



**Austin City Code Amendment
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 11
AGENDA DATE: Thu 01/29/2004
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SUBJECT: Approve an ordinance adding a new Chapter 4-10 to the City Code relating to annual registration of off-duty peace officers and amending Ordinance 030908-4 to add off-duty peace officer permit and renewal fees to the police department fee schedule.

AMOUNT & SOURCE OF FUNDING: The estimated impact on the Austin Police Department Operating Budget is \$3,000 in revenue.

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING Police
DEPARTMENT:**

**DIRECTOR'S
AUTHORIZATION:** Rick Coy

FOR MORE INFORMATION CONTACT: Rick Coy, Assistant Chief/974-5021

PRIOR COUNCIL ACTION: Fee Ordinance last amended 09/08/2003.

BOARD AND COMMISSION ACTION: N/A

This action requires off-duty peace officers employed by a business or individual to register with and obtain a permit from the Austin Police Department prior to working as a security guard within the City limits. Peace officers employed by the following agencies are exempt from the registration process: the City; Travis County Sheriff's Department; Travis County Constable's Office; or a state agency including the Texas Department of Safety and the Texas Alcoholic Beverage Commission. A permit shall be issued to a peace officer from other agencies if he or she can provide written documentation that he or she:

- is a full time employee of a city or county law enforcement department;
- holds a Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) license;
- is in compliance with TCLEOSE continuing education and training requirements; and
- has obtained permission from the officer's commanding officer authorizing the officer to perform security work in the City limits.

The ordinance also outlines the process for the denial or revocation of a permit and the process to appeal those decisions. Failure to comply with the ordinance under Chapter 4-10 is a Class C misdemeanor offense punishable under Section 1-1-99 (Offenses; General Penalty.) Ordinance will become effective July 1, 2004.

This action also adds the following fees to those charged by the police department:

- Off-duty Peace Officer Permit Fee, \$30
- Off-duty Peace Officer Renewal Fee, \$30.

The estimated impact on the Austin Police Department Operating Budget is an increase of \$3,000 in revenue.

This project addresses the following APD Program Objective: The purpose of the Neighborhood Policing



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program is to provide immediate police service, criminal investigations, and collaborative problem solving initiatives to the community so that they can feel safe and be safe.

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CODE TO ADD A NEW CHAPTER 4-10 RELATING TO ANNUAL REGISTRATION OF OFF-DUTY PEACE OFFICERS; AND AMENDING ORDINANCE 030908-4 TO ADD OFF-DUTY PEACE OFFICER PERMIT AND RENEWAL FEES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. A new Chapter 4-10 is added to the Code to read:

CHAPTER 4-10. OFF-DUTY PEACE OFFICERS.

§ 4-10-1 REGISTRATION REQUIRED.

Except as provided in Section 4-10-2 (*Exceptions*), an off-duty peace officer employed by a business or individual to work as a security guard within the City limits must obtain a permit from the police chief.

§ 4-10-2 EXCEPTIONS.

This chapter does not apply to a peace officer employed by:

- (1) the City;
- (2) Travis County Sheriff's Department;
- (3) a Travis County Constable's office; or
- (4) a state agency, including the Texas Department of Public Safety and the Texas Alcoholic Beverage Commission.

§ 4-10-3 APPLICATION REQUIREMENTS.

(A) A peace officer must:

- (1) file an application for a permit with the police chief on a form approved by the chief;
- (2) pay the application fee; and
- (3) complete training as required by the police chief.

(B) An application under this section must include written documentation that the peace officer:

- (1) is a full time employee of a city or county law enforcement department;
- (2) holds a Texas Commission on Law Enforcement Officer Standards and Education license;
- (3) is in compliance with Texas Commission on Law Enforcement Officer Standards and Education continuing education and training requirements; and
- (4) has obtained permission from the officer's commanding officer authorizing the officer to perform security work in the City limits.

§ 4-10-4 PERMIT ISSUANCE.

The police chief shall issue a permit if the applicant meets the requirements prescribed in Section 4-10-3 (*Application Requirements*).

§ 4-10-5 ANNUAL RENEWAL REQUIRED.

A peace officer shall renew a permit issued under this section annually. A renewal application under this section shall include the documentation required in Section 4-10-3 (*Application Requirements*).

§ 4-10-6 DENIAL OF APPLICATION OR PERMIT REVOCATION.

The police chief may refuse to issue a permit or revoke a permit issued under this chapter if the chief determines that the permittee has:

- (1) failed to maintain the qualification for a permit under this chapter; or
- (2) been convicted of an offense, or engaged in conduct that constitutes an offense, related to the permittee's off-duty employment.

§ 4-10-7 APPEAL OF REVOCATION OR DENIAL OF PERMIT APPLICATION.

(A) If the police chief denies an application for a permit or revokes a permit under this chapter, an applicant may appeal the chief's decision to the city manager.

(B) The appeal must:

(1) be filed with the city manager no later than the 10th day after the date the decision is rendered; and

(2) include a written statement of the decision being appealed and the specific grounds for the appeal.

(C) No later than the 30th day after receiving a request for an appeal, the city manager shall schedule a hearing to consider the appeal.

(D) The city manager may sustain, reverse, or modify the action appealed. The city manager's decision is final.

§ 4-10-8 FEES.

The council shall set the application and renewal fees by separate ordinance.

§ 4-10-9 OFFENSE; PENALTY.

(A) A person who fails to comply with this chapter commits an offense.

(B) An offense under this chapter is a Class C misdemeanor punishable under Section 1-1-99 (*Offenses; General Penalty*).

PART 2. Ordinance 030908-4 is amended to add the following fees to those charged by the Police Department:

Approved 2003-2004

Police Department

Off-Duty Peace Officers

Permit Fee \$ 30.00

Renewal Fee \$ 30.00

PART 3. This ordinance takes effect on _____, 2004.

PASSED AND APPROVED

_____, 2004

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Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Brown
City Clerk