

ORDINANCE

2024-2

AN ORDINANCE ESTABLISHING RESERVE POLICE OFFICERS FOR THE CITY OF EUFAULA, ALABAMA.

WHEREAS, the City of Eufaula, Alabama (the "City") is a duly incorporated municipality in the State of Alabama with an active full-time police force; and

WHEREAS, in order assist in the enforcement of the laws of the State of Alabama and ordinance of the City, the need for the City to create a reserve police force has arisen; and

WHEREAS, §11-43-210, Ala. Code 1975, permits a municipality to form a reserve police force; and

WHEREAS, the City Council finds a reserve police force is needed in the City in order to protect the general welfare of its citizens.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUFAULA, ALABAMA, THAT THE FOLLOWING ORDINANCE BE AND IS HEREBY ADOPTED:

Section 1. A new Article, Article III-Reserve Force, to be added to Chapter 58 of the Code of Ordinances of the City of Eufaula, is adopted as follows:

Article III

Section 58-32. Establishment

The City Council hereby determines that it is in the public interest to establish a reserve police force. Accordingly, under the authority of §11-43-210, Ala. Code 1975, there is hereby established a police reserve force, hereinafter referred to as the "Reserve Force", within the Police Department of the City of Eufaula, Alabama.

Section 58-33. Definitions.

For purposes of this Ordinance, the term "certified law enforcement officer" shall mean a municipal police officer who has completed the training requirements of the Alabama Peace Officers' Standards and Training Commission as set out in Article 3, Chapter 21, Title 36, of the Code of Alabama (1975).

For purposes of this Ordinance, "reserve officer" shall mean a person who is appointed pursuant to this Ordinance and who, without compensation, aids or assists a full-time or

part-time certified law enforcement officers and who, while under the direct control and supervision of a full-time or part-time certified law enforcement, has the authority to perform limited law enforcement functions as set forth in this Ordinance and in §11-43-210, Ala. Code 1975.

Section 58-34. Qualifications.

The Reserve Force shall consist of any number of reserve officers the Police Chief shall deem expedient and necessary to fulfill the needs of the Eufaula Police Department. Any person desiring appointment to the Reserve Force must submit a written application to the Police Chief. To be considered for service in the Reserve Force, the applicant must:

- (a) be at least nineteen (19) years of age at the time the application is submitted;
- (b) be of good moral character and reputation;
- (c) have received a high school or equivalent diploma;
- (d) never have been convicted of a felony or of a misdemeanor involving force, violence, or moral turpitude; and
- (e) consent in writing to a fingerprint, background check, and drug test.

An applicant shall have an affirmative duty to promptly advise the Police Chief of any changes to the applicant's eligibility for consideration that occur subsequent to the submission of the application but prior to acceptance as a member of the Reserve Force.

Section 58-35. Appointment and Removal.

The Police Chief shall recommend applicants for consideration by the Mayor. Appointment to the Reserve shall be made by the Mayor, in the Mayor's discretion. Reserve Officers may be removed from service with or without cause and without a hearing by the Police Chief with the approval and consent of the Mayor.

Section 58-36. Supervision

The Reserve Force shall function under the immediate direction and supervision of the Police Chief, who shall be responsible for providing its organization and training. The Police Chief is hereby authorized and directed to establish such policies, rules, and regulations not inconsistent with this Ordinance and §11-43-210, Ala. Code 1975, as may be necessary for the efficient operation of the Reserve Force. The Police Chief may delegate responsibilities for training, scheduling, monitoring, and coordination of the Reserve Force to a reserve coordinator.

Section 58-37. Equipment.

Each member of the Reserve shall be issued an identification card signed by the Police Chief and the Mayor. Members of the Reserve Force shall keep this identification card with them at all times. Whenever a member of the Reserve Force shall be called to active duty, he or she shall be issued a badge and a head cover which shall be worn in the manner prescribed by the Police Chief at all times while on active duty. Upon completion of each tour of active duty, members of the Reserve Force shall turn in their badges and head covers to the Police Chief or his/her designee.

Section 58-38. Functions.

The functions of the Reserve Officers are limited to the following:

(1) Patrol operation performed for the purpose of detection, prevention and suppression of crime and enforcement of the traffic or highway laws of the state, provided the reserve officer acts at all times under the direct control and supervision of a certified law enforcement officer.

(2) Traffic direction and control may be performed without the direct supervision of a certified law enforcement officer; provided, however, that supervisory control is exercised by a certified law enforcement officer whose total span of control would be considered within reasonable limits.

(3) Reserve officers may render crowd control assistance at public gatherings or municipal functions as directed by the Police Chief, provided supervisory control will be exercised by a certified law enforcement officer whose total span of control would be considered with reasonable limits.

Section 58-39. Arrest Powers.

No reserve officer shall have any authority to exercise any power of arrest unless he or she has completed the training requirements of the Alabama Peace Officers' Standards and Training Commission as set forth in Article 3, Chapter 21, Title 36, Code of Alabama, 1975.

Section 58-40. Active Duty.

Members of the Reserve Force shall be called to active duty by the Police Chief.

Section 58-41. Firearms.

No reserve officer shall carry or use any firearm unless (1) he or she has been qualified by a certified firearms instructor approved by the Police Chief in the use of said firearm in accordance with the properly promulgated Eufaula Police Department policies and regulations governing the use of firearms by certified law enforcement officers employed

by the department; and (2) the Mayor, upon recommendation of the Police Chief, has approved the use of said firearm.

Section 58-42. Compensation.

Reserve officers shall serve without compensation. At the discretion of the Police Chief, reserve officers may be reimbursed for any reasonable expenses incurred in the performance of official duties while on active duty. Prior to any such reimbursement, the reserve officer must submit an expense voucher together with receipts and other available supporting documentation to the Police Chief for approval.

Section 58-43. Violations.

(1) It shall be a misdemeanor for any person not a member of the Reserve Force to wear, carry or display a Reserve Force identifications card, badge, or cap, or in any way represent himself or herself to be connected with the Reserve Force.

(2) It shall be a misdemeanor for any member of the Reserve Force to loan, sell, lease, otherwise permit any person not a member of the Reserve Force to wear, carry or display a Reserve Force identification card, badge, or cap.

(3) It shall be a misdemeanor for any member of the Reserve Force to assist any person who is not a member of the Reserve Force to represent himself or herself as being connected with the Reserve Force.

Section 58-44. Penalty.

Any person found guilty of violating the provisions of Section 11 of this Ordinance shall, upon conviction, be fined in an amount not exceeding five hundred dollars (\$500.00) and/or sentenced to imprisonment for a term not exceeding six(6) months, at the discretion of the court. Additionally, any member of the Reserve Force charged with violating subsections (2) and (3) of Section 11 of this ordinance shall be suspended from the Reserve Force pending the outcome of the case. Suspended Reserve Force members must surrender their identification card, badge and head cover to the Police Chief immediately upon request. Notwithstanding any other provision of this Ordinance, reserve officers who are convicted of a violation this Ordinance shall immediately be removed from the Reserve Force. A person convicted of violation this Ordinance is not eligible for reappointment to the Reserve Force.

Section 58-45. Reserved.

Section 58-46. Reserved.

Section 2.

This ordinance shall become effective immediately upon its adoption and publication.

Adopted this the 5th day of February, 2024.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION



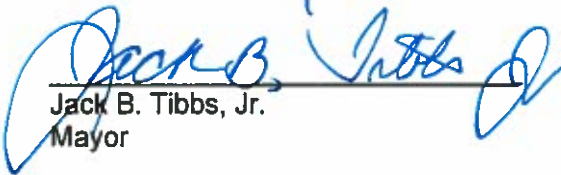
Wes Register, CMO
City Council President



Joy White, CMC
City Clerk/Treasurer

TRANSMITTED TO MAYOR THIS THE 6th DAY OF February, 2024.

Approved this the 6th day of February, 2024



Jack B. Tibbs, Jr.
Mayor



Joy White, CMC
City Clerk/Treasurer