

*City of Frankston*

P.O. BOX 186

FRANKSTON, TEXAS 75763

2-1-83

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ESTABLISHING A POLICE RESERVE FORCE FOR THE CITY OF FRANKSTON, TEXAS, PROVIDING FOR THE APPOINTMENT, POWERS AND DUTIES OF RESERVE POLICEMEN.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRANKSTON, TEXAS, THAT:

SECTION 1. There is hereby established a Police Reserve Force for the City of Frankston, Texas.

SECTION 2. Members of the Police Reserve Force shall be appointed and/or relieved at the discretion of the Chief of Police and shall serve as police officers during the actual discharge of official duties.

SECTION 3. The Police Reserve Force shall not exceed in number the total number of regular police officers authorized.

SECTION 4. Members of the Police Reserve Force shall serve at the discretion of the Chief of Police and may be called into active service at any time the Chief of Police considers it necessary to have additional police officers to preserve the peace and enforce the law.

SECTION 5. Members of the Police Reserve Force may serve without compensation. Uniforms and uniform compensation may be provided to the reserve police officers at the discretion of the Chief of Police. The uniform compensation shall be based solely upon time served by the member of the police reserve while in training for or in the performance of official duties. The City of Frankston may provide hospital and medical assistance to members of the Police Reserve Force who sustain injury in the course of performing official duties, in the same manner as provided by the City of Frankston for its full time police officers, and reserve officers shall be eligible for death benefits as set out in Chapter 86, Acts of 60th Legislature, Regular Session 1967, as amended (Article 6228fV.T.C.S.) provided, however, that nothing in this ordinance shall be construed to authorize or permit a member of the Police Reserve Force to become eligible for participation in any pension fund created pursuant to state statute, to which regular officers may become a member by payroll deductions or otherwise. Reserve police officers shall act only in a supplementary capacity to the regular police force and shall in no case assume the full time duties of regular police officers.

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ORDINANCE NO. \_\_\_\_ (continued)

SECTION 6. This action does not limit the power of the Mayor or summons into service a special police force as provided by Article 995 of Revised Civil Statutes of Texas, 1925.

SECTION 7. Reserve police officers must comply with the minimum training standards established by the Texas Commission on Law Enforcement Officers Standards and Education minimum standards established for all reserve law enforcement officers identical to the standards so established which must be fulfilled before a person appointed as a reserve law enforcement officer may carry a weapon or otherwise act as a peace officer. The Chief of Police shall establish qualifications and standards of training for members of the Police Reserve Force and shall establish rules and regulations governing reserve police officers.

The Chief of Police may establish minimum physical, mental, educational and moral standards as used by the regular Police Department but in no case shall the standards be less than that established by the Texas Commission on Law Enforcement Officer Standards and Education.

If any portion of this ordinance be in conflict with any part or portion of Article 998a, Revised Civil Statutes of Texas, as amended, or any other laws of this state, the terms and provisions of those laws will govern.

PASSED AND APPROVED THIS the \_\_\_\_ day of \_\_\_\_\_, 198\_\_.

ATTEST: \_\_\_\_\_ MAYOR

City Clerk \_\_\_\_\_

*Minutes*  
*2-1-83*

### **Art. 998a. Police reserve force**

(a) The governing body of any city, town, or village may provide for the establishment of a police reserve force. Members of the police reserve force, if authorized, shall be appointed at the discretion of the chief of police and shall serve as peace officers during the actual discharge of official duties.

(b) The governing body shall establish qualifications and standards of training for members of the police reserve force, and may limit the size of the police reserve force.

(c) No person appointed to the police reserve force may carry a weapon or otherwise act as a peace officer until he has been approved by the governing body. After approval, he may carry a weapon only when authorized by the Chief of Police, and when discharging official duties as a duly constituted peace officer.

(d) Members of the police reserve force serve at the discretion of the chief of police and may be called into service at any time the chief of police considers it necessary to have additional officers to preserve the peace and enforce the law.

(e) Members of the police reserve force may serve without compensation but the governing body may provide uniform compensation for members of the police reserve force. The compensation shall be based solely upon time served by a member of the police reserve force while in training for, or in the performance of, official duties.

(f) The governing body may provide hospital and medical assistance to a member of the police reserve force who sustains injury in the course of performing official duties in the same manner as provided by the governing body for a full time police officer, and reserve officers shall be eligible for death benefits as set out in Chapter 86, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6228f, Vernon's Texas Civil Statutes), provided, however, that nothing in this Act shall be construed to authorize or permit a member of the police reserve force to become eligible for participation in any pension fund created pursuant to State statute to which regular officers may become a member by payroll deductions or otherwise.

(g) Reserve police officers shall act only in a supplementary capacity to the regular police force and shall in no case assume the full time duties of regular police officers without first complying with all requirements for such regular police officers.

(h) This Act does not limit the power of the mayor of any general-law city to summon into service a special police force, as provided by Article 995, Revised Civil Statutes of Texas, 1925.

### **Art. 999. Marshal, duties, etc.**

The marshal of the city shall be ex officio chief of police, and may appoint one or more deputies which appointment shall only be valid upon the approval of the city council. Said marshal shall, in person or by deputy, attend upon the corporation court while in session, and shall promptly and faithfully execute all writs and process issued from said court. For the purpose of executing all writs and process issued

*City of Frankston*

*Frankston, Texas*

75763

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ESTABLISHING A POLICE RESERVE FORCE; PRESCRIBING THE NUMBER AND QUALIFICATIONS OF THE MEMBERS THEREOF; ORDER OF COMMAND; RULES GOVERNING THE OPERATION THEREOF; POWER AND AUTHORITY OF MEMBERS THEREOF; RENUMERATION FOR SERVICE; PROHIBITING IMPERSONATION OF MEMBERSHIP THEREOF; PRESCRIBING A FINE NOT EXCEEDING \$200.00 FOR VIOLATION OF SUCH PROVISION; CONTAINING A SAVING CLAUSE; A CODE CONFORMANCE CLAUSE AND PROVIDING FOR THE PUBLICATION OF THE CAPTION OF SAID ORDINANCE IN LIEU OF PUBLISHING THE ORDINANCE IN FULL.

BE IT ORDAINED BY CITY COUNCIL OF CITY OF FRANKSTON, TEXAS:

SECTION 1.

Auxiliary Police Force established to be known as Police Reserve, Frankston Police Department.

An Auxiliary Police Force to be known as Police Reserve, Frankston 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 who have complied with the rules, regulations, and orders provided for the conduct and control of the members thereof. It shall be composed of not to exceed        members. The Police Reserve, Frankston 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 Frankston, 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 Frankston, 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 herein-after provided.

SECTION 3.

Application and Eligibility for Membership.

A list of eligibles shall be established, in compliance with the rules and regulations set forth in the Police Manual, and established Policies as follows:

All applicants for positions with the Police Reserve, Frankston Police Department, must apply in writing on the form prescribed by the Chief of Police. All applicants for positions in the Police Reserve, Frankston Police Department, must meet the following basic qualifications:

1. Must be over 18 years old.
2. A United States citizen
3. Graduate of a standard high school.
4. Must be free of all physical defects,
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 Drivers 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, Frankston 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, Frankston 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 his membership.

~~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.

### Diminshing the Force.

The Chief of Police may, by order, diminsh or expand the membership of the Police Reserve Force as exigency may require, within the limit hereinbefore established.

## 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 as "offenses 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.

##### Renumeration for Services.

Members of the Police Reserve Force shall receive no regular pay when ordered to active duty by the Chief of Police, or during periods of emergency. There will be no renumeration 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 Dollars (\$200.00) for any person to wear, carry or display a Police Reserve Force identification card or other wise 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.

The 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 a fine of not exceeding Two Hundred Dollars (\$200.00).

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 Frankston to which these rules and regulations relate.

SECTION 14.

The provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Frankston, Texas; and the sections of this ordinance may be renumbered or relettered to accomplish such purpose; and the word "ordinance" may be changed to "section", "article", or other appropriate verbage to conform to said code.

This ordinance shall take effect immediately after publication in the Frankston Citizen in full; the publication requirement shall be met by publication of the descriptive caption or title, stating in summary the purpose of this ordinance and the penalty for violation thereof.

PASSED, APPROVED and ADOPTED by the City Council of the City of Frankston at a regular meeting held in the Council Chambers on this the \_\_\_\_\_th day of \_\_\_\_\_, A.D., 19\_\_\_\_.

CITY OF FRANKSTON, TEXAS

BY: \_\_\_\_\_

Mayor

ATTEST: \_\_\_\_\_

City Secretary