

**TITLE III: ADMINISTRATION**

Chapter

- 30. GENERAL PROVISIONS
- 31. OFFICIALS, EMPLOYEES, AND ORGANIZATIONS
- 32. EMERGENCY MANAGEMENT

Rose Hill Acres - Administration

THE BOARD OF DIRECTORS

2000

GENERAL PURPOSE

OF THE BOARD OF DIRECTORS AND OFFICERS

OF THE CORPORATION

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## CHAPTER 30: GENERAL PROVISIONS

### Section

- 30.01 Fee schedule
- 30.02 Procurement procedures
- 30.03 Ordinance jurisdiction
- 30.04 Financial procedure/reporting policy
- 30.05 Records management program

### § 30.01 FEE SCHEDULE.

(A) The enumeration for permits, applications, forms for fees, rules, and petitions are hereby established in Exhibit A “municipal fees for the town”, attached to the resolution codified herein.

(B) A base permit fee in the amount of \$62 is hereby established for valuations from \$0 to \$2,000, plus an additional amount for dollar valuation greater than \$2,000. (See Exhibit B Table I, attached to the resolution codified herein.)

(C) The cost of inspection at the time of service shall determine the final total inspection fee; see Exhibit A, attached to the resolution codified herein for base cost.

(D) The builder or owner may have the option of providing the services of a state certified inspector upon their request to the Mayor.

(E) All plumbing shall be regulated and inspected by the Lumberton Municipal Water District. All inspection results will be forwarded to the town.

(F) The inspector, at a minimum shall conduct at three-point inspection:

(1) A pre-concrete foundation inspection for building forms, wire, and rebar placement, a concrete pour test and additional customary procedures;

(2) Framing and electrical wiring inspections;

(3) A final inspection upon completion;

(4) All findings to be provided to the Mayor upon completion before electrical service is provided, with irregularities being reported as soon as they are discovered; and

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(5) A certificate of occupancy shall not be issued until all permits, applications, forms, fees, and submittal requirements have been met and received and approved or certified by the Mayor's office or his or her designee.

(G) The Town Administrator shall collect the following fees related to town regulatory activities as authorized by state law at the time of a request for service, goods are provided, or an application for a permit is submitted.

(H) The intent of this section is to provide for regulations and clarification for the offenses and providing for a penalty.

(I) This section shall take effect immediately from and after its passage, subject to whatever publication that may be required by law.  
(Res. 2014-05-19-01, passed 5-19-2014)

**§ 30.02 PROCUREMENT PROCEDURES.**

(A) *Clarification of bid procurement procedures.*

(1) *Summary.* This section shall clarify the procurement process to be utilized in purchases and bid process.

(2) *Procurement procedures.*

(a) The Mayor's office shall have the authority to make purchases up to \$500 or routine purchases specified in the budget. Such purchases need not be submitted to Town Board for approval.

(b) Purchases of \$500.01 to \$49,999.99 shall be submitted to the Town Board for pre-approval. The town shall use those bid policies as pursuant to state law, whereas, three bids shall be required if the contract or purchase exceeds \$499.99 or greater.

(c) Generally, unless a purchase of supplies, services, equipment, or entrance into agreements are necessary, in the case of an emergency to protect the life, health, property, or welfare of the town, the Mayor's office or in his or her absence, the Mayor Pro Tem shall have the authority to act in the best interests of the town, including, but not limited to, purchases in excess of the limits above.

(B) *Addendum to procurement procedures.*

(1) Bid application information for services and or equipment shall be run in the local newspaper.

(2) Bids shall be open and or awarded after 20 days on a date and time determined by the Board of Aldermen.

(3) The granting authority shall determine the need for bids based on dollar amount or other criteria.  
(Ord. 2010-10-12, passed - -; Ord. 2010-11-09, passed - -)

**§ 30.03 ORDINANCE JURISDICTION.**

The provisions of all current and future town ordinances shall apply to the town's extraterritorial jurisdiction, whether specifically stated in the ordinances or not.  
(Ord. 94-41, passed - -1994)

**§ 30.04 FINANCIAL PROCEDURE/REPORTING POLICY.**

(A) *Accounts payable -- payment preparations.* The City Secretary will be responsible for comparing all incoming statements with appropriate invoices. Upon verification of charges, the City Secretary will assign the appropriate account number from the Town of Rose Hill Acre's Chart of Accounts and process payment.

(B) *Accounts payable/employee payroll -- payment processing.* The City Secretary will be responsible for processing all payments made for municipality purchases. The City Secretary will verify that each statement is ready for payment and that a duplicate has not been submitted in error. The City Secretary then verifies all account numbers and enters necessary information to create a check. After all checks have been printed two signatures will be required. Under normal circumstances the City Secretary and a designee appointed by the Board of Aldermen will sign as the two required signatures. In the absence of the City Secretary or the designee appointed by the Board of Aldermen, the checks may be signed by the Mayor (or other alternate designee appointed by the Board of Aldermen). After checks have been signed, the City Secretary then attaches any remittance stubs, and mails the checks to the appropriate vendors. The "payment receipt" portion of the check stub is then attached to the statement and filed.

(C) *Bank reconciliation process.* The City Secretary will be responsible for reconciling all bank statements upon receipt. The City Secretary will then include the bank balances on the monthly financial reports reviewed by the Board of Aldermen.

(D) *Financial reporting process.* City Secretary shall provide a written Profit and Loss Comparison Report to the Board of Aldermen at its regular monthly meeting. Upon request from any Board member, the City Secretary shall provide a detailed explanation of each expenditure.  
(Ord., passed 3-10-2020)

**§ 30.05 RECORDS MANAGEMENT PROGRAM.**

(A) *Definition of records of the Town of Rose Hill Acres.* All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by the Town of Rose Hill Acres or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the Town of Rose Hill Acres and shall be created, maintained, and disposed of in accordance with the provisions of this chapter or procedures authorized by it and in no other manner.

(B) *Records declared public property.* All records defined in division (A) of this plan are hereby declared to be the property of the Town of Rose Hill Acres. No official or employee of the Town of Rose Hill Acres has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

(C) *Policy.* It is hereby declared to be the policy of the Town of Rose Hill Acres to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all records of this office through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Local Government Records Act and accepted records maintenance practice.

(D) *Records management officer.* The City Secretary will serve as records management officer for the Town of Rose Hill Acres as provided by law and will ensure that the maintenance, destruction, electronic storage, or other disposition of the records of this office are carried out in accordance with the requirements of the Local Government Records Act.

(E) *Records control schedules.* Appropriate records control schedules issued by the Texas State Library Association and Archives Commission shall be adopted by the records management officer for use in Town of Rose Hill Acres, as provided by law. Any destruction of records of the Town of Rose Hill Acres will be in accordance with these schedules and the Local Government Records Act.

(Ord., passed 3-10-2020)

## CHAPTER 31: OFFICIALS, EMPLOYEES, AND ORGANIZATIONS

### Section

#### *General Provisions*

- 31.01 Mileage and travel policy
- 31.02 Annual election of officers
- 31.03 Insurance and bond policy

#### *Organizations*

- 31.15 Planning and Zoning Commission

#### *Municipal Court*

- 31.30 Municipal Court created
- 31.31 Municipal Judge
- 31.32 Clerk of Court
- 31.33 Associate Judge
- 31.34 Practice and procedure
- 31.35 Jury trial
- 31.36 Complaints and prosecution
- 31.37 Fines and costs
- 31.38 Jury/witness fee; bonds; miscellaneous court proceedings
- 31.39 Appeals
- 31.40 Collection of fines in appeal cases
- 31.41 No terms

#### *Police Department*

- 31.55 Town Marshal
- 31.56 Police reserve officers

**GENERAL PROVISIONS****§ 31.01 MILEAGE AND TRAVEL POLICY.**

(A) *Applicability of travel policy.* This policy is applicable to all town employees and applies to all travel on town business outside town limits and to all travel reimbursements, subject to budget limitations and authenticated expenses.

(B) *Authorization required.*

(1) The Mayor or Town Board of Aldermen may authorize travel leave and expenses for town business outside the town.

(2) All travel requests must be approved by:

(a) The Town Board of Aldermen at a regular session during an open meeting as an agenda item; or

(b) The Town Mayor if travel occurs prior to regular Town Board meeting at a regular session.

(3) Any employee traveling on official town business shall leave word with the Mayor as to where he or she can be reached while out of the town. All travel requests must be submitted on forms provided for that purpose as required by the Town Mayor.

(C) *Transportation expenses.*

(1) Normally, when travel is required for town business a personal car may be used when such travel distances are within a 300 mile radius of the town; air transportation may be approved if authorized by the Town Board of Aldermen at a regular session meeting or an emergency meeting.

(2) All approved transportation expenses will be reimbursed as follows.

(a) When the town employee must use his or her personal vehicle for town business, mileage will be reimbursed at the maximum nontaxable rate allowed by the Internal Revenue Service (IRS) at the time the mileage is incurred. Travel mileage shall be paid by a per diem in advance of the travel by utilizing a standard mileage trip sheet obtained from the internet utilizing the shortest distance between destinations for all travel. Travel between an employee's residence and the town office is not allowable for reimbursement,

(b) The town will review the maximum nontaxable rate allowed by the Internal Revenue Service (IRS) each year to determine the next year rate. In the event no renewal of rate change is



undertaken, the next year expense rate shall remain the preceding year or the next years' nontaxable rate allowed by the Internal Revenue Service (IRS) whichever is less.

(3) Parking or parking garage fees will be reimbursed to the employee upon submittal of a receipt. When town vehicles are used all expenses incidental to the use of such vehicle (parking, gasoline, oil, repairs, and the like) shall be reimbursed by the town. Receipts will be required. Additionally a leased town vehicle shall be reimbursed at the lowest rental rate of the town's approved leasing or rental service based on the contract thereof.

(4) When air travel is permitted, the cost of such airfare will be reimbursed or paid for in advance by the town. Additionally, reimbursement will be made for the use of rental cars, taxi, or bus fares, provided such expenses are necessary and reasonable. Alternate routes and/or methods of travel which are desirable because of personal preferences of the traveler can be used, but only on the traveler's time and with the traveler bearing the additional cost of the alternate route. Mileage and expenses incurred on alternate routes must be shown on the expense account that is turned in for reimbursement or for advance in funds request.

(5) For expense reimbursement and per diem table see Exhibit A, attached to Ord. 2015-11-10-02, adopted by reference as if set out at length herein.

(D) *Food and lodging.*

(1) Whenever authorized, by the Town Board or Town Mayor, in accordance with the approved budget, lodging expenses associated with official town business travel shall be reimbursed for actual expenses incurred. Receipts will be required. Lodging will be reimbursed at single rates unless two or more employees occupy a single room, or otherwise approved by the Town Mayor. It shall be the policy of the town to reimburse for only lodging that is economical and practical. Exceptions to this may be granted when cheaper hotel rooms are available or where conferences are held in or nearby the hotel.

(2) Per diem will be given to each individual attending the conference for meal expenses. Per diem for meals shall be granted at the current rates as set by the Town Board and shall be reviewed annually by Town Board of Aldermen to the rates for breakfast, lunch, and dinner meals (excluding alcoholic beverages and/or unauthorized entertainment). If the training conference provides breakfast or lunch, then a per diem will not be issued for those meals. If the hotel provides a continental breakfast, then a per diem will not be provided for breakfast. The employee shall not be required to provide any receipts for meals; however he or she must provide receipts back to the town for lodging immediately upon return. Reimbursements will not be made for personal telephone calls, except for one call per day to the employee's immediate family, alcoholic beverages, entertainment expenses, or other sundry items not relevant to the public purpose of the travel, such must be explained as to why the sundry item(s) were required, except as provided in division (E) below.

(E) *Per diem procedures.*

(1) Request for a per diem shall be submitted at least two weeks prior to scheduled travel on the travel expenditure report (advanced payment) standard request form to the Mayor and Treasurer. Per diem requests shall include a copy of the conference training registration receipt, conference schedule and meals, include hotel registration confirmation documentation. Per diem requests must be signed by the Town Mayor authorizing the per diem request prior to submittal to the Treasurer. All per diem payment shall be authorized by the Town Board of Aldermen at a regular session meeting, an emergency meeting of the Board of Aldermen, or in the event of a declared state of emergency by the county or town.

(2) See Exhibit B, per diem meals, attached to Ord. 2015-11-10-02, adopted by reference as if set out at length herein.

(F) *Travel advances and reports.* Minimum, but sufficient cash advances may be drawn from the town treasury by employees traveling on town business. All unused, unauthorized, or unapproved travel advances shall be returned immediately upon return of the business trip. An expenditure report must be filed with the Town Mayor within two working days following the trip. Failure to submit an expense report will subject the employee to a payroll deduction for any funds advanced. All cash advances and expenditure reports shall be submitted on forms provided for that purpose as required by the Town Mayor.

(Ord. 2015-11-10-02, passed 11-11-2015)

**§ 31.02 ANNUAL ELECTION OF OFFICERS.**

(A) The annual election of the officers for the town shall be properly called for the first Saturday in April of each year, beginning with the year 1965.

(B) The Town Clerk is ordered and directed to make publication of this section ten days at three public places within the corporate limits of the town, and upon completion of said publication to certify in the place provided below that said publication has been made, and upon completion of this certification and the expiration of 30 days from the date of this enactment, this section shall be in full force and effect.

(Ord. passed 1-25-1965)

**§ 31.03 INSURANCE AND BOND POLICY.**

(A) *Town officers.*

(1) Mayor acting as Town Administrator having bond requirement as optional.

(2) Town Secretary having bond requirement as optional.

(3) Town Treasurer having bond requirement as required by state law and is therefore excluded from the Public Employee Dishonesty and Errors and Omissions Insurance Policies, shall be established at a base value of \$5,000 or greater as determined by the Town Board of Aldermen at regular or special session.

(4) Town Secretary/Treasurer when holding both positions shall have a bond requirement as required by state law and is therefore excluded from the Public Employee Dishonesty and Errors and Omissions Insurance Policies, shall be established at a base value of \$5,000 or greater as determined by the Town Board of Aldermen at regular or special session.

(5) Marshal (Chief Law Enforcement Officer) shall have a bond requirement as required by state law is set at \$5,000 or greater as determined by the Town Board of Aldermen at regular or special session.

(6) Mayor Pro Tem, elected officials, officers, employee, and volunteers may be bonded and the town may require the Public Employee Dishonesty and an Errors and Omissions Insurance Policies covering the Mayor, elected officials, officers, employee and volunteers and the amount of bond shall be set as determined by the Town Board of Aldermen at regular or special session.

(7) All town positions in division (B) below not required by state law at the time and date of this section that become required at a future date shall be bonded as required by the state for the minimum amount or an amount greater as determined by the Town Board of Aldermen at regular or special session.

(B) *Other municipal officers.*

(1) *Generally.*

(a) In addition to the members of the governing body of the municipality, the other officers of the municipality are the Secretary, Treasurer, Assessor and Collector, Municipal Attorney, Marshal, Municipal Engineer, and any other officers or agents authorized by the governing body.

(b) The governing body by ordinance shall provide for the election or appointment of the officers provided by this division (B)(1).

(c) The governing body may confer on other municipal officers the powers and duties of an officer provided for by this section.

(2) *Powers and duties of municipal officers; bond.*

(a) The governing body of the municipality may require a municipal officer whose duties are prescribed by this code to perform additional duties.

(b) The governing body may prescribe the powers and duties of a municipal officer appointed or elected to an office under this code whose duties are not specified by this code.

(c) The governing body may require a municipal officer to execute a bond payable to the municipality and conditioned that the officer will faithfully perform the duties of the office. (Ord. 2015-11-10-04, passed 11-11-2015)

*Statutory reference:*

*Organization of municipal government, see Tex. Local Government Code, §§ 22.071 through 22.077*

## ORGANIZATIONS

### § 31.15 PLANNING AND ZONING COMMISSION.

(A) *Title.* This section shall be known and may be cited as “The Town of Rose Hill Acres Planning and Zoning Commission Ordinance”.

(B) *Purpose.* The purpose of this section is to provide for the orderly and safe development of the building and housing within the corporate limits and in the extraterritorial jurisdiction of the town. This section is adopted so that the Planning and Zoning Board (hereafter, “the Board”) may promote the public health, safety, morals, and general welfare, and to protect the public interest and preserve the safety of residents.

(C) *Commission established; composition; governance.* The Town Board of Aldermen establishes a planning board which shall also serve as a zoning board and which shall be known as the Planning and Zoning Commission.

(D) *Organization and appointment.* There is hereby created a Planning and Zoning Commission which shall be organized, appointed, and functions as follows.

(1) *Membership.* The Planning and Zoning Commission shall consist of five members who are residents of the town, each to be appointed by the Town Board of Aldermen for a term of two years. Appointees shall fill positions, which shall be designated by place numbers (e.g., place one, place two, and the like). Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause in the same manner as the original appointment was made. The Town Board, by majority vote in regular or special session, shall have the authority to appoint up to two additional members to the Commission. Such additional alternate members shall be residents of the town, residents of the town’s extraterritorial jurisdiction, or nonresidents of the town ETJ with special knowledge which

qualifies them to serve on the Commission. The Town Board of Aldermen shall have the authority to determine what constitutes special knowledge.

(a) Any Commissioner who misses three consecutive meetings within a 12-month time period or one-third of all regular meetings shall be deemed to have automatically vacated his or her position on the Commission Board. This division (D)(1)(a) shall not apply to absences for which a Commission Board member who applied for and received an excused absence from the Commission Board Chairperson prior to the meeting(s) at issue.

(b) Commission members may be removed from office for: official misconduct; gross and obvious conflict of interest; being convicted of a crime of moral turpitude; or voting on a matter involving a person within the third degree of consanguinity or affinity. The Town Board of Aldermen may remove a member who has accumulated three or more unexcused absences within a 12-month period or for other good cause as determined by the Town Board of Aldermen. The Town Board of Aldermen may remove any member at its pleasure by a majority vote of the Board of Aldermen.

(2) *Terms.* The terms of members filling place one, three, and five shall expire on June 30 of each odd-numbered year and the terms of members filling places two and four shall expire on June 30 of each even-number year. Commission members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no members shall be appointed for a term in excess of two years. Newly appointed members shall be installed at the first regular Commission meeting after their appointment.

(3) *Meetings and organization.*

(a) The Commission shall hold an organizational meeting in July of each year. The Commission shall meet regularly and shall designate the time and place of its meetings. The Commission shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this section and the requirements of law. The Planning and Zoning Commission shall elect a Chairperson, Vice-Chairperson, and Secretary from its own membership at its annual organizational meeting.

(b) If the Chair fails or refuses to act, the Vice-Chairperson shall perform the duties of the Chair. If the Chair and Vice-Chair are absent, any Commission Board member may be appointed by the Commission to preside over the meeting. The Chairperson shall cast the tie-breaking vote after the ballots were counted, if a quorum only exists (three members in attendance), the presiding Chairperson shall vote.

(4) *Quorum.* A quorum for the conduct of business shall consist of three members of the Commission.

(5) *Compensation.* The members shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.

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(6) *Minutes and voting.* The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such vote, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Town Secretary and shall be public record. Each member shall have a vote in all matters.

(E) *Duties and authority.* The Planning and Zoning Commission is hereby charged with the duty and invested with the authority to:

(1) *Generally.* The Planning and Zoning Commission shall make recommendations relating to the development and redevelopment of the town and its environs. The Planning and Zoning Commission shall have all duties imposed upon such body by ordinance and state statutes;

(2) *Produce initial zoning map and regulations.* The first duty of the Planning and Zoning Commission shall be to recommend the boundaries of various original districts;

(3) *Recommendations for growth and development.* Formulate and recommend to the Town Board for its adoption a town plan for the orderly growth and development of the town and its environs and from time to time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the town;

(4) *Formulation of a zoning plan.* Formulate a zoning plan as may be deemed best to carry out the goals of the town plan; hold public hearings, and make recommendations to the Town Board relating to the creation, amendment, and implementation of zoning regulations and districts as authorized under state law;

(5) *Review and make recommendations on the approval of subdivision plats.* Study and recommend the location, extension, and planning of public rights-of-way, parks, or other public places, and on the vacating or closing of same;

(6) *Recommendations for design.* Study and make recommendations regarding the general design and location of public buildings, bridges, structures, street fixture, and other structures and appurtenances;

(7) *Proposals.* Initiate, in the name of the town, proposals for the opening, vacating, or closing of public rights-of-way, parks, or other public places and for the change for zoning district; and

(8) *Recommendations of adoptions.* Formulate and recommend to the Town Board for its adoption policies and regulations consistent with the adopted town plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the town.

(F) *Conflict.* To the extent any provision of this section conflicts with other ordinances of the town, the terms of this section shall control.

(G) *Cumulative clause.* This section shall be cumulative of all provisions of ordinances of the town, as amended, except where the provisions of this section are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances are hereby repealed.

(H) *Enrollments.* The Town Secretary is hereby directed to enroll this section by copying the caption, penalty clause, and effective date clause of this section in the minutes of the Town Board and by filing the ordinance in the ordinance records of the town.

(I) *Effective date.* This section shall be effective upon the posting and/or publication of its caption as required by law and the Town Secretary is hereby directed to implement such posting and/or publication.

(Ord. 2013-07-09-01, passed 7-9-2013)

**MUNICIPAL COURT**

**§ 31.30 MUNICIPAL COURT CREATED.**

There shall be established and maintained a court designated as a Municipal Court for the trial of misdemeanor offense, with all such powers and duties as are now or hereafter may be prescribed by the laws of the state relative to municipal courts.

(Ord. 2014-10-14-01, passed 10-14-2014; Ord. 2018-7-10-01, passed 7-16-2018)

**§ 31.31 MUNICIPAL JUDGE.**

Rose Hill Acres, a general-law town, having the Mayor as ex officio judge of the Municipal Court. The Board of Alders of Rose Hill Acres shall by ordinance authorizes the election of the presiding judge, the Mayor exercising the position Town Manager shall provide for the appointment and qualifications of presiding judge to become enforced administration of oath of office upon and by an effective date of \_\_\_\_\_, until elections may be held for presiding judge. Additionally, the Mayor may appoint associate judge or judges with the confirmation by a majority of the Board of Alders upon Alderman vote and administration of oath of office and an effective date of \_\_\_\_\_. Judges shall hold his or her office for a period in accordance with state statute and shall receive such salary or compensation as may be fixed by the Town Board in accordance with state statute and shall be under the administrative direction of the Town Board and said judge shall not be an elected official.

(Ord. 2014-10-14-01, passed 10-14-2014; Ord. 2018-7-10-01, passed 7-16-2018)

**§ 31.32 CLERK OF COURT.**

The presiding Mayor shall provide for the appointment and qualifications of the Clerk with the confirmation by a majority of the Board of Alders. The Clerk of said Municipal Court and his or her deputy shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and generally do and perform any and all acts usual and necessary by the clerk of court in issuing process of said courts and conducting the business thereof including providing fines and fee amounts and collecting such amounts as defined by the Court. If the position of Clerk is not filled, the Town Secretary shall serve as ex officio Clerk. Elected officials shall not hold a position in the court to avoid a conflict of interest.

(Ord. 2014-10-14-01, passed 10-14-2014; Ord. 2018-7-10-01, passed 7-16-2018)

**§ 31.33 ASSOCIATE JUDGE.**

The Town Board by ordinance may provide for the appointment of one or more judges to serve if the regular judge, the presiding judge, or an associate judge is temporarily unable to act. A town elective officer may not serve in such position.

(Ord. 2014-10-14-01, passed 10-14-2014; Ord. 2018-7-10-01, passed 7-16-2018)

**§ 31.34 PRACTICE AND PROCEDURE.**

Proceedings in the Municipal Court shall be commenced by complaint, which may be sworn to before the Judge, or his or her deputy, or any other officer authorized by law to administer oaths. Where not otherwise prescribed by the terms of this subchapter, the rules of pleadings, practice, and procedure prevailing and prescribed by law for municipal and/or justice courts shall apply to the Municipal Court, as far as applicable.

(Ord. 2014-10-14-01, passed 10-14-2014; Ord. 2018-7-10-01, passed 7-16-2018)

**§ 31.35 JURY TRIAL.**

Every person brought before the judge to be tried for any offense to which the penalty may be a fine shall be entitled, if he or she shall demand it, to be tried by the appropriate number of jurors consisting of a jury of legal voters of the town, who shall be summoned, impaneled, and qualified as are jurors in the appropriate court of jurisdiction, under the laws of the state.

(Ord. 2014-10-14-01, passed 10-14-2014; Ord. 2018-7-10-01, passed 7-16-2018)

**§ 31.36 COMPLAINTS AND PROSECUTION.**

In all prosecutions in said Municipal Court, either under ordinances or the provisions of the Penal Code of the state, the complaint shall commence: "In the name and by the authority of the State of Texas,....." and shall conclude: ".....Against the peace and dignity of the State," and where the offense



is covered by an ordinance the complaint may also conclude: "Contrary to the said Ordinance." Prosecutions of such court shall be conducted by the person acting in the capacity of Town Attorney, or his or her deputy.

(Ord. 2014-10-14-01, passed 10-14-2014; Ord. 2018-7-10-01, passed 7-16-2018)

**§ 31.37 FINES AND COSTS.**

All fines imposed and collected by said Municipal Court shall be paid into the town treasury for the use and benefit of the town. Court costs for the Criminal Justice Planning Fund and Texas Commission on Law Enforcement Officers Standards and Education, and for such other funds as may be provided by law, shall be collected in each case, except parking tickets or pedestrian offenses, in which a fine is imposed.

(Ord. 2014-10-14-01, passed 10-14-2014; Ord. 2018-7-10-01, passed 7-16-2018)

**§ 31.38 JURY/WITNESS FEE; BONDS; MISCELLANEOUS COURT PROCEEDINGS.**

Proceedings in the Municipal Court in regard to the amount paid to jurors and witnesses, enforcing the attendance of witnesses upon said court, authority of the court to punish for contempt, service of process, execution and issuance of writs, and proceedings in relation to peace bonds and bonds required by the Court, shall be governed by the provisions of the Penal Code and Code of Criminal Procedure as the same now exists, or may hereafter be amended, relating to justice courts and municipal courts.

(Ord. 2014-10-14-01, passed 10-14-2014; Ord. 2018-7-10-01, passed 7-16-2018)

**§ 31.39 APPEALS.**

Appeals from judgment rendered by said Municipal Court shall be heard by the state court of competent jurisdiction in the county, and in all such appeals the trial shall be de novo; the same as if the prosecution had been originally commenced in that court. Said appeals shall be governed by the rules of practice and procedure for appeals from justice courts to the county courts, as far as the same may be applicable.

(Ord. 2014-10-14-01, passed 10-14-2014; Ord. 2018-7-10-01, passed 7-16-2018)

**§ 31.40 COLLECTION OF FINES IN APPEAL CASES.**

In all cases, the fines imposed on appeal, together with the costs, if any, imposed in the Municipal Court and the court to which the appeal is taken, shall be collected of the defendant and his or her bondsman, and such costs, if any, when collected, shall be paid into the treasury of the town. When the defendant in such cases is committed to custody, he or she shall be committed to the custody of the officer acting as Chief of Police of the town, to be held by him or her in accordance with the ordinances of the town, providing for the custody of prisoners convicted before said court.

(Ord. 2014-10-14-01, passed 10-14-2014; Ord. 2018-7-10-01, passed 7-16-2018)

§ 31.41 NO TERMS.

Said Municipal Court shall hold no terms and shall at all times provide a time and place for the transaction of business.

(Ord. 2014-10-14-01, passed 10-14-2014; Ord. 2018-7-10-01, passed 7-16-2018)

POLICE DEPARTMENT

§ 31.55 TOWN MARSHAL.

(A) Establishing the Office of Town Marshal. There is hereby created and established the Office of Marshal for the town.

(B) Appointment, term, and removal.

(1) Appointment. The Marshal for the town shall be appointed by majority vote of the Town Board of Aldermen.

(2) Term. The Marshal shall serve at the pleasure of the Town Board of Aldermen.

(3) Removal. The Marshal may be removed in accordance with the provisions of Tex. Local Government Code, § 22.077.

(C) Oath and bond required. The Marshal shall take and subscribe to the official oath prescribed by the Constitution of the State of Texas, and shall give surety bond for the faithful performance of duties, payable to the town in the sum of \$5,000 premium for which shall be paid by the town.

(D) Issue of commission. After taking and subscribing to the oath of office and giving bond as provided in division (C) above, a commission shall be issued by the appointee in the following form:

Rose Hill Acres, Texas Commission
<p>I _____, Mayor of the Town of Rose Hill Acres, State of Texas, upon authority of the said Town Board of Aldermen, reposing confidence in the ability, fidelity, and loyalty of, do hereby commission to fulfill the office of Marshal (Deputy Marshal) with all rights, privileges, authority, and duties of a peace officer conferred by the laws of the State of Texas and the ordinances of the Town of Rose Hill Acres. Done at Rose Hill Acres, Texas, this the ___ day of _____, 20__.</p>
<p>_____ Mayor, Town of Rose Hill Acres, Texas</p>

(E) *Effective date of commission.* The appointment of a Marshal or of any Deputy Marshal shall be made and entered in the minutes of the Town Board of Aldermen at any regular or special meeting of said Town Board of Aldermen, and the commission issued to such Marshal or Deputy Marshal shall become effective after the same has been signed by the Mayor, or after three days, whichever comes first.

(F) *Compensation.* The Marshal and any Deputy Marshals shall receive compensation as the Town Board of Aldermen shall from time to time determine.

(G) *Certification.* The Marshal and each Deputy Marshal shall hold a license as a qualified law enforcement officer from the Texas Commission on Law Enforcement (TCOLE) as provided in Texas Occupations Code, Ch. 1701, unless serving under a temporary or probationary appointment as provided in said Act.

(H) *Powers and duties.* The Marshal:

(1) Is the head of the Office of Marshal and shall have supervision over all officers and members thereof;

(2) Shall be responsible for making schedules, assigning duties, determining what equipment shall be worn or carried, providing training, maintaining discipline, and addressing all other matters not specifically identified in this section necessary for the efficiency of the Office;

(3) Shall have the immediate direction and control of all law enforcement activity within the town, subject to the laws and regulations of the state and such ordinances, budgets, policies, rules, regulations, and orders as the Town Board of Aldermen may prescribe;

(4) May appoint one or more deputies to assist in the discharge of his or her duties;

(5) May appoint one or more deputy reserve officers to assist in the discharge of his or her duties;

(6) Shall make available to the Town Board of Aldermen all background checks, other information, and forms required by the Tex. Occupations Code, § 1701.451;

(7) (a) Deputy Marshals must be approved by and serve at the pleasure of the Town Board of Aldermen; and

(b) For the purposes of Tex. Local Government Code, § 22.077, Deputy Marshals are employees of the town rather than municipal officers.

(8) Shall have custody of all lost, abandoned or stole property recovered by the town;

**Rose Hill Acres - Administration**

(9) The Marshal or a Deputy Marshal shall be available to the Municipal Court when it is in session and shall promptly and faithfully execute writs and process issued by the Court;

(10) The Marshal may execute writs and serve process within the county inside and outside the municipal boundaries;

(11) May take suitable and sufficient bail for the appearance before the Municipal Court of a person charged with a violation of an ordinance or law of the town;

(12) Has the same power and jurisdiction as a peace officer has under the Code of Criminal Procedure to execute warrants, to prevent and suppress crime, and to arrest offenders;

(13) May close a theater, ballroom, or other place of public recreation or entertainment to prevent a breach of the peace or to preserve quiet and good order;

(14) Shall quell riots, disorder, and disturbance of the peace in the town;

(15) Shall take into custody a person who disturbs the peace of the town;

(16) Shall arrest, without warrant, a person who disturbs the peace, otherwise engages in disorderly conduct or a disturbance, or obstructs or interferes with the performance of the Marshal's duties;

(17) Shall enforce the criminal laws of the state, and use his or her best endeavors to prevent the commission of offenses against the laws of the state; and

(18) Shall enforce the ordinances and regulations of the town, and use his or her best endeavors to prevent the commission of offenses against the laws of the state and against the ordinances and regulations of the town.

(I) *Reporting to the Mayor and governing body.* The Marshal shall report to the Town Board of Aldermen at its regular monthly meeting. On a day-to-day basis, the Marshal shall report to the Mayor acting as the Town Administrator.

(J) *Uniforms.* After consultation with and receiving approval from the Town Board of Aldermen, the Marshal shall prescribe the uniforms and badges for the Marshal and Deputy Marshals.  
(Ord. 2015-10-13-01, passed - -)

**§ 31.56 POLICE RESERVE OFFICERS.**

(A) *Purpose.* Whereas the town has continued to grow, the need for a non-paid professional police force to augment the active force in times of active law enforcement in police activity, cases of emergencies, or on special occasions is a necessity.

(B) *Composition; control and supervision.*

(1) The non-paid police force, an auxiliary police force, shall be composed of licensed peace officers from the state who hold at least a basic peace officer's license. Application for the force shall be processed in duplicate manner as that of the regular police force. It shall be composed of not more than ten members. The non-paid police force shall be an entity of the Town Police Department but shall have a supervisory officer, who is also a non-paid member of the force, as the liaison between the regular force and the non-paid force. The non-paid force shall be headed by the Marshal as acting chief of police. Members of the non-paid police force must adhere to the principles, policies, and beliefs of the paid force with no compensation for their duties.

(2) The members of the non-paid police force shall be under the authority, control, and command of the Chief of Police, subject to all the provisions of ordinances of the town. Members of the non-paid police force shall be appointed by application process and are considered on probation for a period of one year from the commission date.

(C) *Identification card; status as peace officers; resignation, termination or expulsion of members.*

(1) Each non-paid officer is to be issued a departmental identification card which shows he or she as a member of the police force. The card is to be signed by the Chief of Police and must be carried by each member of the non-paid force at all times. Under Vernon's Civil Statutes, the non-paid officer commissioned as a full peace officer is vested with all the rights and privileges that accompany "peace officer" status in the state. Upon termination or separation from the Department, the non-paid officer is to surrender his or her identification card and badge of office. There is no expectation of tenure. A non-paid police officer may be terminated from duty for violation of any of the policies and procedures of the Police Department or town, and/or for failure to log the minimum hours of time required of a non-paid police officer. A member of the non-paid police force may resign at any time he or she wishes; however, it shall be his or her duty to notify the Chief of Police in writing as stated by town policy.

(2) In addition to penalties provided by law, any violation of law under color of performance of his or her duties as a member of the non-paid police force and any breach of rules and regulations established by the Chief of Police shall subject any members of the non-paid police force to summary expulsion. Such expulsion will be made knowledge to the State Commission on Law Enforcement Officer Standards and Education.

(D) *Duties.* The duties of the non-paid police force, subject at all times to the direction and discretion of the Chief of Police, shall be to assist the regular force of the Police Department of the town in the enforcement of law and the maintenance of peace and order. The Chief of Police may, by order, establish rules and regulations to govern the non-paid force, to affix specific duties of its members and to provide for the maintenance of discipline within the non-paid police force. He or she may change such orders from time to time, and may command members of the police non-paid force to obey the orders of the regular police force when the Chief of Police is not present. At all times, the non-paid officers shall take direction from the regular police force when working alongside in a police-related incident.

The Chief may prescribe other duties than those mentioned herein to be performed by the police non-paid force, not inconsistent with the provisions hereof.

(E) *Minimum hours; handgun qualification and in-service training; uniforms and equipment.* Each non-paid member of the town police force shall be required to log in a minimum of 16 clock hours a month to remain a member of the Department. Each member is to log their hours worked and such log shall become a legal document of the Town Police Department. Each non-paid police force member is to qualify yearly with his or her handgun as prescribed by the State Commission on Law Enforcement Officer Standards and Education, as well as, at his or her own expense, complete 40 clock hours of police in-service training (to include mandatory training) every two-year TCOLE cycles. The Town Police Department, if available, will assist with non-paid officer uniforms, but the bulk of the expense is to be borne by the non-paid officer. No firearms, duty ammunition, or utility gear is to be furnished by the town.

(F) *Eligibility for membership; qualifications.* A list of eligible members to the non-paid police force shall be compiled from those who make a written application for the position. TCOLE (Texas Commission on Law Enforcement) guidelines shall be followed in the appointment. Each step of required documentation must be completed for each member of the non-paid police force. Each non-paid police officer is an ambassador of the town and shall abide in such manner at all times. Each member shall be of good character, have temperate personal habits, and be physically capable of performing the duties of a police officer. All applicants shall be approved by the Town Marshal. This section shall be effective upon adoption.

(G) *Issue of commission.* After taking and subscribing to the oath of office and giving bond, a commission shall be issued by the appointee in the following form:

Rose Hill Acres, Texas Commission
I _____, Mayor of the Town of Rose Hill Acres, State of Texas, upon authority of the said Town Board of Aldermen, reposing confidence in the ability, fidelity, and loyalty of, do hereby commission to fulfill the office of Marshal (Deputy Marshal) with all rights, privileges, authority, and duties of a peace officer conferred by the laws of the State of Texas and the ordinances of the Town of Rose Hill Acres. Done at Rose Hill Acres, Texas, this the ___ day of _____, 20__.
_____ Mayor, Town of Rose Hill Acres, Texas

(Ord. 2015-10-13-02, passed 10-12-2015)

## CHAPTER 32: EMERGENCY MANAGEMENT

### Section

#### *General Provisions*

- 32.01 Southeast Texas Regional Mitigation Action Plan
- 32.02 Multi-Jurisdictional Hazard Mitigation Action Plan
- 32.03 Joint mutual aid agreement

#### *Emergency Management*

- 32.15 Emergency Management Director; duties
- 32.16 Emergency Management Council
- 32.17 Operation Emergency Management Organization
- 32.18 Warning signals or devices
- 32.19 Effect; conflict
- 32.20 Exercise of governmental functions
- 32.21 Expending town funds
- 32.22 Obstruction, hindrance, and the like
- 32.23 Employees and other individuals
- 32.24 Intent
- 32.25 Effective date
  
- 32.99 Penalty

#### **GENERAL PROVISIONS**

### **§ 32.01 SOUTHEAST TEXAS REGIONAL MITIGATION ACTION PLAN.**

The Southeast Texas Regional Mitigation Plan is hereby passed, approved, and adopted and incorporated as part of this code of ordinances as fully as if set out at length herein by the town.  
(Res. 2012-09-25-01, passed 9-25-2012)

**§ 32.02 MULTI-JURISDICTIONAL HAZARD MITIGATION ACTION PLAN.**

The County Multi-Jurisdiction Hazard Mitigation Action Plan is hereby adopted and incorporated as part of this code of ordinances as fully as if set out at length herein as an official Plan for the town. (Res. 2012-02-14-04, passed 2-14-2012)

**§ 32.03 JOINT MUTUAL AID AGREEMENT.**

(A) The purpose of this section is to recommend complete revision, update, and consolidation of applicable mutual aid agreements within and/or affecting the town to prevent automatic denial of state or federal reimbursement. The Board considered a resolution authorizing execution of a mutual aid agreement (MAA) with the local governmental entities within the Southeast Texas Regional Planning Commission (SETRPC) region and rescinded all prior mutual aid agreements with those governmental entities as are signatories to the joint agreement.

(B) The Mayor and Emergency Management Coordinator are hereby authorized to execute a joint mutual aid agreement (MAA) with the local governmental entities within the Southeast Texas Regional Planning Commission region to provide the necessary mutual aid as may be requested by another government agency signatory to the agreement for emergency or disaster conditions as defined by the Tex. Government Code, Ch. 418.

(Res. 2014-09-09-02, passed 9-9-2014)

*Statutory reference:*

*Emergency management, see Tex. Government Code, Ch. 418*

***EMERGENCY MANAGEMENT*****§ 32.15 EMERGENCY MANAGEMENT DIRECTOR; DUTIES.**

(A) *Generally.* There exists the office of Emergency Management Director of the town and it shall be held by the Mayor in accordance with state law.

(1) An Emergency Management Coordinator may be appointed by and serve at the pleasure of the Director.

(2) The Director shall be responsible for conducting a program of comprehensive emergency management within the town and carrying out the duties and responsibilities set forth in division (C) below. The Mayor may delegate authority for execution of these duties to the Coordinator, but ultimate responsibility for such execution shall remain with the Director.



(B) *Powers and duties generally.* The powers and duties of the Director shall include an ongoing survey of actual or potential major hazards which threaten life and property within the town; and an ongoing program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur. As part of his or her responsibility in hazard mitigation, the Director shall supervise the development of an emergency management plan for the town, and shall recommend that plan for adoption by the Town Board along with any and all mutual aid plans and agreements which are deemed essential for the implementation of such emergency management plan. The powers of the Director shall include the authority to declare a state of disaster, but such action may be subject to confirmation by the Town Board at its next meeting. The duties of the Director shall also include the causing of a survey of the availability of existing personnel, equipment, supplies, and services which could be used during a disaster, as provided for herein, as well as a continuing study of the need for amendments and improvements in the emergency management plan.

(C) *Additional powers and duties.* The duties and responsibilities of the Emergency Management Director shall include the following:

(1) The direction and control of the actual disaster operations of the Town Emergency Management Organization as well as the training of emergency management personnel;

(2) The determination of all questions of authority and responsibility that may arise within the Emergency Management Organization of the town;

(3) The maintenance of necessary liaison with other municipal, county, district, state, regional, federal, or other emergency management organization;

(4) The marshaling, after declaration of a disaster as provided for above all necessary personnel, equipment, or supplies from any department of the town to aid in the carrying out of the provisions of the emergency management plan;

(5) The issuance of all necessary proclamations as to the existence of a disaster and the immediate operational effectiveness of the town emergency management plan;

(6) The issuance of reasonable rules, regulations, or directives, which are necessary for the protection of life and property in the town. Such rules and regulations shall be filed in the office of the Town Secretary and shall receive widespread publicity unless publicity would be of aid and comfort to the enemy;

(7) The supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county in which said town is located and with other municipalities within the county for the county-wide coordination of emergency management efforts;

(8) The supervision of, and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contribution, which may be offered for the purpose of improving emergency management within the town; and

(9) The authorizing of agreements, after approval by the Town Attorney, for use of private property for public shelter and other purposes.

(Ord. 2012-06-12-02, passed 6-12-2012)

### **§ 32.16 EMERGENCY MANAGEMENT COUNCIL.**

The Mayor is hereby authorized to join with the County Judge and the mayors of other cities in said county and Region Five in the formation of an Emergency Management Council for the county and shall have the authority to cooperate in the preparation of a joint emergency management plan and in the appointment of a joint Emergency Management Coordinator as well as all powers necessary to participate in a county-wide program of emergency management insofar as said program may affect the town. The Mayor is hereby authorized to accept bids submitted to the county and awarded in Commissioner Court as bids submitted on behalf of the town, to facilitate consistent access, and sharing of equipment and service providers, avoiding a unnecessary duplication of services.

(Ord. 2012-06-12-02, passed 6-12-2012)

### **§ 32.17 OPERATION EMERGENCY MANAGEMENT ORGANIZATION.**

The Operational Emergency Management Organization of the town shall consist of the officers and employees of the town so designated by the Director in the emergency management plan, as well as all organized volunteer groups. The functions and duties of this Organization shall be distributed among such officers and employees in accordance with the terms of the emergency management plan. Such plan shall set forth the form of the Organization; establish and designate divisions and functions; assign tasks, duties, and powers; and designate officers and employees to carry out the provisions of this subchapter. Insofar as possible, the form of organization, titles, and terminology shall conform to the recommendations of the State Division of Emergency Management of the state and the federal government.

(Ord. 2012-06-12-02, passed 6-12-2012)

### **§ 32.18 WARNING SIGNALS OR DEVICES.**

Any unauthorized person who shall operate a siren or other device as to simulate a warning signal or the termination of a warning shall be deemed guilty of a violation of this subchapter and shall be subject to the penalties imposed by this subchapter.

(Ord. 2012-06-12-02, passed 6-12-2012) Penalty, see § 32.99

**§ 32.19 EFFECT; CONFLICT.**

(A) At all times when the orders, rules, and regulations made and promulgated pursuant to this subchapter shall be in effect, they shall supersede and override all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith.

(B) This subchapter shall not be construed so as to conflict with any state or federal statute or with any military or naval order, rule, or regulation.

(Ord. 2012-06-12-02, passed 6-12-2012)

**§ 32.20 EXERCISE OF GOVERNMENTAL FUNCTIONS.**

(A) This subchapter is an exercise by the town of its governmental functions for the protection of the public peace, health, and safety and neither the town, the agents, and representatives of said town, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with, or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this subchapter shall be liable for any damage sustained to persons as the result of said activity.

(B) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the town a license of privilege, or otherwise permits the town to inspect, designate, and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending, or practice enemy attack shall, together with his or her successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege, or other permission or for loss of, or damage to, the property of such person.

(Ord. 2012-06-12-02, passed 6-12-2012)

**§ 32.21 EXPENDING TOWN FUNDS.**

No person shall have the right to expend any public funds of the town in carrying out any emergency management activity authorized by this subchapter without prior approval by the Town Board, nor shall any person have any right to bind the town by contract, agreement, or otherwise, without prior and specific approval of the Town Board.

(Ord. 2012-06-12-02, passed 6-12-2012) Penalty, see § 32.99

**§ 32.22 OBSTRUCTION, HINDRANCE, AND THE LIKE.**

(A) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the Emergency Management Organization in the enforcement of any rule or regulation issued pursuant to

this subchapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this subchapter.

(B) It shall likewise be unlawful for any person to wear, carry, or display any emblem, insignia, or any other means of identification as a member of the emergency management organization of the town, unless authority to do so has been granted to such person by the proper officials.

(Ord. 2012-06-12-02, passed 6-12-2012) Penalty, see § 32.99

### § 32.23 EMPLOYEES AND OTHER INDIVIDUALS.

Each employee or any individual that is assigned a function or responsibility shall solemnly swear or affirm to support and defend the constitution of the United States, laws of the state, and the ordinances of the town.

(Ord. 2012-06-12-02, passed 6-12-2012)

### § 32.24 INTENT.

The intent of this subchapter is to establishing a program of comprehensive emergency management which includes the mitigation, preparedness, response, and recovery phases pursuant to this chapter.

(Ord. 2012-06-12-02, passed 6-12-2012)

### § 32.25 EFFECTIVE DATE.

This subchapter shall take effect immediately from and after its passage, subject to whatever publication that may be required by law.

(Ord. 2012-06-12-02, passed 6-12-2012)

### § 32.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Convictions for violations of the provisions §§ 32.15 through 32.25 shall be punishable by fine not to exceed \$1,000.

(Ord. 2012-06-12-02, passed 6-12-2012)