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## CHAPTER 21

### PUBLIC SAFETY

#### Part 1

#### Police Department Organization, Powers and Duties

**§101. Police Department Established; Classification and Number of Members.** A police department is established in and for the Borough. The number of members of the police department, full-time and/or part-time, shall be as determined by Council from time to time, and Council shall further have the authority to establish the ranks, and classifications in the police department, and the number of persons, if any, to serve in each of those ranks and classifications.

**§102. Supervision over Police Department.** Appointments, suspensions, reductions in rank, discharges, and powers in regards to the Police Department shall be in accordance with Section 1121 of the Borough Code; 53 P.S. 46121.

**§103. Status of Existing Police Force.** The existing police force of the Borough is hereby designated as the police department established by this Part.

**§104. Appointment of Special Police by Mayor.** Nothing herein shall affect the authority of the Mayor to appoint special police during emergencies.

**§105. Regular Full-time Police Officer.**

(a) A police officer who is available, for scheduling purposes, for full employment at any and all times, seven days a week, twenty-four hours a day, for normal police duties is a "regular full-time police officer."

(b) Regular full-time police officer shall respond to any emergency call, 24 hours a day, seven (7) days a week, if available.

(c) Regular full-time police officer may be self-employed or otherwise employed so long as his employment is not inconsistent with his or her position as a police officer and so long as his or her outside employment does not interfere with his or her ability to perform his duties as a police officer or affect his or her availability as scheduled.

(Added by Ord. No. 2-1983, 4/21/1983, Sec. 1-a)

Editorial Note: Section 1(a) of Ord. No. 2-1983 added Sections 105 through 111; the introductory paragraph of section 1 of the ordinance stated that the ordinance was to become part of this Code of Ordinances and that the sections of the ordinance might be renumbered to accomplish that purpose. See also *Petras v. Union Township*, 28D, & C.

2d 687, 54 Mun. 114, 42 Wash. Co. 232, 1964, affirmed 187 A. 2d 171, 409 Pa. 416; 53 P.S. 812, Notes of Decisions 3.

**§106. Part-time Police Officer.**

(a) A “part-time police officer” (hereinafter PTPO) is a police officer retained by Council pursuant to Section 101 to supplement the services of the “regular full-time police officer(s)” (hereinafter FTPO) as defined in Section 105.

(b) A PTPO shall not be part of the Act III bargaining unit which shall be composed of FTPOs only. Further, PTPOs shall not form or become part of any bargaining unit.

(c) Pursuant to Section 101, Council may retain one or more PTPOs from time-to-time to supplement the capabilities of the FTPOs in meeting the day-to-day variations in the Borough’s law enforcement requirements in comport with the Borough’s budgetary constraints.

(d) Council shall contract with each PTPO individually. A PTPO shall be compensated for services rendered at an agreed-upon hourly rate of pay.

(e) All PTPOs shall serve at the pleasure of Council and may be discharged at any time without Council being accountable to anyone as to its reason for discharge. A PTPO shall be a casual employee who may or may not be called to work at irregular intervals and he/she shall not receive or be entitled to receive such so-called “fringe benefits” as unemployment compensation insurance, sick leave, vacation pay, medical insurance coverage and etc. as are normally paid to FTPOs. A PTPO, however, shall be covered for on-the-job injuries under Workmen’s Compensation and Professional Liability Insurance in the same manner as is a FTPO.

(f) As contrasted with a FTPO, PTPO need not be available, for scheduling purposes, seven days a week, twenty-four hours a day, for police duties. A PTPO shall not be required to respond to any emergency call, 24 hours a day, seven (7) days a week.

(g) Council shall have the full authority to submit a list of PTPOs to the Mayor and it shall have the right to designate which officers on the list shall be given first, second, etc. preference for call-up. In setting preference standards, Council shall take into consideration such factors as an individual’s flexibility and responsiveness to call-up, job performance and experience. Council may also take these and other factors into consideration in setting individual PTPO hourly rates. For purposes of establishing a call-up priority list, Council shall pre-empt the powers and duties of the Mayor. Further, Council, by virtue of its power and authority in establishing a budget and expending public funds, shall establish the maximum amount of PTPO employment by the Mayor and police by establishing a budget for such purpose which shall not be exceeded unless, of course, there is a public emergency. Finally, no PTPO shall be scheduled for more than ten (10) hours of police work within any given 24 hour calendar day.

(h) A PTPO shall have the right to give first preference to his or her regular full-time employment for purposes of his or her personnel time scheduling as contrasted with the requirements set forth for a FTPO in Section 105 (c).

(Added by Ord. No. 2-1983, 4/21/83, Sec. 1-a, and amended by Ord. No. 2-1984, 7/26/84, Sec. 3)

Editorial Note: Section 1 of Ord. No. 2-1984 provided that the provisions of that ordinance were to become and be made a part of the Code of Ordinances and that the sections of the ordinance might be renumbered to accomplish that intention; Section 2 repealed Section 106 of this code as originally enacted; Section 3 adopted the amended Section 106, as codified above to replace the repealed Section 106; Section 4 provided that the ordinance take effect immediately upon passage; Section 5 contained severability provisions similar to those in Section 1-1005.

**§107. Special Police Officer.** A special police officer is one who is subject to call by the Mayor or a ranked police officer with supervisory authority on account of special circumstances, unusual conditions or emergencies, and it is so stated in his or her employment agreement at the time of his or her employment. (Added by Ord. No. 2-1983, 4/21/83, Sec. 1-a)

**§108. Chief of Police.**

(a) Since Council has deemed it necessary, the rank of Chief of Police is hereby established.

(b) The Chief of Police shall not be considered to be part of management for collective bargaining purposes if he or she becomes a member of the bargaining unit for the police.

(Added by Ord. No. 2-1983, 4/21/83, Sec. 1-a)

**§109. Classifications of Officers.** Classifications shall be as established by Resolution of White Haven Borough Council and may include Police Chief, Patrolman First Class and Patrolman, or as otherwise designated in Policies and Procedures.

**§110. Powers of Borough Police.**

(a) Among other powers given the Borough police by law and ordinance, Borough police, who shall be ex-officio constables or controlled by the Borough, whether such property is within or outside the limits of the borough, without warrant and upon view, or after the issue of warrant, or upon probable cause, arrest and commit for hearing any and all persons believed to be guilty of a violation of which a fine or penalty is imposed, and notwithstanding any statute pertaining to the same or similar offenses.

(b) Police shall have authority to serve and execute all process for the violation of the Code of Ordinances of the Borough and shall charge the same fees and costs as constables of the Borough, but such fees and costs shall be collected by the mayor and by him paid into the borough treasury.

**§111. Directives and Reporting Manual.** Council has adopted directives and a reporting manual for the Borough Police to be enforced in accordance with its terms. It shall be the duty of every police officer within the Borough to conduct themselves at all times in accordance with those policies and directives. At the time of adoption of this Part, the Borough has adopted 37 Directives and Reporting Manual, as supplemented and amended, for police officers to follow. These directives and policies may be changed from time to time by Council with the comment from the police department.

Editorial Note: This section has been changed to reflect the adoption by the Borough of a Directives and Reporting Manual consisting of two volumes for the White Haven Police Department.

**§112. Police authorized to use Electronic Speed Timing Devices.**

(a) Borough policemen are hereby authorized to enforce the established speed restrictions and limits on the borough streets and highways as well as to prosecute persons for the violation of said restrictions and limits. For these purposes, the mayor shall have the power to direct the borough policemen to use, or not to use, electronic speed timing and other speed monitoring devices which are now authorized or as may be hereafter authorized by the Pennsylvania Department of Transportation.

(b) Electronic speed timing devices currently authorized for use by the Police Department, as the Mayor so directs.

(c) Borough police shall be trained in the use and operation of said device and certified to use and operate said device in accordance with the regulations of the Pennsylvania Department of Transportation.

(d) Council may, by resolution, cause to have erected signs giving the public notice of the use of electronic speed timing devices within the Borough. The aforementioned erection of signs shall be discretionary with Council and the erection of signs shall not be a prerequisite to the use of electronic speed timing and other speed monitoring devices within the Borough by the Borough Police Department.

(As added by Ord. No. 3-1983, 9/15/83, Sec. 1-a)

Editorial Note: Section 1-a of Ord. directed that this section be incorporated into the Code of Ordinances. The introductory paragraph of that ordinance stated that the provisions of the ordinance were to become and be made a part of this Code of Ordinances and that the sections of the ordinance might be renumbered to accomplish that intention.

**Part 2**  
**Intergovernmental Cooperation Agreement**

**§201. Intergovernmental Cooperation Agreement with Dennison Township.**

(a) White Haven Borough hereby enters into an Intergovernmental Cooperation Agreement with Dennison Township to authorize the White Haven Borough Police to have jurisdiction throughout Dennison Township, Luzerne County, Pennsylvania.

(b) All charges for such services will be billed to and paid for by Dennison Township in accordance with the Fee schedule.

(c) White Haven Borough will provide police services in the manner set forth in the Agreement.

(d) The terms and provisions of the Intergovernmental Cooperation Agreement are adopted herein in their entirety as if more fully set forth in this Ordinance.

(e) All ordinances or parts of ordinances, which are inconsistent with this ordinance, are hereby repealed.

(f) If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough of White Haven that this ordinance would have been adopted has such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein

**§202. Intergovernmental Cooperation Agreement with Penn Lake Park Borough.**

(a) White Haven Borough hereby enters into an Intergovernmental Cooperation Agreement with Penn Lake Park Borough to authorize the White Haven Borough Police to have jurisdiction throughout Penn Lake Park Borough, Luzerne County, Pennsylvania, for the purposes contained in the Agreement.

(b) All charges for such services will be billed to and paid for by Penn Lake Park Borough in accordance with the Fee schedule contained in the Agreement.

(c) White Haven Borough will provide police services in the manner set forth in the Agreement.

(d) The terms and provisions of the Intergovernmental Cooperation Agreement are adopted herein in their entirety as if more fully set forth in this Ordinance.

(e) All ordinances or parts of ordinances, which are inconsistent with this ordinance, are hereby repealed.

(f) If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough of White Haven that this ordinance would have been adopted has such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein

(Ord. No. 1-2010, 5/10/2010)



**Part 3**  
**Drug Task Force**

**§301. Authority to enter into Municipal Police Cooperative Agreement.** The Council for the Borough of White Haven, Luzerne County, Pennsylvania, is hereby empowered and authorized to enter into an Agreement for intergovernmental cooperation known as the "Municipal Police Cooperative Agreement", hereinafter referred to as the "Agreement". (Ord. No. 1-1991, 4/30/1991, Sec. 1)

Editorial Note: Section 6 of Ordinance No. 1-1991 provided that the ordinance become effective immediately upon its enactment.

**§302. Legal Authority for Agreement.** This Agreement shall be entered into pursuant to the provisions of 53 P.S. Sections 483 and 484 relating to Joint Municipal Activities. (Ord. No. 1-1991, 4/30/1991, Sec. 2)

**§303. Purposes and Objectives.** The purposes and objectives of the Agreement are as follows:

(a) to enhance the coordination of drug investigations in the Luzerne County area; and

(b) to provide for mutual police aid across jurisdictional lines to enable police to more effectively enforce the provisions of narcotics and illegal drug laws and thereby to preserve the safety and welfare of the entire area; and

(c) to have available for use throughout the territorial limits of all municipalities signing the mutual Agreement, the services of police employed by any and all of the said municipalities, under the conditions set forth and in compliance with the Municipal Police Jurisdiction Act, 42 Pa. C.S.A. Section 8953.

(Ord. No. 1-1991, 4/30/1991, Sec. 3)

**§304. Conditions and Terms as set out in Agreement.** The Agreement shall be subject to all the conditions and terms specified and set forth in the "Municipal Police Cooperative Agreement" which is attached hereto and incorporated by reference herein, which include the manner and extent of financing the Agreement, the organizational structure necessary to implement the Agreement, the powers to scope of authority delegated in the Agreement, and the manner in which property, real or personal, shall be acquired, managed or disposed of. (Ord. No. 1-1991, 4/30/1991, Sec. 4)

**§305. Duration of Agreement; Termination by any Municipality.** The duration of the Agreement shall be indefinite, subject to termination by any municipality as provided in the Agreement. (Ord. No. 1-1991, 4/30/1991, Sec. 5)

**Part 4**  
**Terms of Agreement**

**§401. Adoption Agreement.** The Borough of White Haven, Luzerne County, Pennsylvania, acting pursuant to the Intergovernmental Cooperation Act, Act of July 12, 1972, No. 180 (53 P.S. Section 481, et seq.) hereby enacts this Ordinance No. 2-1991 adopting a Municipal Drug Task Force Agreement (Hereinafter referred to as "Agreement") with the Office of the Attorney General of the Commonwealth of Pennsylvania to enforce narcotics and illegal drug laws and thereby to preserve the safety and welfare of the community. (Ord. No. 2-1991, 4/30/1991, Preamble)

Editorial Note: Section 11 of Ord. No. 2-1991 provided that the ordinance become effective immediately upon enactment.

**§402. Intention to participate in Municipal Drug Task Force.** The Borough of White Haven has evidenced its intent to participate in the Municipal Drug Task Force activities in cooperation with the Commonwealth's Office of Attorney General designed to interdict the illegal use and trafficking of narcotics and other illegal drugs within its municipal boundaries, as well as within the boundaries of nearby communities. (Ord. No. 2-1991, 4/30/1991, 4/30/1991, Sec. 1)

**§403. Intergovernmental Cooperative Activities Authorized.** This Agreement may include intergovernmental cooperative activities with adjacent and nearby municipal governments as part of a regional effort to interdict illegal drug activities. (Ord. No. 2-1991, 4/30/1991, Sec. 2)

**§404. Utilization of Services of Borough Police Force.** The Borough of White Haven shall utilize the services of its police force, both full time as well as part time, under the conditions set forth in the Agreement and in compliance with the Municipal Police Jurisdiction Act, 42 Pa. C.S.A. Section 8953. (Ord. No. 2-1991, 4/30/1991, Sec. 3)

**§405. Establishment of Procedures.** The Borough of White Haven shall establish, pursuant to the terms of the Agreement which is attached hereto and incorporated as a part of Ordinance No. 2-1991, appropriate procedures to comply with all relevant provisions of the Agreement and relevant regulations, direction and guidance from the Office of the Attorney General. (Ord. No. 2-1991, 4/30/1991, Sec. 4)

**§406. Term and Duration of Agreement.** The term of the agreement shall commence upon its execution, and may be terminated at any time upon 30 days' written notice. (Ord. No. 2-1991, 4/30/1991, Sec. 5)

**§407. Region wide Coordination of Police Activities Authorized.** The purpose and objectives of the Agreement include region wide coordination of municipal police activities in an effort to combat illegal narcotics and drug trafficking. (Ord. No. 2-1991, Sec. 6)

**§408. Revenue Sources.** The Agreement shall be financed with the assistance of funds supplied by the Office of Attorney General of the Commonwealth of Pennsylvania. (Ord. No. 2-1991, 4/30/1991, Sec. 7)

**§409. Organizational Structure.** The organizational structure necessary to implement the terms of this Agreement shall be covered by directives, procedures and guidance from the office of the Attorney General and other area police departments. (Ord. No. 2-1991, 4/30/1991, Sec. 8)

**§410. Management of Real Personal Property.** All property, real or personal, acquired, managed or disposed of pursuant to this Agreement shall be in accordance with both the terms of the Agreement, as well as the directives, procedures and guidance of the Office of the Attorney General. (Ord. No. 2-1991, 4.30/1991, Sec. 9)

**§411. Responsibility for Borough Employees.** The municipality shall retain responsibility for the management, control and direction of its employees with assistance, financial or otherwise, from the Office of the Attorney General. (Ord. No. 2-1991, 4/30/1991, Sec. 10)