

ORDINANCE NO. 8047

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, ADDING CHAPTER 10-5, CONCERNING THE AUTHORIZATION OF THE CITY MARSHAL'S OFFICE TO ENFORCE CERTAIN HEALTH AND SAFETY, CODE ENFORCEMENT, AND BUILDING SAFETY REGULATIONS; AMENDING VARIOUS PORTIONS OF APPLICABLE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the violation of certain health and sanitation, code enforcement, and building safety related regulations is very common and occurs at diverse hours of the day or night; and

WHEREAS, the City Marshal's Office will employ certified Texas peace officers that pursuant to state and local law may cite and arrest for violations of the health and safety code, code enforcement, and of city ordinance and all other violations of applicable state and local law provisions; and

WHEREAS, the City Council now finds that it is in the best interest of the public health, safety, and welfare to authorize the City Marshal's Office to enforce certain specified health and safety laws, code enforcement, traffic, and building safety regulations without the necessity, delay, and cost of summoning a health sanitation officer, code enforcement officer, Amarillo Police officers or inspectors (possibly on overtime pay rates) to a premises to issue a notice of violation;

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

SECTION 1. That Chapter 10-5, be and is hereby added as follows:

**Chapter 10-5. - CITY MARSHAL**

**Sec. 10-5-1. - Appointment and duties of City Marshal.**

There is hereby created the office of City Marshal. The city manager, or designee, shall be responsible for appointing the City Marshal as allocated in each year's budget. If appointed the city marshal shall be certified by the Texas Commission on Law Enforcement as a peace officer. The duties of the City Marshal, Assistant City Marshal, and deputies shall have full authority as Texas peace officers as allowed by state law and local ordinance and as set forth in applicable job descriptions.

**Section 10-5-2. - Authority of City Marshal.**

(a) The City Marshal shall serve as a police officer and shall have full police authority in the exercise of assigned duties.

(b) The City Marshal shall not be deemed to be a member of the police department of the city or a member of the meet and confer agreement between the city and the city police association.

**Sec. 10-5-3. - Oath of office and bond.**

(a) Each city marshal shall be required to take an oath of office before entering upon the discharge of duties. The oath shall be subscribed by the person taking it and shall be filed and preserved in the office of the city secretary. The form of oath shall be as set forth by applicable law.

(b) Before entering upon the duties as city marshal, each marshal shall give a good and sufficient surety company bond to the city in the amount as the city council may demand, duly approved by the city risk manager. The city shall pay the cost of such bond.

SECTION 2. That Sections 2-6-72, 2-6-73, 16-2-82, 14-4-19, 10-3-102, 10-3-104, 10-2-16, 10-3-56, 10-3-57, 2-6-72, 2-6-73, 8-3-116, 4-3-3, 4-7-3, and 8-5-21 of the Amarillo Municipal Code shall be amended to delete all references to Fire Marshal and replaced with City Marshal.

SECTION 3. That Sections 16-3-377 and 16-3-378 of the Amarillo Municipal Code shall be amended to delete all references to Traffic Engineer and replaced with City Marshal and Traffic Engineering Department shall be replaced with City Marshal's Office.

SECTION 4. That Sections 42,57,58,59,61,63,75,77,80,81, 82, 83, 96, 98, 99,111, and 126 of Chapter 16-4 of the Amarillo Municipal Code shall be amended to delete all references to Chief of Police and replaced with City Marshall.

SECTION 5. That Section 16-5-51 is hereby amended as follows:

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(c) *Enforcement.* The Amarillo Police Department and City Marshal's Office is authorized to both issue a parking citation to an unauthorized or obstructing vehicle and to cause such vehicle to be towed from an area described in (a) that is under a posted restriction, closure, or control described in (b).

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SECTION 6. That Section 2-8-136 of the Amarillo Municipal Code is hereby amended as follows:

**Sec. 2-8-136. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Inspector:* Any employee of the Animal Control Department, Code Enforcement Department, ~~Fire Prevention Department~~ City Marshal, Health Department and Utility Department

who is charged with the enforcement of city ordinances, and any civilian employee of the Police Department responsible for abatement of junk and abandoned vehicle nuisances.

*Magistrate:* Any Judge of a Municipal Court for the City.

*Search Warrant:* A written order, issued by a Magistrate and directed to any Inspector commanding him to inspect any specified premises to determine the presence of a violation of any ordinance of the City.

SECTION 7. That Section 4-6-2 of the Amarillo Municipal Code is hereby amended as follows:

**Sec. 4-6-2. - Definitions.**

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*Development Review Committee:* Staff may include but is not limited to members from Building Safety, Engineering, Environmental Health, ~~Fire Prevention~~ City Marshal, Parks, Planning, Public Works, and Utilities.

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SECTION 8. That Section 10-2-16 of the Amarillo Municipal Code is hereby amended as follows:

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*113.2.1 Fees for Required Inspections and Permits.* An inspection is required from the ~~Department of Fire Prevention~~ City Marshal for obtaining a license or approval from any agency other than the City of Amarillo to engage in an activity, operation, practice or function will be charged a fee as outlined in Table 113.2.1. The fee shall be paid at the time of request and prior to any inspection being performed. A permit required from the ~~Department of Fire Prevention~~ City Marshal will require a fee as outlined in Table 113.2.2. The fee shall be paid at the time of permit application.

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~~FIRE CITY MARSHAL~~ - The fire code official for the City of Amarillo ~~of the Department of Fire Prevention.~~

SECTION 9. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Amarillo, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 10. Repealer. All ordinances, parts of ordinances resolutions and parts of resolutions in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 11. Effective Date. This ordinance shall be effective in accordance with applicable law.

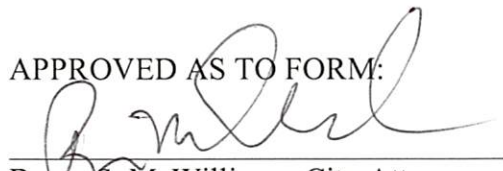
INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 14th day of February 2023; and PASSED on Second and Final Reading the 21st day of February 2023.

  
Ginger Nelson, Mayor

ATTEST:

  
Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

  
Bryan S. McWilliams, City Attorney