

**BOROUGH OF ABBOTTSTOWN
AN ORDINANCE ESTABLISHING A MUNICIPAL
POLICE DEPARTMENT FOR THE BOROUGH OF ABBOTTSTOWN**

ORDINANCE NO. 2019-01

WHEREAS, the Borough of Abbottstown (hereafter, Borough) is a political subdivision of the Commonwealth of Pennsylvania, which is entitled to the rights, privileges and immunities conferred under The Borough Code (hereafter, Code), 8 Pa. C.S.A. §101 et seq.; and

WHEREAS, under Sections 1005 and 1006 of the Code, 8 Pa. C.S.A. §§1005 and 1006, the corporate power of the Borough is vested in the Borough Council; and

WHEREAS, under Section 1121 of the Code, Borough Council has the specific power to establish a police department by ordinance; and

WHEREAS, the Borough Council of Abbottstown deems it necessary and right to establish a municipal police department for the protection of its citizenry;

NOW, THEREFORE, it is hereby Ordained and Enacted by the Borough Council of Abbottstown, Adams County, Pennsylvania, that:

SECTION 1. POLICE DEPARTMENT

The Abbottstown Police Department is now hereby established.

SECTION 2. COMPOSITION

The Abbottstown Police Department shall be composed of a Chief of Police and any other officers and patrolmen as may be appointed by Borough Council from time to time. The following classifications are hereby established: a) Lieutenant, b) Sergeant, c) Patrolman, and d) Probationary Patrolman. The Police Department may consist of a Chief of Police only as the Borough Council may determine.

SECTION 3. AUTHORITY OF THE MAYOR

The Mayor shall have full charge and control of the Chief of Police or officer in charge and the police force, and (s)he shall direct the time during which, the place where, and the manner in which the Chief of Police or officer in charge and the police force shall perform their duties, and (s)he may make or prescribe such other rules and regulations as (s)he shall deem advisable. The

Mayor may, however, delegate to the Chief of Police, or other officer supervision over and instruction to subordinate officers in the manner of performing their duties. Borough Council, however, has authority to fix and determine the total weekly hours of employment and compensation that shall apply to the Police Department.

SECTION 4. AUTHORITY OF THE CHIEF OF POLICE OR OFFICER IN CHARGE

The Chief of Police or officer in charge shall keep such records and make such reports concerning the activities of his department as may be required by statute or ordinance, or by the Mayor or Council; he shall be responsible for the performance by the Police Department of its function, and all persons who are members of the Police Department shall serve subject to his orders and/or the orders of the Mayor.

SECTION 5. AUTHORITY OF POLICE OFFICERS

The Abbottstown Police Department and its officers are hereby authorized to enforce the Crimes Code, Vehicle Code, applicable Titles, Borough Ordinances and the authority to conduct investigations as a police officer, and shall have those powers and abilities as are granted to police officers under the laws of the Commonwealth of Pennsylvania, the rules of the Supreme Court, or the ordinances of the Borough for which a fine or penalty is imposed.

SECTION 6. APPOINTMENTS, REMOVAL, SUPERVISION, REDUCTION IN RANK

In addition to all other powers conferred by law to them, the Borough Council may appoint and designate the Chief of Police or officer in charge and make other appointments to or promotions within the Department, and may remove, suspend, or reduce in rank members of the Department.

SECTION 7. SUSPENSION BY MAYOR

The Mayor may, for cause and without pay, suspend any police officer until the succeeding regular meeting of the Council, at which time or thereafter the Council may suspend, discharge, remove, reduce in rank or reinstate such police officer.

SECTION 8. SERVICE AND EXECUTION OF PROCESS; EX-OFFICIO CONSTABLES; FEES AND COSTS

Police officers shall have the authority to serve and execute all criminal process for the violation of Borough ordinances which may be issued and shall be ex-officio constables of the Borough and shall charge the same fees and costs as constables of a borough, but such fees and costs shall be collected and paid into the Borough treasury.

SECTION 9. ENFORCEABILITY AND REPEALER

If any section, clause, provision or portion of this ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this ordinance so long as it remains legally enforceable minus the invalid portion. The Borough reserves the right to amend this ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes & intent of this ordinance, & the effective administration thereof. All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed.

SECTION 10. EFFECTIVE DATE

This Ordinance shall be effective five (5) days after the date of adoption, on June 25, 2019.

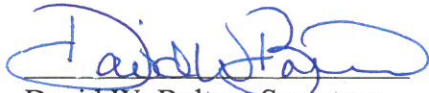
SECTION 11. ENACTMENT

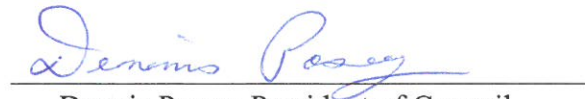
This Ordinance is enacted by the Council of the Borough of Abbottstown under the Borough Code and any other applicable law arising under the Laws of the Commonwealth of Pennsylvania.

ORDAINED AND ENACTED this 20th day of June 2019.


ATTEST:

THE BOROUGH OF ABBOTTSTOWN


David W. Bolton, Secretary

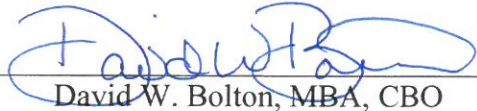

Dennis Posey, President of Council

Approved this 20th day of June 2019.


Duane Watson, Mayor

CERTIFICATION

I hereby certify that I am the Secretary for Abbottstown Borough, Adams County, Pennsylvania, and that Ordinance No. 2019-01 was advertised in The Gettysburg Times on June 1, 2019, a newspaper of general circulation in the municipality, was available at the Borough Office and online at the Borough website during this same period, was duly enacted and approved as set forth at the regular meeting of the Abbottstown Borough Council held on June 20, 2019 and that this is a true and correct copy of that Ordinance.



David W. Bolton, MBA, CBO



Date