

ORDINANCE NO. 20050804-047

AN ORDINANCE REPEALING AND REPLACING CHAPTER 2-6 OF THE CITY CODE TO CREATE THE PUBLIC SAFETY AND EMERGENCY MANAGEMENT DEPARTMENT, CREATE AN OFFENSE, AND PROVIDE A MAXIMUM PENALTY OF A \$1000 FINE OR CONFINEMENT IN JAIL UP TO 180 DAYS FOR EACH OFFENSE; AMENDING SECTION 13-2-13(B) OF THE CITY CODE RELATING TO GROUND TRANSPORTATION PASSENGER SERVICES ENFORCEMENT; REPEALING SECTIONS 8-1-3, 8-1-4, 13-1-51, AND 13-1-52 OF THE CITY CODE; AND DECLARING AN EMERGENCY.

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

PART 1. Chapter 2-6 of the City Code is repealed and replaced with a new Chapter 2-6 to read:

CHAPTER 2-6. PUBLIC SAFETY AND EMERGENCY MANAGEMENT DEPARTMENT.

ARTICLE 1. GENERAL PROVISIONS.

§ 2-6-1 DEFINITIONS.

(A) In this chapter:

- (1) CITY COURT means the Municipal Court, the Austin Downtown Community Court, and other courts the City may establish.
- (2) DEPARTMENT means the Public Safety and Emergency Management Department.
- (3) DIRECTOR means the director of the Public Safety and Emergency Management Department.

§ 2-6-2 CREATION AND DUTIES OF PUBLIC SAFETY AND EMERGENCY MANAGEMENT DEPARTMENT.

- (A) The Public Safety and Emergency Management Department is created.
- (B) The department shall provide:
 - (1) specialized public safety and facility security services for the city airport, parks and recreation facilities, city courts, and other designated city facilities; and

- (2) disaster management services and homeland security planning and preparedness.

ARTICLE 2. DEPARTMENT PUBLIC SAFETY DIVISIONS.

§ 2-6-11 AIRPORT PUBLIC SAFETY DIVISION.

- (A) The director shall employ one or more airport public safety officers. An airport public safety officer employed under this division shall be commissioned, appointed, and designated a peace officer under Article 2.12(12) (*Who are Peace Officers*) of the Texas Code of Criminal Procedure.
- (B) An airport public safety officer may:
 - (1) enforce a federal, state, or local law or regulation at a city airport, and
 - (2) perform other duties as assigned by the director.
- (C) Subsection (B) does not limit an airport public safety officer's law enforcement authority in the officer's capacity as a peace officer.

§ 2-6-12 PARK PUBLIC SAFETY DIVISION.

- (A) The director shall employ one or more park public safety officers to patrol public recreation areas. A park public safety officer employed under this section shall be commissioned, appointed and designated a peace officer under Article 2.12(13) (*Who are Peace Officers*) of the Texas Code of Criminal Procedure.
- (B) A park public safety officer may enforce a federal, state, or local law or regulation in a park or nature preserve owned or controlled by the city.
- (C) Subsection (B) does not limit a park public safety officer's law enforcement authority in the officer's capacity as a peace officer.
- (D) A park public safety officer shall prioritize enforcement on property designated as a park, recreational facility, or nature preserve, to:
 - (1) maintain law and order;
 - (2) control traffic;
 - (3) enforce rules relating to the use of a park or nature preserve;
 - (4) protect a public recreation area; and

- (5) perform other duties assigned by the director.

§ 2-6-13 CITY MARSHAL DIVISION.

- (A) The director shall employ one or more city marshals. A city marshal employed under this section shall be commissioned, appointed and designated a peace officer under Article 2.12(3) (*Who are Peace Officers*) of the Texas Code of Criminal Procedure.
- (B) A city marshal may:
 - (1) serve processes issued by a City Court, including Class C warrants, subpoenas, and summons;
 - (2) transport prisoners with Class "C" warrants between City and County courts, booking, and detention facilities;
 - (3) accept prisoners arrested for Class "C" offenses by an Austin Police officer, airport public safety officer, or park public safety officer, and process the prisoners through a city court or detention facility;
 - (4) provide building and courtroom security for city courts; and
 - (5) perform other duties as assigned by the director.
- (C) A city marshal may enforce a federal, state, or local law or regulation in the course and scope of the performance of the duties described in Subsection (B).
- (D) Subsection (C) does not limit an city marshal's law enforcement authority in the officer's capacity as a peace officer.

§ 2-6-14 STATUS OF DEPARTMENT PEACE OFFICERS.

- (A) An airport public safety officer, park public safety officer, or city marshal is an employee of the department and is not an employee or member of the Austin police department. An employee of the department is not entitled to the pension or civil service benefits received by a City police officer.
- (B) For purposes of the Texas Transportation Code and for the preservation of the public peace and safety, a public safety officer is in the actual course and scope of the officer's employment if the circumstances authorize police action by a peace officer.

ARTICLE 3. OFFICE OF EMERGENCY MANAGEMENT.

§ 2-6-21 DEFINITIONS.

Words and phrases in this Article have the meanings assigned by Chapter 418 (*Emergency Management*) of the Texas Government Code.

§ 2-6-22 OFFICE OF EMERGENCY MANAGEMENT.

- (A) The Office of Emergency Management is created.
- (B) The director of the Office of Emergency Management shall:
 - (1) maintain and manage the emergency operations center;
 - (2) develop an emergency management program;
 - (3) coordinate emergency preparedness activity within the City;
 - (4) issue rules approved by the city manager to implement the emergency management program;
 - (5) act as liaison with federal, state, county, and other emergency planning and control agencies;
 - (6) distribute emergency preparedness information to City residents; and
 - (7) perform other duties assigned by the city manager.

§ 2-6-23 EMERGENCY MANAGEMENT FOR LOCAL DISASTER.

- (A) If a local disaster is declared by the mayor under Texas Government Code Section 418.108 (*Declaration of Local Disaster*), the mayor may issue public orders and direct City employees to take action necessary to:
 - (1) implement the emergency management program;
 - (2) comply with this article and Texas Government Code Chapter 418 (*Emergency Management*); and
 - (3) protect public health, safety, and welfare.
- (B) Council must consent to the continuation or renewal of a declaration of local disaster for a period of more than seven days.

§ 2-6-24 OFFENSE AND PENALTY.

- (A) A person who fails to obey an order adopted under an emergency management program, this article, or Texas Government Code Chapter 418 (*Emergency Management*) commits an offense.

- (B) An offense under this article is punishable by a fine of not more than \$1,000, by confinement in jail for a term of not more than 180 days, or by both a fine and confinement.

PART 2. Section 13-2-13(B) of the City Code is amended to read:

§ 13-2-13 ENFORCEMENT.

- (B) The city manager, the department, the Police Department, the Department of Aviation, and the Public Safety and Emergency Management Department [~~Parks and Recreation Department Park Police~~] shall enforce this chapter, rules adopted under this chapter, and orders issued under this chapter.

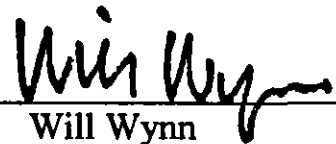
PART 3. Sections 8-1-3, 8-1-4, 13-1-51 and 13-1-52 of the City Code are repealed.

PART 4. The council finds that the necessity to create the Public Safety and Emergency Management Department and consolidate airport public safety officers, park public safety officers, city marshals, and the Office of Emergency Management under the department constitutes an emergency. Because of this emergency, this ordinance takes effect immediately on its passage for the immediate preservation of the public peace, health and safety.


PASSED AND APPROVED


_____, August 4, 2005

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Will Wynn
Mayor

APPROVED: 
David Allah Smith
City Attorney

ATTEST: 
Shirley A. Brown
City Clerk