

ORDINANCE NO. 040129-11

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 February 9, 2004.

PASSED AND APPROVED

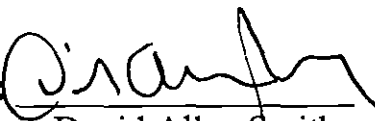
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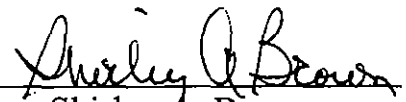
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk