

Chapter 62 LAW ENFORCEMENT

**Chapter 62 LAW ENFORCEMENT** [\[1\]](#)

ARTICLE I. - IN GENERAL

ARTICLE II. - CHIEF OF POLICE

ARTICLE III. - RESERVE POLICE FORCE

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FOOTNOTE(S):

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**Cross reference**— Administration, ch. 2; courts, ch. 38; offenses and miscellaneous provisions, ch. 70; traffic and vehicles, ch. 94. [\(Back\)](#)

**State Law reference**— Municipal civil service, V.T.C.A., Local Government Code ch. 143; police force of home rule municipality, V.T.C.A., Local Government Code § 341.003; law enforcement services provided through cooperation of local governments, V.T.C.A., Local Government Code § 362.001 et seq.; commission on law enforcement officer standards and education, V.T.C.A., Government Code § 415.001 et seq.; false report to peace officer or law enforcement employee, V.T.C.A., Penal Code § 37.08. [\(Back\)](#)

**ARTICLE I. IN GENERAL**

[Sec. 62-1. Arrest.](#)

[Secs. 62-2—62-35. Reserved.](#)

**Sec. 62-1. Arrest.**

Any peace officer may arrest, without warrant, persons found in suspicious places and under circumstances which reasonably show that such persons have been guilty of some felony or breach of the peace, or threaten, or are about to commit some offense against the laws.

(Code 1978, § 18-9)

**Secs. 62-2—62-35. Reserved.**

**ARTICLE II. CHIEF OF POLICE** [\[2\]](#)

[Sec. 62-36. Appointment; term.](#)

[Sec. 62-37. Oath, bond.](#)

[Sec. 62-38. Powers, duties.](#)

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[Sec. 62-39. Appointment of deputies.](#)

[Sec. 62-40. Removal of dead animals or offensive substances by chief of police.](#)

[Secs. 62-41—62-70. Reserved.](#)

**Sec. 62-36. Appointment; term.**

- (a) There shall be appointed by the city council, a city marshal, who shall hold office until his successor is appointed and qualifies.
- (b) The marshal shall be chief of police of the city.

(Code 1978, §§ 21-1, 21-2)

**Sec. 62-37. Oath, bond.**

Before entering upon the duties of his office, the chief of police shall take the oath of office prescribed by the Constitution of the State of Texas, and shall enter into a bond payable to the city, with two or more good and sufficient sureties to be approved by the city council in the sum prescribed by the council, conditioned on the faithful performance of his duties as chief of police.

(Code 1978, § 21-3)

**Sec. 62-38. Powers, duties.**

The chief of police shall, in person or by deputy, attend upon the municipal court while in session, and shall promptly and faithfully execute all writs and processes issued from such court. For the purpose of executing all writs and processes issued from the municipal court, the jurisdiction of the chief of police extends to the boundaries of the county in which the court is situated. He shall have like power, with the sheriff of the county, to execute warrants; he shall be active in quelling riots, disorder and disturbance of the peace within the city limits and shall take into custody all persons offending against the peace of the city; and shall have authority to take suitable and sufficient bail for the appearance 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 obstruct or interfere with him in the execution of the duties of his office, or who shall be guilty of any disorderly conduct or disturbance whatever; to prevent a breach of the peace or preserve quiet and good order, he shall have authority to close any theater, ballroom or other place or building of public resort. In the prevention and suppression of crime and arrest of offenders, he shall have, possess and execute like power, authority and jurisdiction as the sheriff. He shall perform such other duties and possess such other powers and authority as the city council may by ordinance require and confer, not inconsistent with the constitution and laws of this state.

(Code 1978, § 21-4)

**Sec. 62-39. Appointment of deputies.**

The chief of police shall have power to appoint, by and with the advice and consent of the council, deputies who shall have and exercise all rights and powers of the chief as peace officer.

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(Code 1978, § 21-5)

**Sec. 62-40. Removal of dead animals or offensive substances by chief of police.**

If any carcass of any dead animal, or other offensive substance injurious to the health of the public, or of persons in its vicinity, is found in any place within the city, for the removal or abatement of which no person can be held liable, it shall be the duty of the chief of police to remove or abate the dead animal or other offensive substance at the expense of the city.

(Code 1978, § 18-5)

**Secs. 62-41—62-70. Reserved.**

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FOOTNOTE(S):

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**Cross reference**— Officers and employees, § 2-36 et seq. ([Back](#))

**ARTICLE III. RESERVE POLICE FORCE**

[Sec. 62-71. Created; composition.](#)

[Sec. 62-72. Approval of council required to carry weapon, act as officer.](#)

[Sec. 62-73. Calling into service.](#)

[Sec. 62-74. Compensation; benefits.](#)

[Sec. 62-75. Applications for membership.](#)

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[Sec. 62-77. Badges, uniforms.](#)

[Sec. 62-78. When member may make arrest or act as officer.](#)

[Sec. 62-79. Expiration, renewal of membership.](#)

**Sec. 62-71. Created; composition.**

A reserve police force is created for the city as provided for in V.T.C.A., Government Code §§ 141.007, 142.003 and 341.012, composed of voluntary members who are qualified according to official city and state standards required for such members, to be appointed by the chief of police, and to serve at the discretion of the chief of police. Any such reserve police officer may be removed from duty or such

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membership for cause deemed justified by the chief of police. The number of such reserve members shall not exceed ten in number at any given time, and such members shall serve under and be strictly accountable to the chief of police under the conditions of this article.

(Code 1978, § 21-17)

**Sec. 62-72. Approval of council required to carry weapon, act as officer.**

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 city council. After such 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.

(Code 1978, § 21-18)

**Sec. 62-73. Calling into service.**

Members of the reserve police force 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, and shall serve at the discretion of the chief of police.

(Code 1978, § 21-19)

**Sec. 62-74. Compensation; benefits.**

Upon city council approval of recommendations by the chief of police, the council may provide compensation for any member of the reserve police force for performance of duty as a supplementary police officer under conditions and circumstances that the city council may deem justified in remunerating such member for performing but, unless approved by the council, no monetary compensation shall be paid to any such member of the reserve police force. The city council may, from time to time, by resolution, provide for uniform allowance, training cost reimbursement and other compensation or reimbursement to such members but, as here established, the reserve police force shall be entirely voluntary, and unless and until specific compensation, reimbursement or allowance is voted by the city council, none shall be paid to any such member. No member of such reserve force shall be the beneficiary of any pension fund or other city-matched, or funded retirement program, but the council may, by resolution, provide for hospitalization insurance, accident insurance and death benefit coverage of such members, or other assistance, for injuries received while actually performing duties as a supplementary police officer under direction of the chief of police.

(Code 1978, § 21-20)

**Sec. 62-75. Applications for membership.**

Applications for membership in the reserve police force shall be filed with the chief of police on forms prescribed by the chief of police and approved by the city council. Each applicant for membership in the reserve police force shall be an actual resident of the city, and shall furnish satisfactory proof of good character, temperate habits, freedom of communicable diseases and physical ability to perform the duties of the position for which he seeks appointment.

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(Code 1978, § 21-21)

**Sec. 62-76. List of eligible applicants.**

A list of eligible applicants for appointment to such reserve police force shall be compiled by the chief of police, accompanied by a complete set of fingerprints, that have been checked through the state identification bureau to ascertain the criminal record of each such applicant and such list approved by the city council. Each such applicant, before approval as an eligible for appointment to such reserve force, shall subscribe to an oath, or affirmation, that he will observe the Constitution and laws of the United States, the state, and the ordinances, rules and regulations of the city, and that he will carry out the duties of a member of the reserve police force to the best of his ability.

(Code 1978, § 21-22)

**Sec. 62-77. Badges, uniforms.**

Such badges or uniforms, if any, that may be worn by such reserve police force members, when they may be worn, and such other identifying credentials to be carried, or worn, by such reserve members, shall be at the discretion of the chief of police subject to city council approval, from time to time, by its resolutions.

(Code 1978, § 21-23)

**Sec. 62-78. When member may make arrest or act as officer.**

No member of the reserve police force may make any arrest or identify himself as a police officer, or peace officer, except when actually on duty under orders of the chief of police, and then only when specifically ordered to make arrests under certain conditions set out by the chief of police under such orders. Such orders of the chief of police shall not authorize any reserve police force member to make arrest, to break into, forcefully enter upon private property of another, or enter the dwelling or habitation of another, except under the following conditions:

- (1) He may make arrests only when on active duty and shall be limited in such authority to arrest in circumstances stated in orders given by the chief of police when called to such particular duty.
- (2) When on duty, he may make arrests for a public offense committed in his presence, or he may arrest a person when he has reasonable cause for believing such person arrested has committed a particular felony when such felony is, in fact, known by such reserve policeman to have been committed.
- (3) He may break into, or enter, a private business or dwelling only if accompanied by and directed to enter by a regular police officer under orders of the chief of police and having been called to duty by order of the chief of police.
- (4) He may lend physical aid to any regular member of the police department in making a lawful arrest, when authorized by the chief of police or requested by such regular member of the police department making such arrest.

(Code 1978, § 21-24)

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**Sec. 62-79. Expiration, renewal of membership.**

All commissions for membership in the reserve police force shall expire at midnight April 30 in each year. Application for renewal of such commission may be made by written notice on a form determined by the chief of police filed with the police department prior to April 30 of each year. If application for renewal is not presented before such date, then anyone desiring a commission as a member of the reserve police force shall make application as in the first instance where an applicant did not hold a commission, except such reapplication may be waived by the city council upon recommendation of the chief of police.

(Code 1978, § 21-25)