



ORDINANCE 2004-16

AN ORDINANCE ESTABLISHING CITY POLICY REGARDING THE USE OF CITY EQUIPMENT FOR PRIVATE USE; USE OF EQUIPMENT ON PRIVATE PROPERTY AND IMPOSING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

Whereas: There is a need for establishing formal City policy relating to the use of City equipment on private property and private use, and;

Whereas: There is a need for establishing formal City policy relating to the loaning, leasing or renting of City equipment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN:

Section 1: Short title of this ordinance shall be called: **Use of City Equipment.**

Section 2: It shall be unlawful to go on private property with City equipment for any Work that is not the responsibility of the City of Tom Bean.

Section 3: It shall be unlawful to loan, lease, or rent City property belonging to the City of Tom Bean.

Section 4: EXCEPTIONS:

A. The Mayor will have the authority to allow City equipment to be used during any emergency that would arise affecting the safety and welfare of the citizens of Tom Bean.

B. The Mayor will have the authority to work in conjunction with governmental, fire, and school agencies the use of City equipment during normal working hours and after hours in the event of an emergency.

C. All City equipment will only be driven and/or operated by authorized City employees only.

D. The Mayor will have the authority to assess a charge of not less

authorized City employees only.

D. The Police Chief and Public Works Director may drive their vehicles to and from work due to the emergency call status that they are required to maintain. Vehicles are to be used for emergency situations only, and not for any activity that is not a function of the City. The Police Chief may assign an officer to take a vehicle home if that officer is required to be on call.* (section D amended to Ordinance March 5, 2007)

E. The Mayor will have the authority to assess a charge of not less than FIFTY DOLLARS (\$50.00) per hour if such emergency extends beyond a reasonable time.

Section 5: All ordinances/policies or parts thereof which are in conflict in whole or in part with any of the provisions of this ordinance as to the effective date of this ordinance, are hereby repealed, to include ordinance no. 89-102 dated September 11, 1989 and the City of Tom Bean personnel manual section 15.11 dated April 1, 2002.

Section 6: PENALTIES: any person violating any provision of this ordinance shall be deemed guilty of an offense and upon conviction shall be punished by a fine not to exceed TWO HUNDRED DOLLARS (\$200.00) and/or termination as an employee of the City of Tom Bean.

Section 7: SEVERABILITY: This ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this ordinance shall not be affected thereby.

THIS ORDINANCE SHALL BE IN EFFECT UPON IT'S READING AND PASSAGE BY THE CITY COUNCIL OF TOM BEAN, TEXAS.

Duly passed and approved by the City Council of Tom Bean, Texas this 8th day of November, 2004. A. D.



Mayor

Attest:



City Secretary