

Chapter 22

POLICE*

Art. I. In General, §§ 22-1--22-25

Art. II. Police Department, §§ 22-26--22-50

Art. III. Police Reserve, §§ 22-51--22-59

ARTICLE I. IN GENERAL

Secs. 22-1--22-25. Reserved.

ARTICLE II. POLICE DEPARTMENT**

Sec. 22-26. Duties of chief generally.

The chief of police of the city shall appoint one (1) or more police officers, and shall either in person or by appointed police officers attend upon the municipal court while such court is in session, and shall promptly and faithfully execute and return any process issued from such court. He shall have like power with the sheriff of the county to execute the writ of search warrant. He shall be active in quelling riots, disorder and disturbances of the peace within the city, and shall have authority to take suitable and sufficient bail for the appearances before the municipal court of any person charged with an offense against the ordinances or laws of the city. It shall be his duty to arrest, without warrant, all violators of the public peace, and all who contract or interfere with him in the execution of the duties of his office, or who shall be guilty of any disorderly conduct or disturbances whatever. To prevent a breach of the peace, or to preserve quiet and good order, he shall have authority to close any theater, ballroom, barroom or any other place or building of public resort, and in the prevention and suppression of crime and in the arrest of offenders he shall have possession and execute like power, authority and jurisdiction as the sheriff of the county, under the laws of the state. He shall receive a salary or fees of office, or both, to be fixed by the city council. The chief of police shall give bond for faithful performance of his duties as the city council may require, and he shall perform such duties and possess such other powers, rights and duties as the city council may by ordinance require and confer not inconsistent with the constitution and laws of the state. (Code 1963, Ch. 1, art. 6, § 1)

Sec. 22-27. Power and duty of police officers.

It shall be the duty of each police officer at all times to preserve to the best of his ability, order, peace and quiet, and to enforce strict obedience to the laws of the state and of the city. Each police officer shall have power and authority to arrest, take charge of, confine or bring before the mayor or municipal judge for trial any and all persons in the city, violating any law or ordinance of this city, or aiding or abetting in any such violation. In making arrests police

***State law reference**—Police generally, V.T.C.A., Local Government Code § 341.001 et seq.

****Charter reference**—Police force authorized, §§ 17, 27 (13).

Cross references—Officers and employees generally, § 2-31; taxicab/limousine driver's permits, § 29-44 et seq.

State law reference—Authority to provide for police department, V.T.C.A., Local Government Code § 341.003.

officers shall be considered the deputies of the chief of police, and shall have all the power and authority invested in that officer by law or ordinance in preserving the peace, quelling disorder and making arrests. (Code 1963, Ch. 1, art. 6, § 2)

Sec. 22-28. Assistance to other jurisdictions.

(a) The chief of police is hereby given authority to make the necessary provisions for his regularly employed law enforcement officers to assist any other county or municipality upon the declaration by an authorized officer of the county or municipality declaring a state of civil emergency.

(b) In addition to the above conditions, the other county or municipality which has declared itself in a state of civil emergency must also request the services of the law enforcement officers of this city for the protection of health, life and property of such other county or municipality and its inhabitants.

(c) This authority is given in conjunction with V.T.C.A., Local Government Code ch. 362 [§ 362.001 et seq.] and if the chief of police is requested to assist a county or municipality, any assistance given will be made in accordance with such chapter. (Code 1963, Ch. 1, art. 6, § 10 [Ord. No. 69-49, §§ 1-3, 10-13-69])

Sec. 22-29. Fee for issuance of identification photos.

The following miscellaneous police department fee is hereby adopted and approved:

Identification photos \$5.00
(Ord. No. 92-68, § II, 9-8-92)

Editor’s note--Ordinance No. 92-68, adopted September 8, 1992, did not specifically amend the Code; hence, codification of § II as § 22-29 was at the discretion of the editor.

Cross reference(s)--Taxicab/limousine driver’s permits, § 29-44 et seq.

Secs. 22-30--22-50. Reserved.

ARTICLE III. POLICE RESERVE*

Sec. 22-51. Established.

An auxiliary police force to be known as the police reserve 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 all the rules, regulations and orders provided for the conduct and control of the members thereof. It shall be composed of no more than fifty (50) members. The police reserve shall be separate and distinct from the police department of this city, but shall be headed by the chief of police. (Code 1963, Ch. 4, art. 2, § 1)

Sec. 22-52. General authority of chief.

The members of the police reserve shall be under the authority, control and command of the

*State law reference—Police reserve forces, V.T.C.A., Local Government Code § 341.012.

chief of police subject to all of the provisions of the city charter, ordinances of the city and of this article. Members shall be appointed from a list of eligibles compiled as hereinafter provided. (Code 1963, Ch. 4, art. 2, § 2)

Sec. 22-53. List of eligibles.

A list of eligibles shall be prepared of applicants for the police reserve and shall be accompanied by a complete set of fingerprints or supplemented immediately by fingerprinting by the police division, which fingerprints shall be checked by the identification bureau to ascertain any criminal record of such person. The application shall state the residence of the applicant. Each applicant shall be an actual resident of the county, 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 seeks appointment. He shall furnish three (3) references and attach letters of recommendation from such references to the application. The application shall be on the form prescribed by the chief of police and approved by the city manager. All names upon a list of eligibles shall subscribe to an oath that he will observe and obey the Constitution of the United States, the Constitution of this state, 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 force of this city to the best of his ability. (Code 1963, Ch. 4, art. 2, § 3)

Sec. 22-54. Duties generally.

(a) 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 law and the maintenance of peace and order. The chief may by order establish rules and regulations to govern the police reserve force, to fix specific duties of its members, and to provide for the maintenance of discipline. He may change such orders from time to time, and may command members of the police reserve force to obey the instructions of regular police officers in carrying out their orders.

(b) The chief may prescribe other duties than those mentioned herein to be performed by the police reserve force, not inconsistent with the provisions hereof or state law. (Code 1963, Ch. 4, art. 2, § 4; Ord. No. 97-4, § I, 1-28-97)

Sec. 22-55. Identification, expiration, renewal.

An identification card or such other insignia or evidence of identity as the chief may prescribe shall be issued to each member of the police reserve, 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. (Code 1963, Ch. 4, art. 2, § 5; Ord. No. 97-4, § I, 1-28-97)

Sec. 22-56. Removal from membership; resignation.

Membership of any person in the police reserve 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 at any time, but it shall be his duty to notify the chief of his resignation. (Code 1963, Ch. 4, art. 2, § 6)

Sec. 22-57. 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. (Code 1963, Ch. 4, art. 2, § 7)

Sec. 22-58. Power and authority.

(a) *Carrying of firearms.* Members of the police reserve force shall while on duty carry firearms on the express written 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 private property or enter the dwelling or habitation of another person without the consent of the 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) He may arrest for a public offense committed in his presence.
- (2) He may arrest a person who had in fact committed a felony not in his presence.
- (3) When a felony has in fact been committed, he may make an arrest when he has reasonable cause for believing the person arrested to have committed it.
- (4) He may go 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.

(Code 1963, Ch. 4, art. 2, § 8)

Sec. 22-59. Summary dismissal and publication.

In addition to the penalties provided for 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. (Code 1963, Ch. 4, art. 2, § 10)