

ORDINANCE NO. 80-7

AN ORDINANCE OF THE BOROUGH OF LEWISBURG, UNION COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE BOROUGH OF LEWISBURG TO ENTER INTO A JOINT MUNICIPAL AGREEMENT FOR LAW ENFORCEMENT SERVICES WITH THE TOWNSHIP OF UNION, UNION COUNTY, PENNSYLVANIA; ESTABLISHING THE CONDITIONS OF THE SAID AGREEMENT, THE DURATION OF THE TERM OF THE SAID AGREEMENT, THE PURPOSE AND OBJECTIVE 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, SHOULD BE UTILIZED; AND AUTHORIZING AND DIRECTING THE PRESIDENT OF THE BOROUGH COUNCIL OF THE BOROUGH OF LEWISBURG TO EXECUTE THE SAME ON BEHALF OF THE BOROUGH.

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 of Union 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 of Union 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 of Union are geographically located in proximity to each other, both being located in eastern Union County, Pennsylvania; and

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

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

Section 2. The Borough, through its Police Department, shall provide police protection within the incorporated area of the Township of Union. 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. The level of service shall be that same basic level of service that is provided within the corporate limits of the Borough by its 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.

Section 3. The Borough, through its Police Department, shall provide law enforcement services to the Township of Union 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 of Union. The Borough, 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 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.

Section 4. The Borough shall furnish and supply all necessary supervision, equipment, communication facilities, and supplies necessary to maintain the level of service to be rendered to the Township of Union.

Section 5. For the purpose of performing services and functions for the Township of Union, the Township will vest in every Borough police officer all the powers and authority conferred by law on Township police while performing services for the Township in the Township.

Section 6. The Borough shall assume all liability for the payment of any salaries, wages, or other compensation to any Borough personnel performing services for the Township of Union.

Section 7. The Borough shall be solely liable for compensation or indemnity to any Borough officer or employee for injury or sickness arising out of his employment.

Section 8. The Borough shall maintain exclusive supervision and control of the police officers of the Borough, and the Borough shall be solely responsible for any acts or omissions of such policemen while on duty in the Township of Union to the same extent that the Borough may be responsible for such acts committed within the Borough, and the Borough shall indemnify and hold harmless the Township of Union from any such liability as an employer on account of such acts or omissions. The Borough shall maintain appropriate insurance protecting the Borough against liability for such acts and omissions.

Section 9. The Borough shall charge the Township of Union for the services performed for the Township 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 within ten (10) days from the end of each month.

Section 10. Any funds distributed to the Township of Union by the Commonwealth of Pennsylvania from the Foreign Casualty and Insurance Company Tax, Act of 1943, May 12, P.L. 259, as amended, or any other act subsequently enacted shall be paid by the Township to the Borough 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 President of the Borough Council of the Borough of Lewisburg, John W. Downie, be and he is hereby authorized and directed to execute the said Agreement on behalf of the Borough of Lewisburg.

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 immediately upon enactment.

ENACTED AND ORDAINED this 19th day of August, 1980.

ATTEST:

BOROUGH OF LEWISBURG

Ottilie Y. Thomas
Ottilie Y. Thomas, Secretary

By John W. Downie
John W. Downie, President

Approved as an Ordinance this 19th day of August, 1980.

Lewis L. Hendricks, Jr.
Lewis L. Hendricks, Jr., Mayor

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 80-7 of the Borough of Lewisburg, duly enacted by the Lewisburg Borough Council, at its regular meeting held on August 19, 1980.

(SEAL)

Ottilie Y. Thomas
Ottilie Y. Thomas, Secretary