

ORDINANCE NO. 1934

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING CHAPTER 32 OF TITLE 3 OF THE MANHATTAN BEACH MUNICIPAL CODE RELATING TO POLICE RESERVES

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 3.32.010., "Police Reserve Corps established", of Title 3 of the Manhattan Beach Municipal Code is hereby amended to read as follows:

3.32.010. Police Reserve Officer Program established.

There is hereby established in and for the City a "Police Reserve Officer Program". The Reserve Officer Program hereinafter referred to as the "Program" is so established as a voluntary organization composed of persons to be appointed by the Chief of Police (hereinafter referred to in this chapter as the "Chief"). Each and all of the persons so appointed and composing the Program shall serve gratuitously. The membership of the Program shall not exceed fifty (50). The Chief shall have complete authority and control over the Program. The Chief may appoint as members of the Program any persons deemed to be qualified, and may reject any application for membership.

SECTION 2. Section 3.32.020., "Function", of Title 3 of the Manhattan Beach Municipal Code is hereby amended to read as follows:

3.32.020. Function.

The Program shall function as a unit of the Police Department in the program and activities of the Disaster Council of the City (see Chapter 3.08 of this title) and shall also function to assist regular police officers of the City in law enforcement and the maintenance of peace and order in all cases where, in the opinion of the Chief, it is impracticable to furnish adequate police protection solely by means of the regular police officers of the City.

SECTION 3. Section 3.32.030., "Training", of Title 3 of the Manhattan Beach Municipal Code is hereby amended to read as follows:

3.32.030. Training.

The Chief shall provide for the training of candidates for membership in the Program and for the further training of members of the Program in all fields of police activity, and for that purpose may assign such members to any of the various police duties of the Police Department. All members shall maintain the

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When a selected and designated person has been duly sworn in and has subscribed and filed the required loyalty oath, an identification card, badge and cap piece, and such other insignia or evidence of identification as the Chief may prescribe, shall be issued to such person who shall thereupon be a member of the Program.

SECTION 9. Section 3.32.090., "Carrying of sidearms", of Title 3 of the Manhattan Beach Municipal Code is hereby amended to read as follows:

3.32.090. Carrying of sidearms.

No member of the Program shall carry any firearm until they have demonstrated their proficiency and have been certified by a Department rangemaster. Firearms shall only be worn or carried in the performance of duties as assigned by the Chief. No member shall carry a weapon at any other time unless a valid permit is issued or as allowed by law.

SECTION 10. Section 3.32.100., "Authority of members", of Title 3 of the Manhattan Beach Municipal Code is hereby amended to read as follows:

3.32.100. Authority of members.

A member of the Program, when on duty as assigned by the Chief or the Chief's duly authorized representative, shall have the authority to direct traffic in accordance with the Provisions of the laws of the City and of the State and shall have the same general power of arrest as any regular member of the Police Department in accordance with the laws of the State, subject however, to any limitation which the Chief, or the Chief's duly authorized representative, may impose.

SECTION 11. Section 3.32.110., "Complement of Corps", of Title 3 of the Manhattan Beach Municipal Code is hereby amended to read as follows:

3.32.110. Complement of Program.

The membership of the Program is discretionary with the Chief and may be reduced or expanded subject to the provisions of Section 3.32.010.

SECTION 12. Section 3.32.120., "Uniform and insignia", of Title 3 of the Manhattan Beach Municipal Code is hereby amended to read as follows:

3.32.120. Uniform and insignia.

The uniform for members of the Program shall be similar to the

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sidearms, belt, holster, baton, insignia and badge shall be furnished by the City and shall be and remain the property of the City. The uniform, badge, cap piece, insignia (other than identification card), gun, belt, holster and baton shall be carried only while the member carrying the same is on duty, or enroute thereto or from, as assigned by the Chief.

SECTION 13. Section 3.32.130., "Protection and benefits", of Title 3 of the Manhattan Beach Municipal Code is hereby amended to read as follows:

3.32.130. Protection and benefits.

The members of the Program are volunteers and not employees of the City and shall not be in or under the Civil Service System of the City, nor in or under the State Employees' Retirement Act or System membership of the City, but each and all of the members of the Program, as such members, shall be entitled to receive, and shall have the right to receive, full protection and benefits provided for disaster service workers and civilian defense workers, all as set forth in and under the provisions of the Labor Code of the State relating to disaster service workers and civilian defense workers.

SECTION 14. Section 3.32.140., "Impersonation of members", of Title 3 of the Manhattan Beach Municipal Code is hereby amended to read as follows:

3.32.140. Impersonation of members.

It shall be unlawful for any person (other than a regular police officer of the City) who is not a member of the Program:

- A. To wear, carry or display any identification card, badge, cap piece, uniform or insignia of said Program; or
- B. In any manner to represent themselves to be connected with the Program.

SECTION 15. Section 3.32.150., "Peace officer powers", of Title 3 of the Manhattan Beach Municipal Code is hereby amended to read as follows:

3.32.150. Peace officer powers.

Notwithstanding the provisions of Section 3.32.100, a member of the Police Reserve Officer Program shall have peace officer powers as assigned by the Chief of Police, in accordance with the provisions of California Penal Code Sections 830.6 and 832.6.

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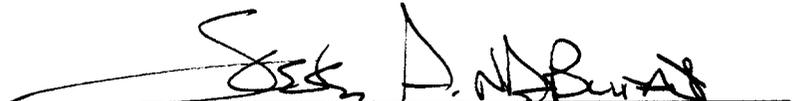
SECTION 16. If any sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 17. This ordinance shall go into effect and be in full force and operation from and after thirty days after its final passage and adoption.

SECTION 18. The City Clerk shall certify to the adoption of this ordinance; shall cause the same to be entered in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted; and shall within fifteen days after the passage and adoption thereof cause the same to be published once in the Beach Reporter, a weekly newspaper of general circulation, published and circulated within the City of Manhattan Beach and which is hereby designated for that purpose.

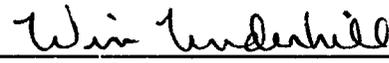
PASSED, APPROVED AND ADOPTED this 5th day of December, 1995.

Ayes: Lilligren, Barnes, Jones, Cunningham, Mayor Napolitano
Noes: None
Absent: None
Abstain: None



Mayor, City of Manhattan Beach,
California

ATTEST:



City Clerk