

ORDINANCE NO. 73

AN ORDINANCE ESTABLISHING A POLICE RESERVE FORCE; PRESCRIBING THE NUMBER AND QUALIFICATIONS OF THE MEMBERS THEREFOR; ORDER OF COMMAND; RULES GOVERNING THE OPERATION THEREOF; FORBIDDING IMPERSONATION OF MEMBERSHIP THEREOF; AND PRESCRIBING A FINE FOR VIOLATION OF SUCH PROVISION; CONTAINING A SAVING CLAUSE; AND PROVIDING FOR PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DANBURY, TEXAS:

SECTION 1: Auxiliary Police Force established to be known as Police Reserve, Danbury Police Department. An Auxiliary Police Force to be known as Police Reserve, Danbury Police Department, is hereby established. It shall be composed of personnel who have volunteered to join the organization and whose application for membership has been accepted and approved by the Chief of Police and the City Council, and who have complied with the rules, regulations and orders provided for the conduct and control of the members thereof. The number of persons composing the Police Reserve shall be determined by the Chief of Police, however, the total number shall not exceed fifteen (15) members. The Police Reserve, Danbury Police Department, shall be separate and distinct from the regular force of the Police Department of this City, but shall be under the direct control and supervision of the Chief of Police of the City of Danbury, Texas.

SECTION 2: Chief of Police to have control. The members of the Police Reserve shall be under the authority, control and command of the Chief of Police of the City of Danbury, subject to all of the provisions of the Ordinances of the City and of this Ordinance. Members shall be appointed from a list of eligibles compiled as hereinafter provided.

SECTION 3: Application and Eligibility for Membership. A list of eligibles shall be established, in compliance with rules and regulations set forth in the Danbury Police Manual, as follows:

All applicants for positions in the Police Reserve, Danbury Police Department, must apply in writing on the form prescribed by the Chief of Police.

All applicants for positions in the Police Reserve, Danbury Police Department, must meet the following basic qualifications:

1. Must be over nineteen and one-half (19 1/2) years of age or older.
2. United States citizen.
3. Graduate of an accredited high school or be possessed of such discernible intelligence as would equal at least that minimum level of education as determined by the screening board.
4. Must be free of all physical defects, physically strong and well proportioned.

5. Must be of good moral character.

6. Must never have been convicted of a felony.

Selections will be made through examination and appointments will be made by the Chief of Police with the consent and approval of the City Council.

All examinations shall be impartial, practical in their character, and shall relate to those matters which fairly test the relative capacity of the persons examined to discharge the duties of the position to which they expect to be appointed.

All applicants successfully completing the examination, shall, before appointment, be subjected to:

1. Rigid background investigation.
2. Fingerprint check for criminal record.
3. A driver's license record check.
4. Credit rating check.
5. Rigid physical examination.

Failure to receive a favorable report on any of the five above mentioned investigations shall reject the applicant.

All applicants, before appointment to the Police Reserve, Danbury Police Department, shall subscribe to an oath that he will obey and observe the Constitution of the United States, the Constitution of the State of Texas and the laws of this nation, this state, and this city and that he will carry out the duties of a member of the Police Reserve, Danbury Police Department, to the best of his ability.

SECTION 4: Duties. The duties of the Police Reserve Force, subject at all times to the direction, supervision and control of the Chief of Police, shall be to assist the regular members of the Police Department of this City in the enforcement of the law, and in the maintenance of peace and order during periods of emergency designated by the Chief of Police. The Chief may, by order, establish rules and regulations to govern the Police Reserve Force, to fix the specific duties of its members, and to provide for the maintenance of discipline. He may change such orders from time to time, and he may command members of the Police Reserve Force to obey the instructions of regular police officers in carrying out their duties.

The Chief may prescribe other duties than those mentioned herein to be performed by the Police Reserve Force, not inconsistent with the provisions hereof.

SECTION 5: Identification. An identification card and other

insignia or evidence of identity as the Chief may prescribe shall be issued to each new member, who must carry the card and other identification at all times while on duty, and he must surrender them upon the termination of this membership. All commissions shall expire automatically at midnight on the 31st day of December in any year. A renewal of said commission for any next ensuing year may be had by the filing of an application by any holder of any commission. Said applications shall be on forms prescribed by the Chief of Police, properly filled out by the applicant giving his full name and address and giving the number of his existing commission. This application shall be filed with the Chief of Police. If application for renewal is not presented on or before January 31 of the year for which renewal is sought, then anyone desiring the commission as a member of the Police Reserve Force shall make application as in the first instance where an applicant did not hold a commission.

SECTION 6. Removal from Membership - Resignation. Membership of any person may be terminated by the Chief of Police at any time for any cause deemed sufficient by the Chief of Police. Any member may resign from the Police Reserve Force at any time, but it shall be the duty of said member to notify the Chief of his resignation.

SECTION 7: Diminishing the Force. The Chief of Police may, by order, diminish or expand the membership of the Police Reserve Force as exigency may require, within the limit hereinbefore established in Section 1 of this Ordinance.

SECTION 8: Power and Authority. (A) Carrying of firearms: No member of the Police Reserve Force shall, while on duty or otherwise, bear any firearm except on the express order of the Chief of Police.
(B) Breaking and entering: No member of the Police Reserve Force shall break into or otherwise forcefully enter upon any private property or enter the dwelling or habitation of another person without the consent of the owner or occupant except when immediately accompanied by a regular member of the Police Department of this City who then and there requests his aid in the enforcement of the law.
(C) Power of arrest: A member of the Police Reserve Force shall have the following powers of arrest and none others:

1. When the offense is committed in his presence or within his view, if the offense is one classed as a felony or an offense against the public peace.
2. Upon the representation of a credible person that a felony has been committed and the offender is about to escape, and there is not sufficient time to procure a warrant for said offender.
3. When authorized by a warrant of arrest, and said warrant is in the actual possession of the officer making the arrest.
4. To lend physical aid to any regular member of the Police Department in making any lawful arrest, when authorized by the Chief of Police, or requested by any regular member of the Police Department of this City.

SECTION 9: Remuneration for Services. Members of the Police Reserve Force shall receive regular patrolman's pay when ordered to active duty by the Chief of Police, or during periods of emergency. There will be no remuneration for their tour of training nor for service voluntarily performed.

SECTION 10: Summary dismissal and publication. In addition to the penalties provided by law, any violation of law under color of the performance of his duties as a member of the Police Reserve Force, and any breach of the rules and regulations established by the Chief of Police shall subject any member to summary expulsion and the fact thereof may be published at the order of the Chief.

✓ SECTION 11: False Impersonation. It shall be a misdemeanor punishable by a fine not exceeding Two Hundred (\$200.00) Dollars for any person to wear, carry or display a Police Reserve Force identification card or otherwise deceitfully represent himself to be connected with the Police Reserve Force, unless he is in fact a member thereof in good standing.

✓ SECTION 12: Chief of Police Prescribes Uniforms and Badges. Chief of Police shall prescribe the uniforms and badges for the members of the Police Reserve Force and direct the manner in which the same shall be worn. Any person, other than a member of the said Force who shall wear such uniform or badge as may be prescribed shall be guilty of a misdemeanor and upon conviction shall be subject to fine of not exceeding Two Hundred (\$200.00) Dollars.

SECTION 13: If for any reason, any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be held invalid, it shall not affect any valid provision of this or any other ordinance of the City of Danbury to which these rules and regulations relate.

SECTION 14: The caption and penalty provisions hereof shall be published one time in a newspaper of general circulation in the City of Danbury to which these rules and regulations relate.

SECTION 15: Any ordinance, clause or part thereof which is in conflict with this ordinance is hereby repealed, annulled and voided, to the extent of such conflict.

SECTION 16: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph or any other section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance.

SECTION 17: This ordinance shall be effective from and after the date of its passage and approval and the publication of the caption and penalty provisions hereof in one issue of the Angleton Times Newspaper.

PASSED AND APPROVED this the 22nd day of March,