be paid by the Town.

Section 5. After taking and subscribing to the oath of office and giving bond as provided in Section 4 of this ordinance, a Commission shall be issued to the appointee in the following form:

TOWN OF MAGNOLIA, TEXAS

COMMISSION

I, G. L. BANKSTON, Mayor of the Town of Magnolia, Texas, reposing confidence in the ability, integrity, fidelity, and loyalty of Kenneth Lee Blankenship, do hereby, upon authority of the Town Council of said Magnolia, appoint the said Kenneth Lee Blankenship, Chief of Police in and for said Town, with all the rights, privileges, authority and duties of a peace officer conferred by the laws of the State of Texas and the ordinances of said Town.

Done at Magnolia, Texas, this 11th day of February, 1977.

G. L. Bankston
Mayor, Town of Magnolia, Texas

Section 6. The appointment of a Chief of Police or of any Policeman shall be made and entered in the Minutes of the Town Council at any Regular or Special Meeting of said Council, and the Commission issued to such Chief of Police or Policeman shall become effective after the same has been signed by the Mayor, and such appointment has been entered in the Minutes.

Section 7. The position of Chief of Police is hereby declared to be an appointive office of the Town, and his term of office shall be for two (2) years, and until his successor shall have been appointed and qualified, and such term shall correspond with the term of office of the Mayor; provided, that no Marshal elected by the people shall be removed from office by the provisions of this ordinance until the term of office to which he was elected shall have expired. A Chief of Police appointed at any time, other than at the beginning of the Mayor's term of office, shall hold office only until the end of the unexpired term of office of the Mayor, and, if such Chief of Police is reappointed, his term of office shall be for two (2) years. Any Policeman subordinate to the Chief of Police shall serve at the will and pleasure of the Town Council. The Chief of Police may make recommendations to the Mayor for the appointment of Policemen, but neither the Mayor nor the Town Council shall be bound by such recommendations.

Section 8. A metallic badge, identifying the Police Chief and each Policeman as a member of the Police Department, shall be issued to each member of the Police Department.

Section 9. The Chief of Police shall be the chief police officer of the Town, and as such, shall have supervision over the other members of the Police Department.

Section 10. The members of the Police Department shall receive such compensation as the Town Council may from time to time determine.

Section 11. It is the duty of every member of the Police Department to preserve the peace within the limits of the Town of Magnolia, and to effect this purpose the officer may use all lawful means. He may interfere without warrant to suppress or prevent crime.

Section 12. Every member of the Police Department shall have authority:

(a) To execute warrants of arrest or other process issued out of the municipal Court in said Town.


(b) To arrest without warrant in all cases where authorized by the laws of the State of Texas.

(c) To arrest without warrant when offenses against the laws or ordinances are committed in his or their presence, or where persons are found in suspicious places, and under circumstances which reasonably show that such persons have been guilty of some felony or breach of the peace, or threaten or are about to commit some offense against the law.

PASSED AND APPROVED, this 11th day of February, 1972.


Mayor

ATTEST:


Secretary