

ORDINANCE NO. 84

**AN ORDINANCE OF THE BOROUGH OF INDIAN LAKE
ESTABLISHING A POLICE DEPARTMENT IN AND FOR
THE BOROUGH OF INDIAN LAKE, SOMERSET COUNTY
PENNSYLVANIA**

WHEREAS, the Borough of Indian Lake is a unique community, having as its principal attraction a body of water known as Indian Lake; and

WHEREAS, the Borough of Indian Lake, because of its unique situation, receives during the summer months of the year, a substantial increase in population; and

WHEREAS, the Borough of Indian Lake, during these summer months has experienced a noticeable increase in disturbances and distressful situations; and

WHEREAS, the Borough of Indian Lake, during the remaining months of the year, has experienced over the years, although somewhat less than the summer months, a consistent number of crimes and incidents of criminal mischief; and

WHEREAS, the Borough of Indian Lake in an effort to insure the health, safety and welfare of the residents of the community and their guests believes that an organized security force is necessary to enforce the Ordinances of the Borough as well as the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Borough of Indian Lake truly believes that this organized security force must be an organization more formal and structured than the local Crime Watch Unit currently in existence:

NOW THEREFORE, IT IS AND BE IT ENACTED AND ORDAINED
as follows:

ARTICLE ONE - POLICE DEPARTMENT

A police department is hereby established in and for the Borough of Indian Lake which shall hereinafter be known as the "Indian Lake Borough Police Department".

ARTICLE TWO - AUTHORITY OF BOROUGH COUNCIL

The Council of the Borough of Indian Lake shall have and possess all of the authority granted to it under the Act of February 1, 1966 (1965 P.L. 1656, No. 581), as amended of the Commonwealth of Pennsylvania which Act is known as "The Borough Code" and which is found in the statutes of the Commonwealth at 53 P.S. § 45101, et seq.

ARTICLE THREE - AUTHORITY OF MAYOR

The Mayor of the Borough of Indian Lake shall have and possess all of the authority granted to him under the Act of February 1, 1966 (P.L. 1656, No. 581), as amended of the Commonwealth of Pennsylvania which is known as "The Borough Code" and which is found in the statutes of the Commonwealth at 53 P.S. § 45101 et seq.

ARTICLE FOUR - APPOINTMENTS

A chief of police may be appointed by the council. All other appointments to or promotions within the department shall be made by the council as provided by The Borough Code.

ARTICLE FIVE - RANK OF OFFICERS

The chief of police, if appointed, shall be the head of the department and have supervision over all officers and members thereof. Following him in rank, if authorized by the council, shall be the captain, the lieutenants, and policemen in order of seniority in each group.

ARTICLE SIX - DUTIES OF CHIEF OF POLICE

The chief of police, if appointed, or Mayor shall keep such records and make such reports concerning the activities of his department as may be required by statute or by the Borough council. The chief shall be responsible for the performance by the police department of its functions, and all persons who are members of the police department shall serve subject to the orders of the chief of police. When necessary, any person arrested or otherwise required to be confined may be confined by the Borough police in the Somerset County jail.

ARTICLE SEVEN - DUTIES OF POLICE OFFICERS

It shall be the duty of the members of the police department to see to the enforcement of all of the ordinances of the Borough and all statutes applicable therein; and to preserve order and prevent infractions of the law and arrest violators thereof.

ARTICLE EIGHT - SERVICE OF PROCESS

No member of the police department, except the chief, if appointed, shall serve any process except on command of the chief of the police department or Mayor.

ARTICLE NINE - CONDUCT OF POLICE OFFICERS

It shall be the duty of every member of the police department to conduct himself, or herself, in a proper and law abiding manner, at all times, and to avoid the use of unnecessary force. Each member of the department shall obey the orders and directions of his superior.

ARTICLE TEN - WITNESS FEES

Every member of the police department shall appear as witness whenever this is necessary in a prosecution for a violation of an ordinance or of any state or federal law. No such members shall retain any witness fee for service as witness in any action or suit to which the Borough is a party; any fees paid for such services shall be turned over to the chief if appointed or the Mayor otherwise, who shall deposit the same with the treasurer of the Borough.

ARTICLE ELEVEN - RULES AND REGULATIONS

The chief of the police department or Mayor may make or prescribe such rules and regulations as he shall deem advisable; such rules, when approved by the council, shall be binding on such member. Such rules and regulations may cover, besides the conduct of the members, uniforms and equipment to be worn or carried, hours of service, and all other similar matters necessary or desirable for the better efficiency of the department.

ARTICLE TWELVE - SPECIAL POLICE

Any person of good character having duties which require it may be appointed a special policeman by the Mayor, provided that, except upon authorization by the council, no such special policeman shall be entitled to any compensation from the Borough, nor shall such special policeman be considered an employee of the Borough by reason of such appointment. Special policemen shall obey all rules of the police department applicable to them, and may be relieved of their appointment by the chief or Mayor at any time.

ARTICLE THIRTEEN - CUSTODY OF STOLEN PROPERTY

The chief of police if appointed, or the Mayor otherwise shall have the custody of all lost, abandoned or stolen property recovered in the Borough.

ARTICLE FOURTEEN - DIVISIONS WITHIN DEPARTMENT

With the approval of the Mayor, the chief of police if appointed, or the Mayor himself otherwise may establish special divisions within the police department, assigning such policemen to such divisions and designating such duties therefor as may be deemed necessary.

ARTICLE FIFTEEN - REWARDS WITHIN THE DEPARTMENT

The chief of police or Mayor for meritorious service rendered by any member of the police force in the due discharge of his duty, may permit each member to retain for his own benefit, so far as he may be permitted by law, any reward or present tendered him therefor, and it shall be cause for removal for any member of the force to receive any such reward or present without notice thereof to the chief of police and without his permission.

ARTICLE SIXTEEN- EQUAL OPPORTUNITY

In making appointments to the police department, no person shall be deprived of an opportunity to serve on the police department because of race, religion, national origin or sex. No arbitrary rules on height, weight, or achievement of strength unrelated to job needs shall be imposed. No physically impaired person shall be denied, merely by virtue of being physically impaired, appointment to a position on the police department which the physically impaired person is competent to fill.

ARTICLE SEVENTEEN - TERM OF OFFICE FOR CHIEF OF POLICE

The chief of police, if appointed, shall serve for such term as may be provided by Council, and may be removed in the manner provided for the removal of officers.

ARTICLE EIGHTEEN - TRAINING POLICY

It is the policy of the Borough that members of the police department shall provide services consisting not only of keeping the peace but also of assisting the public through individual contacts and through community projects. In keeping with Borough policy on the function of the police department, the following matters shall be covered in the police training program.

A. All persons in the police department shall be instructed in the art of dealing with individuals and the methods of planning and operating community service projects. In connection with community service, the persons shall also be instructed how to encourage and accept suggestions from persons living or working in the community.

B. Such training shall be required for each person in the police department, regardless of rank or length of service. It is suggested, but it shall not be required that each such person attend a refresher course on these subjects at least once a year.

C. The training required of this section shall not be given by police department personnel. The Borough manager shall arrange for such training to be provided at the expense of the Borough by a community organization, nonprofit corporation, private individual, business firm, corporation or educational institution.

ARTICLE NINETEEN - DRUG TESTING WITHIN THE DEPARTMENT

The Borough hereby finds that testing of police officers for use of controlled substances is necessary because of the need to be sure that no police officer is impaired in any way that would interfere with the performance of police duties. Police duties frequently require alertness and good judgment, and require an ability to command respect of the public.

A. As used in this ordinance , the following term shall have the following meaning:

Controlled Substance: Any drug, narcotic or controlled substance defined by state law as a controlled substance, or defined as a controlled substance by laws of the United States, including but not limited to Section 102, paragraph (6) of the Controlled Substance Act, 21 USC § 802(6).

B. Urinalysis testing for controlled substance use by any member of the police force suspected of such use shall be conducted by such clinic or physician as is designated by the Chief of Police or Mayor to perform such testing. Members to be subjected to such testing shall be designated by only the Mayor and/or Chief of Police of the police department.

C. If any member of the department refuses to submit to such test, or if the test report indicates that the member shows evidence of use of a controlled substance, the member shall be dismissed from the department.

D. Any member of the department who is notified that he or she is to be dismissed in accordance with paragraph C of this ordinance may submit medical evidence or other specific evidence challenging the results of the test. Such person shall be suspended until such time as a final decision is made concerning the challenge to the test results. The Chief of Police or Mayor shall make the decision on the challenge, subject to the individual's right to challenge the discharge in the manner provided for other discharges.

ARTICLE TWENTY - REPEAL

Any other Ordinance or Ordinances or parts of any Ordinance or Ordinances inconsistent herewith are hereby repealed.

ARTICLE TWENTY-ONE - VALIDITY

If any provision of this Ordinance is declared to be invalid for whatever reason, the remaining provisions shall remain in full force and effect just as if the provision declared invalid was not a part of this Ordinance.

ARTICLE TWENTY-TWO - EFFECTIVE DATE

This Ordinance shall be effective beginning March 1, 1989.

ARTICLE TWENTY-THREE - RECORDING OF ORDINANCE

This Ordinance shall, upon its proper adoption be duly recorded in the official Ordinance Books of the Borough of Indian Lake.

ORDAINED AND ENACTED this 22ND day of February, 1989.

ATTEST:

BOROUGH OF INDIAN LAKE

Mellie D. Hammond
Secretary

By: Cyril W. Holmes
President of Council

EXAMINED AND APPROVED by same this 22ND day of February, 1989.

Edward P. ...
Mayor