

ORDINANCE NO. 78-4

AN ORDINANCE ESTABLISHING A RESERVE POLICE FORCE IN THE CITY OF CUMBY, TEXAS; PROVIDING FOR AUTHORITY OF CHIEF OF POLICE OVER RESERVE POLICE; PROVIDING FOR THE COMPOSITION AND MEMBERSHIP OF THE FORCE; PROVIDING FOR APPLICATION FOR MEMBERSHIP; PROVIDING FOR OATH OF OFFICE FOR AND APPOINTMENT OF RESERVE MEMBERS; PROVIDING FOR UNIFORMS AND BADGES; PROVIDING THE DUTIES OF RESERVE MEMBERS; PROVIDING FOR THE POWERS OF RESERVE MEMBERS TO ARREST; PROVIDING FOR AUTHORIZATION TO WEAR WEAPONS; PROVIDING THAT RESERVE MEMBERS ARE NOT EMPLOYEES OF THE CITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CUMBY, TEXAS:

ESTABLISH- SECTION 1 - A reserve police force to be known as
MENT the Cumby Reserve Police is hereby established.

Such force is to be separate and distinct from the Cumby Police Department.

GENERAL SECTION 2 - The Chief of the Cumby Police Department
POWERS OF shall be in charge of the Cumby Reserve Police
THE CHIEF OF and any and all members of the Reserve Police shall
POLICE

be under the authority, control and command of the Chief of Police, subject to the direction of the City Commission, Ordinances of the City of Cumby, Texas, and of this ordinance. The Chief of Police may, subject to the approval of the City Commission, establish rules and regulations to govern the Reserve Police, fix specific duties of its members, and provide for the maintenance of discipline. The Chief of Police may command members of the Reserve Police to obey the instructions of regular officers of the Police Department in carrying out their orders.

COMPOSITION SECTION 3 - The Reserve Police shall be composed
 of persons who have volunteered to join the
Reserve Police and whose application for membership has been accepted by the City Commission, and who comply with all the rules, regulations and orders specifying the conduct and control of the

members of the Reserve Police. It shall be composed of not more than 25 members.

DIMINISHING OR EXPANDING MEMBERSHIP SECTION 4 - The City Commission of the City of Cumby, Texas, may diminish or expand the membership of the Reserve Police, as emergency may require, within the limits established by SECTION 3.

APPLICATION FOR MEMBERSHIP SECTION 5 - All applications for membership in the Reserve Police shall be filed with the Police Department of the City of Cumby, Texas, on a form prescribed by the Chief of Police, and approved by the City Commission; all questions on applications must be answered.

APPLICANT'S QUALIFICATIONS AND REFERENCES SECTION 6 - Each applicant for membership in the Reserve Police shall be a resident of the City of Cumby, Texas, or the County of Hopkins, Texas, and shall furnish satisfactory proof of good character, temperate habits, freedom from communicable diseases and physical ability to perform the duties of the position for which he or she seeks appointment. All members of the Reserve Police must/will receive not less than seventy (70) hours of training by the Texas Commission on Law Enforcement Officer Standards And Education within the time prescribed by said Commission.

OATH SECTION 7 - Every approved member of the Reserve Police shall subscribe to an oath of office, administered by the Mayor or by the City Judge of the City of Cumby, Texas, that he will observe and obey the Constitution of the State of Texas, and the laws of the United States of America, the ordinances of the City of Cumby, Texas, and that he will carry out the duties of a member of the Reserve Police to the best of his or her ability.

LIST OF
ELIGIBLE
PERSONS, --
APPOINTMENT
OF MEMBERS,
TERMS

SECTION 8 - A list of persons eligible to become of the Reserve Police compiled by the Chief of Police shall be maintained by the Cumby, Texas, Police Department. Members of the Reserve Police shall be appointed by the Chief of Police and approved by the City Commission from such list of eligible persons. All qualifying members shall serve for a six month period, which shall be automatically renewed unless the Chief of Police or the City Commission determines otherwise. All such Reserve Police members shall be under the same supervision as the regular Police Department officers engaged by the City of Cumby, Texas.

UNIFORMS AND
BADGES

SECTION 9 - The chief of Police shall prescribe the uniforms and badges for the members of the Reserve Police and shall direct the manner in which the same shall be worn. All uniforms shall be purchased and maintained at the member's expense.

DUTIES

SECTION 10 - The Reserve Police shall be under the direction, supervision and control of the Chief of Police. It shall be the duty of all Police Reserve members to assist the regular Police Department members in the enforcement of the laws and the maintenance of peace and order during periods of emergency designated by the City Commission and/or the Chief of Police. The Chief of Police may prescribe duties other than those mentioned herein to be performed by the Reserve Police which are not inconsistent with the provisions of this ordinance.

POWER OF
ARREST

SECTION 11 - A member of the Reserve Police shall have the following powers of arrest, and no other:

A) He may arrest while on active duty, under supervision of a regular Police Department officer. B) He may arrest in conjunction with lending physical aid to any member of the Cumby Police Department. C) He may make a citizen's arrest, same as any other citizen.

AUTHORIZATION TO WEAR WEAPONS (SIDE ARMS) SECTION 12 - A member of the Reserve Police shall have the authority to wear fire arms under the following provisions, and no other, and then only when authorized by the Chief of Police:

A. Members may wear a pistol, a type prescribed by the Chief of Police, when called to official duty.

B. Members may wear a pistol from place of residence to the Police Department, and only while on duty.

C. Members may wear a pistol from the Police Department to his place of residence.

At no other times shall any member of the Reserve Police be authorized to bear arms. If at any time, any portion of the provision for carrying fire arms is abused by any member of the Reserve Police, that member shall immediately be relieved of membership in the Reserve Police.

COMPENSATION SECTION 13 -- Members of the Reserve Police will receive no compensation from the City of Cumby, Texas, for their activities, and will not be considered employees of the City for any purpose including, but not limited to, entitlement to workmen's compensation benefits or other death or disability benefits due to injuries sustained while on duty as a Reserve Police officer.

EMERGENCY SECTION 14 - The fact that there are presently no adequate provisions for Reserve Police assistance to the regular Police Department makes the establishment thereof necessary to the public interest, creates an urgency and emergency in the immediate preservation of the public safety, comfort and general welfare, and requires that this ordinance shall take effect immediately after approval and passage of the City Commission of the City of Cumby, Texas.

This Ordinance passed, approved and adopted by the City Commission of the City of Cumby, Texas, a meeting held in the City Hall, at Cumby, Texas, at which time a quorum was present, this the 26th day of September, 1978.

LUKE SMITH
MAYOR

ATTEST:

MILDRED HANSFORD
CITY SECRETARY

APPROVED AS TO FORM:

Richard A. Bacon
ATTORNEY FOR THE CITY