

## ORDINANCE NO. O2022-016

**AN ORDINANCE** of the City Council of the City of Tumwater, Washington, repealing Tumwater Municipal Code Chapter 2.40 (Ordinance 571 and Ordinance O96-030) relating to Police Reserve.

**WHEREAS**, the City Council approved Ordinance 571 on June 2, 1970, enacted as Chapter 2.40 of the Tumwater Municipal Code (TMC) on June 9, 1970, establishing a police reserve force of up to twenty members functioning as a unit of the police department and under the supervision of the chief of police.

**WHEREAS**, the City Council approved Ordinance O96-030 amending TMC 2.40 on October 15, 1996; and

**WHEREAS**, risk management concerns have resulted in the Police Reserve program not operating in over fifteen years; and

**WHEREAS**, the City Council finds it is in the best interest of its citizens to repeal Chapter 2.40.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1. Repealer.** Chapter 2.40 of the Tumwater Municipal Code is hereby repealed in its entirety.

### ~~Chapter 2.40~~ **POLICE RESERVE**

Sections:

~~2.40.010 Established.~~

~~2.40.020 Commanding officer Duties.~~

~~2.40.030 Police reserve Powers and duties.~~

~~2.40.040 Eligibility for membership.~~

~~2.40.050 Identification card and badge.~~

~~2.40.060 Membership revocation or separation.~~

~~2.40.070 Carrying firearms.~~

~~2.40.080—Reserve members not regarded as city employees.~~

~~2.40.090—Compensation.~~

~~2.40.010 Established.~~

~~There is created and established a police reserve force of up to twenty members. Each member shall be appointed by the chief of police, with the approval of the mayor. The police reserve force shall function as a unit of the police department and under the supervision of the chief of police.~~

~~(Ord. 571, Added, 06/02/1970)~~

~~2.40.020 Commanding officer—Duties.~~

~~The chief of police is the commanding officer of the police reserve force. The police chief shall be responsible for establishing a training program, promulgating rules and regulations for their conduct, prescribing their uniform, and supervising their performance of duty. The police chief selects and appoints the applicant to the police force in accordance with TMC 2.40.010, and may appoint subordinate officers as is deemed suitable or necessary.~~

~~(Ord. 096-030, Amended, 10/15/1996; Ord. 571, Added, 06/02/1970)~~

~~2.40.030 Police reserve—Powers and duties.~~

~~A.—Members of the police reserve force shall have all those powers vested in them by the chief of police while in the performance of officially authorized duties, but under no circumstances shall reserve police officers exercise any power while not in the performance of duties ordered by the chief of police, or the authorized representative.~~

~~B.—The duties of the police reserve force are to supplement the regular police force in event of a major disaster affecting citizens of the city, to aid in the control of traffic and maintenance of order, and general policing of large assemblies of people, and in case of a declared emergency to assist the regular police in the protection of life, property, and preservation of peace and order.~~

~~(Ord. 096-030, Amended, 10/15/1996; Ord. 571, Amended, 06/02/1970; Ord. 564, Added, 02/17/1970)~~

~~2.40.040 Eligibility for membership.~~

~~A.—To be eligible for membership in the police reserve force, each applicant must file application with the chief of police, indicating willingness to serve an average minimum of twenty hours per month in the public service, meet the qualifications~~

~~and requirements prescribed for membership in the reserve police force, complete the training program, be appointed by the chief of police, take an oath of office and be sworn in.~~

~~B. Members of the police reserve force shall:~~

- ~~1. Be a citizen of the United States;~~
- ~~2. Meet the minimum established physical requirements;~~
- ~~3. Be trustworthy and of good moral character;~~
- ~~4. Not have been convicted of a felony or any offense involving moral turpitude.~~

~~(Ord. 096-030, Amended, 10/15/1996; Ord. 571, Added, 06/02/1970)~~

~~2.40.050 Identification card and badge.~~

~~The chief of police is authorized to furnish each member of the police reserve force with a membership identification card and police badge. The membership identification card is to be carried by such member at all times, and the police badge is to be worn only when the reserve police officer is authorized to wear the prescribed uniform.~~

~~(Ord. 096-030, Amended, 10/15/1996; Ord. 571, Added, 06/02/1970)~~

~~2.40.060 Membership revocation or separation.~~

~~Membership of any person in the reserve police may be revoked at any time by the chief of police. Any member of the reserve police may resign upon written notification to the chief of police. Upon separation from the organization, all equipment, clothing, badges and identification issued to the officer by the city must be turned in within five days.~~

~~(Ord. 096-030, Amended, 10/15/1996; Ord. 571, Added, 06/02/1970)~~

~~2.40.070 Carrying firearms.~~

~~No member of the police reserve force shall carry a firearm until receiving from the chief of police a certificate showing qualifications in the use of such firearms and unless the officer is on an assignment of duty in which the chief of police considers a firearm necessary.~~

~~(Ord. 096-030, Amended, 10/15/1996; Ord. 575, Added, 07/21/1970)~~

~~2.40.080 Reserve members not regarded as city employees.~~

~~No member of the police reserve force shall be regarded as a city employee for any purpose, subject to civil service rules and regulations, nor entitled to the benefits of the Police Pension Fund Act.~~

~~(Ord. 571, Added, 06/02/1970)~~

~~2.40.090 Compensation.~~

~~Members of the police reserve force serve without compensation, but the city council may, in its discretion, pay all or part of the cost of furnishing uniforms and equipment and false arrest insurance when the appropriation therefor has been indicated as an item in the city budget for the police department.~~

~~(Ord. 571, Added, 06/02/1970)~~

**Section 2. Corrections.** The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 3. Ratification.** Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

**Section 4. Severability.** The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

**Section 5. Effective Date.** This ordinance shall become effective thirty (30) days after passage, approval and publication as provided by law.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF TUMWATER

\_\_\_\_\_  
Debbie Sullivan, Mayor

ATTEST:

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Melody Valiant, City Clerk

APPROVED AS TO FORM:

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Karen Kirkpatrick, City Attorney

Published:\_\_\_\_\_

Effective Date:\_\_\_\_\_