

Chapter 14

POLICE SERVICES

ARTICLE I

Police Department, Unified

- § 14-1. Police district boundaries.
- § 14-2. Police Commission established.
- § 14-3. Meetings of Commission.
- § 14-4. Apportionment of appropriations.
- § 14-5. Annual budget; monthly payments.
- § 14-6. Disposition of Commission funds; bond of Treasurer.
- § 14-7. Annual report; audit; financial statements on record.
- § 14-8. Jurisdiction, powers and duties of Commission.
- § 14-9. Composition of police force.
- § 14-10. Establishment of uniform terms of employment.
- § 14-11. Adoption of police personnel policy.
- § 14-12. Distribution of state funds for pension purposes not affected.
- § 14-13. Police property.
- § 14-14. Police headquarters.

- § 14-15. Police record system.
- § 14-16. Immunity; claims; liability insurance.
- § 14-17. Joinder of additional municipalities.
- § 14-18. Interpretation of agreement.
- § 14-19. Termination of agreement.

ARTICLE II

North Penn Area Tactical Response Team

- § 14-20. Authorizing membership.
- § 14-21. Command.
- § 14-22. Headquarters.
- § 14-23. Finances.
- § 14-24. Personnel.
- § 14-25. Termination of existence.
- § 14-26. Withdrawal from participation.
- § 14-27. Salary and benefits.
- § 14-28. Voluntary Medical Services Corp. of Lansdale.
- § 14-29. Response and activation.
- § 14-30. Duration.

[HISTORY: Adopted by the Borough Council of the Borough of Pennsburg 9-8-1998 by Ord. No. 7-98;¹ amended in its entirety 6-2-2003 by Ord. No. 6-03. Subsequent amendments noted where applicable.]

1. This ordinance also repealed former Ch. 14, adopted 6-18-1973 by Ord. No. 2-73, as amended.

GENERAL REFERENCES

Police Pension Program — See Ch. 16.

Parades and motorcades — See Ch. 67.

ARTICLE I
Police Department, Unified

§ 14-1. Police district boundaries.

All municipal boundaries of parties passing this article shall remain in force, but a single police district shall be comprised of the total geographic area of the municipalities for purposes of police service, known as the "Upper Perk Police District."

§ 14-2. Police Commission established.

- A. The Upper Perk Police District shall be under the general supervision of the Upper Perk Police Commission, consisting of the Mayor of each municipality (if applicable) and two members from the governing body from each municipality to serve as active members of the Commission and one member of the governing body from each municipality to serve as an alternate member, provided that when and if additional municipalities become part of the Upper Perk Police Commission, each such joining municipality shall have the same membership on the Commission as the municipalities then members of the Commission. In the event that a municipality seeks to join that does not have a Mayor, active members of the Commission shall consist of three members of its governing body. The joining municipalities may determine the appointees by resolution and so notify the Commission at its organization meeting.
- B. The governing body of the joining municipality shall appoint its members of the Commissions for terms of one year, said terms to commence on the date of appointment, which shall be made at the first meeting in each year.
- C. If a member of the governing body from a member municipality who serves on the Commission vacates his seat on that governing body to which he or she was elected or if that seat is declared vacant, then that seat on the Commission will automatically become vacant, and the governing body of the municipality wherein such vacancy has occurred shall, within 30 days of the date that the vacancy becomes effective, make an appointment to fill the unexpired term on the Commission.
- D. The officers of the Commission shall be Chairperson, Vice Chairperson, and Treasurer, their duties as prescribed by Robert's Rules of Order, Revised. Commencing in calendar year 2006 and continuing so long as Police District boundaries coincide with those of Pennsburg and East Greenville, the Police Commission Chairperson, in even-numbered years, shall be a representative of the Borough of East Greenville and, in odd-numbered years, a representative of the Borough of Pennsburg. [Amended 8-17-2006 by Ord. No. 3-06]

§ 14-3. Meetings of Commission.

- A. The Commission shall organize annually on a date in January subsequent to the date upon which the last of the member municipal governing bodies have met, reorganized and appointed their representatives to the Commission. The date of reorganization shall be established by the then-seated Commission at its last scheduled meeting of the preceding year. At that meeting at which the date for reorganization is set, the then-seated Chairperson shall select the Mayor from one of the participating municipalities to preside at the reorganization meeting until such time as a Chairperson for the following year is elected. The Commission shall then proceed to elect from its membership persons to fill those other offices set forth in § 14-2D hereof.
- B. The members of the Commission are required to meet at least once each month for the purpose of conducting the business of the Commission.
- C. Special or rescheduled meetings of the Commission may be scheduled by appropriate resolution of the Commission fixing the date, time and place of such meeting. Special or rescheduled meetings may be called by the Chairperson. The call and request, if any, shall state the purpose of the meeting, and the meeting shall be held at such date, time and place as shall be designated in the call of the meeting. Written notice of each such special or rescheduled meeting shall be given at least one day prior to the date named for the meeting to each member of the Commission who does not waive such notice in writing.
- D. A majority of the members of the Commission, including one member from each municipality, shall be necessary to constitute a quorum for the transaction of business, and the acts of a majority of the members present at a meeting at which a quorum is present shall be the action of the Commission. Voting on all questions shall be taken by a show of hands or voice vote; provided, however, that the Chairperson may, or at the request of any member, cause a vote to be taken by roll call. The parliamentary procedure of the Commission shall be governed by Robert's Rules of Order, Revised. In the event that any member of the Commission should be unable to attend any meeting of the Commission, the alternate member shall have the right to attend such meeting, with full privileges of voice and vote. No individual shall have the right to cast more than one vote or to carry the voice of more than one Commission member at any Commission meeting he might attend.

§ 14-4. Apportionment of appropriations. [Amended 1-4-1999 by Ord. No. 1-99; 8-17-2006 by Ord. No. 3-06; 4-7-2009 by Ord. No. 1-09]

- A. The Upper Perk Police Commission shall apportion annual budget appropriations among the participating municipalities in a ratio determined by a consideration of the following factors:
 - (1) The proportionate populations of the participating municipalities according to the current year's September census as prepared by the Upper Perkiomen School District.

- (2) The proportionate total of the call volume for each participating municipality during the twelve-month period ending on October 31 of the year preceding the year for which the apportionment is being prepared.
 - (3) For 2010 and budgetary years thereafter, the Commission shall apportion an annual Police District budget among participating municipalities by averaging the ratios of the aforesaid factors, but if a change of at least 5% in said average shall occur from one budgetary year to the next, the participating municipalities may amend by adding to or deleting apportionment factors.
- B. Should additional municipalities become parties to this agreement, then for the first budgetary year following such joinder, the appropriation ratio of all municipalities within the expanded district shall be determined by averaging the aforesaid variables, as well as:
- (1) The proportionate total of state highway and locally ordained roadway mileage in each participating municipality according to records maintained by the Pennsylvania Department of Transportation at the time of the appropriation.
 - (2) The proportionate total of the assessed value of all real property in each participating municipality according to the records of the Montgomery County Board of Assessment Appeals effective on the date of the appropriation.

§ 14-5. Annual budget; monthly payments.

The Upper Perk Police Commission shall prepare an annual budget for the Upper Perk Police District, which shall be submitted for consideration and approval to each of the participating governing bodies no later than October 1; and if such approvals have not been consummated, the prior year's budget shall be operative until such approvals are given to the Commission. Each municipality that adopts this article shall release to the Commission required shares of the annual budget appropriations monthly, by the monthly meeting of the Upper Perk Police Commission.

§ 14-6. Disposition of Commission funds; bond of Treasurer.

All moneys of the Commission, from whatever source derived, shall be paid to the Treasurer of the Commission. Said moneys shall be deposited by the Treasurer in a special account in a bank located in the joining municipalities, and the account, to the extent that the same is not insured, shall be continuously secured by pledge of direct obligation of the United States of America or of the commonwealth or of the municipalities creating the Commission, having an aggregate market value at all times at least equal to the balance on the deposit on such an account. The moneys in said account shall be paid out on the warrant or other order of the Treasurer of the Commission or of such other person as the Commission may authorize to execute such warrants or orders. The Treasurer of the Commission shall give bond in such specific amount as approved by the Commission, which shall be reissuable at each election of Commission officers, and the premiums shall be paid by the Commission.

§ 14-7. Annual report; audit; financial statements on record.

The Commission shall file an annual written report covering its police work with the municipalities creating the Commission by February 15 of each year. The Commission shall have the financial books, accounts and records studied annually by a certified public accountant or other qualified person, and a copy of his report shall be filed with the Commission by June 30 of each year.

§ 14-8. Jurisdiction, powers and duties of Commission.

- A. The Police Commission shall supervise and direct all of the police activities of the district, providing police service as required in each participating municipality, investigating all crimes and complaints which said municipalities report and assisting in the enforcement of ordinances of the participating municipalities.
- B. The Upper Perk District police and civilian personnel shall be under the direct supervision of the Police Commission.

§ 14-9. Composition of police force.

The initial composition of the police force servicing the Upper Perk Police District shall be made up of the Upper Perk Police Department presently serving the Boroughs of East Greenville and Pennsburg, on the date of the adoption of this article. All removals, demotions and suspensions made subsequently shall be pursuant to the provisions of the Pennsylvania Police Tenure Act, 53 P.S. § 811 et seq.

§ 14-10. Establishment of uniform terms of employment.

- A. The Police Commission shall make uniform policies on wages, hours and conditions and terms of employment and other matters relating to effective police work, consistent with the laws of the Commonwealth of Pennsylvania.
- B. Crossing guards shall not be covered by the provisions hereof but shall be handled separately by each municipality. Auxiliary and fire police shall be administered directly by the Mayor of each municipality, with notice thereof to the Police Commission.

§ 14-11. Adoption of police personnel policy.

The Police Commission shall adopt a written police personnel policy covering all the sections of this article and shall make the same available for distribution to the parties to adopt this article.

§ 14-12. Distribution of state funds for pension purposes not affected.

The funds from the Foreign Casualty and Insurance Company Act (Act of May 12, 1943, P.L. 259, as amended,² or any other Act subsequently enacted) distributed to the participating municipality by the Commonwealth of Pennsylvania shall continue to be received by the joining parties who adopt this article for the purpose authorized under such Act covering the operation of police pension funds.

§ 14-13. Police property.

- A. All equipment, materials and supplies shall be purchased and owned by the Upper Perk Police Commission in accordance with procedures established by the Laws of the Commonwealth of Pennsylvania.
- B. In the event of termination of the Upper Perk Police District, all common equipment, materials and supplies retained by the Commission shall be appraised by appraisers appointed by the parties who have adopted this article for the purpose of sale, and then either sold or retained items shall be distributed in the same proportion as the assessment of expenses as set forth in this article.

§ 14-14. Police headquarters.

The Upper Perk Police Commission shall maintain a police headquarters, at an agreed upon location, within the boundaries of the participating municipalities. All expenses related to the headquarters are to be paid by the Upper Perk Police Commission.

§ 14-15. Police record system.

The Upper Perk Police Commission shall establish and control a complete and up-to-date uniform police record system.

§ 14-16. Immunity; claims; liability insurance.

- A. The police services performed and the expenditures incurred as a result of the unification of the Police Department shall be deemed for public and governmental purposes, and all immunities from liabilities enjoyed by the participating municipality within its boundaries shall extend to its participating in police services outside its boundaries.
- B. Each participating municipality shall waive any and all claims against all other participating municipalities hereto which may arise out of its police activities outside its respective jurisdictions while rendering police services as a result of the adoption of this article.
- C. Each party shall save harmless other parties adopting this article from all claims by third parties, suits, damages and losses, including costs, expenses and attorneys' fees incident to or resulting from any injury to any person or damage to property which may arise out

2. Editor's Note: See 72 P.S. § 2263.1 et seq.

of the rendering of police service as a result of the unification of Police Departments; and, further, public liability insurance for both bodily injury and property damage liability covering police vehicles while on duty shall be obtained by the Commission.

§ 14-17. Joinder of additional municipalities.

Additional municipalities may become parties to this agreement upon application to the Police Commission, upon approval of all the then-participating municipalities and upon proper adoption of the provisions of this article by the applicant municipality.

§ 14-18. Interpretation of agreement.

All differences arising out of interpretation of this article shall be resolved by the Upper Perk Police Commission. If the dispute over interpretation is not resolved within 60 days, a vote of the participating municipalities, each municipal governing body casting one vote, as determined by majority in each, shall resolve the difference.

§ 14-19. Termination of agreement.

- A. Withdrawal from this agreement implementing this article by any single party to it shall not terminate the provisions of this article among the remaining parties.
- B. Withdrawal from the agreement implementing the provisions of this article can only be effected upon written notice by any party of not less than six months and setting forth the date of termination.

ARTICLE II

North Penn Area Tactical Response Team

§ 14-20. Authorizing membership.

To better provide for the health, safety and welfare of Pennsburg Borough residents and of the public at large, the Upper Perk Police Commission, the agency that administers the department which provides law enforcement services within the Upper Perk Police District, the Boroughs of Pennsburg and East Greenville, shall become a participant in the North Penn Area Tactical Response Team (NPTRT), an intergovernmental cooperative arrangement established pursuant to pertinent Pennsylvania statute.

§ 14-21. Command.

The Towamencin Township Police Chief (Joseph L. Kirschner) shall serve as Commanding Officer (CO) of NPTRT. The CO shall:

- A. Be responsible for all NPTRT command and control decisions;
- B. Report directly to the Chief of Police of the Upper Perk Police District during any NPTRT activation or event in which either or both of the boroughs within the District are affected municipalities; and
- C. Develop and adopt all policies and procedures relating to the operation of the NPTRT.

§ 14-22. Headquarters.

The Towamencin Township Police Department shall be the headquarters of the NPTRT with all NPTRT equipment to be stored with that Department at 1090 Troxel Road, Kulpsville, Pennsylvania.

§ 14-23. Finances.

- A. Annual fee.
 - (1) The Commission shall pay to Towamencin Township an annual fee of \$3,300 within 30 days of its having received an invoice in that amount from the headquarters municipality. The annual fee shall defray NPTRT expenses, these to include, but not be limited to:
 - (a) Replacement uniforms and equipment;
 - (b) Training fees;
 - (c) Vehicle maintenance; and
 - (d) General supplies.
 - (2) The annual fee may increase yearly, but shall not increase more than 10% in any year without prior written notice from Towamencin Township setting forth the effective date and the reason for the increase.
- B. The Upper Perk Police Commission shall pay a one-time buy-in fee of \$2,500 to outfit and equip the officer assigned by it to service with the NPTRT.
- C. In addition to the annual fee payable to Towamencin Township, the Commission shall pay to Upper Gwynedd Township an annual maintenance fee of \$500 within 30 days of its having received an invoice in that amount. The maintenance fee shall defray the cost for NPTRT's use of the North Penn Area Mobile Command Post (C-100) in its operations. The maintenance fee shall not increase more than 10% in any year without written notice from Upper Gwynedd Township setting forth the effective date and the reason for the increase.

§ 14-24. Personnel.

The Commission shall provide one full-time officer with a minimum of two years police experience for service with NPTRT. Any officer so nominated must be approved by the CO prior to his becoming a member of the team.

§ 14-25. Termination of existence.

If NPTRT is disbanded and dissolved:

- A. Equipment owned by each member department will be returned to that department if claimed within 30 days of the dissolution;
- B. All jointly owned equipment shall be distributed in accordance with the number of officers each participant department has assigned to NPTRT in relation to the total number of officers assigned to NPTRT by all other participating departments (e.g., if the Commission has one officer and there are 10 officers assigned to NPTRT at the time of dissolution, the Upper Perk Police District will receive 1/10 of the jointly owned equipment); and
- C. Vehicles and other such nondivisible property shall be sold at auction with the proceeds distributed to the member departments in accordance with the formula set forth in § 14-25B above.

§ 14-26. Withdrawal from participation.

If the Commission decides to withdraw from or end its relationship with NPTRT for any reason, all equipment, uniforms and supplies shall remain and/or become the property of NPTRT, and the Commission shall waive its rights and interest therein, unless the equipment is owned by the Commission.

§ 14-27. Salary and benefits.

The Commission shall be responsible for the salary, insurance, benefits or other remuneration of the officer it appoints to NPTRT.

§ 14-28. Voluntary Medical Services Corp. of Lansdale.

The Commission shall accept the Voluntary Medical Services Corp. of Lansdale (VMSCL) as a member of NPTRT without responsibility for any of the fees and obligations levied against municipal members. VMSCL shall provide volunteer emergency medical technicians for the use and benefits of NPTRT.

§ 14-29. Response and activation.

The Commission shall, along with all the other members of NPTRT, including VMSCL, adhere to all response and activation policies set forth, adopted by and/or directed by the CO.

§ 14-30. Duration.

Any agreement between the Commission and the NPTRT providing for Police District participation in NPTRT shall conform with this article.