

ORDINANCE NO. 80-1

AN ORDINANCE OF THE TOWNSHIP OF UNION, UNION COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE TOWNSHIP OF UNION TO ENTER INTO A JOINT MUNICIPAL AGREEMENT FOR LAW ENFORCEMENT SERVICES WITH THE BOROUGH OF LEWISBURG, UNION COUNTY, PENNSYLVANIA; ESTABLISHING THE CONDITIONS OF THE SAID AGREEMENT, THE DURATION OF THE TERM OF THE SAID AGREEMENT, THE PURPOSE AND OBJECTIVES OF THE SAID AGREEMENT, THE MANNER AND EXTENT OF FINANCING THE SAID AGREEMENT, THE ORGANIZATIONAL STRUCTURE NECESSARY TO IMPLEMENT THE SAID AGREEMENT, AND THE MANNER IN WHICH PROPERTY, REAL OR PERSONAL, SHALL BE UTILIZED; AND AUTHORIZING AND DIRECTING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO EXECUTE THE SAME ON BEHALF OF THE TOWNSHIP.

WITNESSETH:

WHEREAS, the furnishing of proper, adequate, prompt, and efficient police protection is an essential governmental function promoting the public health, safety, and welfare; and

WHEREAS, the Township does not have its own police department and recognizes that the cost of obtaining, operating, and maintaining such a department would be prohibitive at the present time; and

WHEREAS, the Township further recognizes that its citizens will benefit if the law enforcement functions of another municipality are made available, under proper circumstances; and

WHEREAS, the Borough of Lewisburg and the Township are geographically located in proximity to each other, both being located in eastern Union County, Pennsylvania; and

WHEREAS, the Township desires to have the Police Department of the Borough of Lewisburg perform law enforcement functions within the Township, and the Borough is willing to render such services on certain terms and conditions; and

WHEREAS, the Borough of Lewisburg and the Township have determined it is to their mutual interest and benefit for the Borough to render and the Township to receive such police services; and

WHEREAS, that Intergovernmental Cooperation Act of 1972, July 12, No. 180 [53 P.S. §481 et seq.] authorizes two or more municipalities, including but not limited to boroughs and townships, to enter into joint cooperation agreements.

NOW, THEREFORE, be it enacted and ordained by the Board of Supervisors of the Township of Union, Union County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, in accordance with the Intergovernmental Cooperation Act of 1972, July 12, No. 180 [53 P.S. §481 et seq.], as follows:

Section 1. The Township of Union is hereby authorized and directed to enter into a joint municipal agreement for law enforcement services with the Borough of Lewisburg, Union County, Pennsylvania.

Section 2. The Township shall accept police protection to be provided by the Borough of Lewisburg within the incorporated area of the Township. Such services shall only encompass duties and functions of a type coming within the jurisdiction of and customarily rendered by the Police Department of the Borough of Lewisburg. The level of service shall be the same basic level of service that is provided within the corporate limits of the Borough of Lewisburg by the said Lewisburg Borough Police Department. The rendition of such services, the standards of performance, the discipline of officers and other matters incident to the performance of such services and the control of personnel so employed, shall remain with the Borough of Lewisburg and shall not be the responsibility of the Township.

Section 3. The law enforcement services to be provided to the Township by the Borough of Lewisburg shall be on an on-call basis only, except as otherwise directed from time to time by a majority vote of the Board of Supervisors of the Township. The Borough of Lewisburg, through its Police Department, shall respond to citizen complaints and requests, calls for assistance from fire departments, ambulance services and other police agencies, and reported criminal offenses within the Township, whether made directly to the Lewisburg Borough Police Department or through the Communications Center servicing the Township via the "811" telephone number, which are of a type and similar in nature to those now or hereafter responded to and/or investigated within the corporate

limits of the Borough of Lewisburg. The Board of Supervisors of the Township may by majority vote request the Lewisburg Borough Police Department to perform such other services, including vehicle patrols, setting of speed traps, maintaining periodic security checks of business establishments, investigations of suspected criminal activity, and all law enforcement activities that would customarily not be rendered on an on-call basis.

Section 4. The Township shall not be responsible for furnishing and supplying any supervisory personnel, equipment, communication facilities, and supplies necessary to maintain the level of service to be rendered to the Township.

Section 5. The Township vests in every Lewisburg Borough police officer engaged in performing services and functions for the Township all of the powers and authority conferred by law on police while performing services for the Township in the Township.

Section 6. The Township shall not be required to assume any liability for the direct payment of any salaries, wages, or other compensation to any Lewisburg Borough personnel performing police services for the Township.

Section 7. The Township shall not be liable for compensation or indemnity to any Lewisburg Borough officer or employee for injury or sickness arising out of his employment.

Section 8. The police officers of the Borough of Lewisburg shall not be employed by the Township and the Township shall not be responsible for their supervision and control, nor shall the Township be responsible for any acts or omissions of such policemen while on duty in the Township, and shall be indemnified and held harmless by the Borough of Lewisburg from any such liability on account of such acts or omissions. The Township shall not be responsible for maintaining insurance protecting the Borough of Lewisburg against liability for such acts and omissions.

Section 9. The Township shall pay the Borough of Lewisburg for the services performed under the said Agreement the sum of Fifteen (\$15.00) Dollars per man-hour, payable monthly according to a detailed statement of charges to be furnished by the Borough of Lewisburg within ten (10) days of the end of each month.

Section 10. The Township shall pay to the Borough of Lewisburg funds distributed to the Township by the Commonwealth of Pennsylvania from the Foreign Casualty Insurance Company Tax, Act of 1943, May 12, P.L. 259, as amended, or any other act subsequently enacted, for the purposes authorized under such Act governing the operation of the Police Pension Fund.

Section 11. The said Agreement shall commence when enacted by this Ordinance and duly executed, and shall terminate six (6) months from the date thereof.

Section 12. The Chairman of the Board of Supervisors of the Township, K. Palmer Felmey, be and he is hereby authorized and directed to execute the said Agreement on behalf of the Township.

Section 13. If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be judged invalid by a court of competent jurisdiction, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

Section 14. All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

Section 15. This Ordinance shall become effective five (5) days after enactment hereof.

ENACTED AND ORDAINED, as an Ordinance of the Township of Union, Union County, Pennsylvania, this 5th day of August, 1980.

ATTEST:

TOWNSHIP OF UNION


Harold W. Bennett
Harold W. Bennett, Secretary

By: K. Palmer Felmey
K. Palmer Felmey, Chairman

Albert O. Hause
Albert O. Hause, Supervisor

George E. Mull
George E. Mull, Supervisor