

Sec. 10-1, Expense for Issuance and Service of Warrants

1. A special expense of \$25.00 will be imposed following issuance and service of a warrant of arrest for an offense under Section 38.11 Bail Jumping and Failure to Appear, Texas Penal Code.
2. A special expense of \$25.00 will be imposed following issuance and service of a warrant of arrest for an offense under Section 149, Violation of Promise to Appear, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes). (Ord. 792, 5-8-89)

Sec. 10-2, Notice to Appear

Section 1. Whenever a person is arrested by a City police officer for any violation of law punishable by a fine not in excess of \$200 in the Municipal Courts of the City of Terrell Hills, other than violations of the Texas Uniform Act Regulating Traffic on Highways (Article 6701d, V.A.C.S.), and such person is not immediately taken before a magistrate where required under Section 2 hereof, the arresting officer shall prepare written notice to appear in Court containing the name and address of such person, driver's license number or other identification, the offense charged, and a statement promising to appear in a Municipal Court of the City of Terrell Hills and at a time designated in the notice, if the arrested person gives his written promise to appear in court at the time and place so specified by signing the written notice prepared by the arresting officer.

- A. After it is signed, the original of the notice shall be retained by the officer and a copy delivered to the person arrested. Thereupon the officer shall release the person arrested from custody.
- B. The time specified in the notice must be at least five (5) days after such arrest unless the person arrested shall demand an earlier hearing.
- C. The place specified in the notice shall be the courtroom of the Municipal Court of the City of Terrell Hills.
- D. A written promise to appear in Court may be complied with by an appearance by counsel.

Section 2. The above procedure is not authorized in any of the following cases:

- A. When a person arrested demands an immediate appearance before a magistrate.
- B. The person arrested is being arrested on a warrant or has outstanding warrants against him.
- C. The safety of the person arrested or the safety of others may be jeopardized by his release, in the judgment of the police officer or his superiors.

- D. The person arrested fails or refuses to give satisfactory identification.
- E. The person arrested is intoxicated to a degree where he is unable to care for himself.
- F. The person arrested is a child or a juvenile.
- G. Where medical treatment or physical examination of the person arrested is required.
- H. Where a police officer has used physical force on the person arrested.

Section 3. The failure of any person who has been arrested and released from custody under the provisions of Section 1 hereof to appear as herein required before the Municipal Court of the City of Terrell Hills at the time and place specified in the notice shall be an offense and any person convicted of such offense shall be punished by a fine of not more than \$200.
(Ord. 288, 6-14-71)

Sec. 10-5, Discharging of Firearm

1. It shall be unlawful for any person ⁺ to discharge within the corporate limits of the City of Terrell Hills a gun, pistol or firearm of any kind, or to discharge any air rifle, air pistol, blow gun, bow and arrow, crossbow, sling shot, wrist rocket or any device* of any description by whatever name known, that by means of compressed air, compressed gas, spring or other means, is capable of discharging shots, pellets, or any solid object a distance of 50 feet or more.

2. It shall be unlawful for any parent, guardian, managing conservator, possessory conservator, custodian or other adult person to knowingly permit his child, ward or any other person under the age of 17 years and subject to his discipline and control, to discharge within the corporate limits of the City of Terrell Hills a gun, pistol or firearm of any kind, or to discharge any air rifle, air pistol, blow gun, bow and arrow, crossbow, slingshot, wrist rocket or any device* of any description by whatever name known, that by means of compressed air, compressed gas, springs or other means, is capable of discharging shots, pellets, or any solid object, a distance of 50 feet or more.

3. Any violation of the provisions of this ordinance shall be punishable by a fine not exceeding \$200.00.

(Ord. 400, 5-10-76)

⁺ (“under the age of 17 years” deleted by ord. 677, 7-9-84)

* (amended by ord. 833, 4-8-91)

Sec. 10-10, Unmarked Police Cars

Section 1. The City Council of the City of Terrell Hills, Texas hereby authorizes the Terrell Hills Police Department to use the unmarked vehicles listed on exhibit “a” attached hereto and made a part hereof for the purpose of performing official duties: and further provides that the provisions of act of June 19, 1987, ch. 801, S1, 1987 Tex, Sess. Law Serv. 5594 (Vernon) requiring that the name of the city and title of the department be printed on each side of the city vehicle shall not apply. (Ord. 764, 2-8-88)

Sec. 10-11, Unlicensed Personal Care Facilities

Section 1. A person may not establish or operate a personal care facility within the corporate limits of the City of Terrell Hills without first having obtained a license issued by the Texas Department of Health, as provided in Section 247.021 of the Texas Health and Safety Code.

Section 2. As used herein a “Personal Care Facility” means an establishment, including a board and care home, that:

1. furnishes, in one or more facilities, food and shelter to four (4) or more persons who are unrelated to the proprietor of the establishment; and
2. provides personal care services.

As used herein “Personal Care Services” means:

1. assistance with meals, dressing, movement, bathing or other personal needs or maintenance;
2. the administration of medication by a person licensed in administering medication or the assistance with or supervision of medication; or
3. general supervision or oversight of the physical and mental well-being of a person who needs assistance to maintain private and independent residence in a personal care facility or who needs assistance to manage the person’s personal life, regardless of whether a guardian has been appointed for the person.

Section 3. Whenever it shall appear to the City Manager or to his designated representative that a person has established or is operating a personal care facility, within the corporate limits of the City without having first obtained a license to do so, as provided by Section 247.021 et seq, of the Texas Health and Safety Code, it shall be the duty of the City Manager or his said designated representative to make demand upon such person to produce for inspection his license to do so. Upon his failure to produce such license, the City Manager or his designated representative shall notify the Texas Department of Health of such fact and request that the Department take appropriate action to enforce its licensing requirements as to such person.

In the event it shall appear that the Department of Health has failed to take the requested action within thirty (30) days after such notice and request, then the City Manager shall be and is hereby authorized to petition a District Court in Bexar County, Texas, for a Temporary Restraining Order, restraining and enjoining such person from establishing or operating such personal care facility, unless and until he has obtained a license to do so as required by law.

Section 4. In the event that the violation referred to in the preceding Section creates an immediate threat to the health and safety of the personal care facility residents, the City Manager is hereby authorized and directed to petition a District Court in Bexar County, Texas, for a Temporary Restraining Order without waiting for action to be taken by the Department of Health, as hereinabove provided.

Section 5. This ordinance is adopted pursuant to the authority granted to the City by Section 247.029, Health and Safety Code.
(Ord. 980, 9-8-97)