

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1801

Session of
1989

INTRODUCED BY BROUJOS, KUKOVICH, NOYE, ROBINSON, HESS, MAIALE,
HOWLETT, TIGUE, SAURMAN, VEON, STABACK, McHALE, MELIO,
SERAFINI, FOX, JAMES, ARGALL, BILLOW, GAMBLE, DISTLER, MERRY,
LAUGHLIN, TRICH, BARLEY, BATTISTO, COLAIZZO, CORRIGAN AND
HECKLER, JUNE 29, 1989

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 29, 1989

AN ACT

1 Amending the act of February 1, 1966 (1965 P.L.1656, No.581),
2 entitled "An act concerning boroughs, and revising, amending
3 and consolidating the law relating to boroughs," further
4 providing for public employment.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 1121 of the act of February 1, 1966 (1965
8 P.L.1656, No.581), known as The Borough Code, is amended to
9 read:

10 Section 1121. Appointment, Suspension, Reduction, Discharge,
11 Powers; Mayor to Have Control.--(a) Borough council may,
12 subject to the civil service provisions of this act, if they be
13 in effect at the time, appoint and remove, or suspend, or reduce
14 in rank, one or more suitable persons, citizens of the United
15 States of America, as borough policemen, who shall be ex officio
16 constables of the borough, and shall and may, within the borough
17 or upon property owned or controlled by the borough or by a

1 municipal authority of the borough whether such property is
2 within or outside the limits of the borough, without warrant and
3 upon view, arrest, and commit for hearing any and all persons
4 guilty of breach of the peace, vagrancy, riotous or disorderly
5 conduct or drunkenness, or who may be engaged in the commission
6 of any unlawful act tending to imperil the personal security or
7 endanger the property of the citizens, or for violating any
8 ordinance of the borough for the violation of which a fine or
9 penalty is imposed, and notwithstanding any statute pertaining
10 to the same or similar offenses. Any person so arrested shall be
11 received for confinement by the keepers of the jails, lockups,
12 or station houses within the county.

13 (b) The borough council may designate one of said policemen
14 as chief of police. The mayor of the borough shall have full
15 charge and control of the chief of police and the police force,
16 and he shall direct the time during which, the place where and
17 the manner in which, the chief of police and the police force
18 shall perform their duties, except that council shall fix and
19 determine the total weekly hours of employment that shall apply
20 to the policemen.

21 (c) Policemen shall have authority to serve and execute all
22 criminal process for the violation of borough ordinances which
23 may be issued by the mayor, and shall charge the same fees and
24 costs as constables of the borough, but such fees and costs
25 shall be collected by the mayor and by him paid into the borough
26 treasury.

27 (d) The borough may, by ordinance establish a police
28 department consisting of chief, captain, lieutenant, sergeants,
29 or any other classification desired by the council, and council
30 may, subject to the civil service provisions of this act, if

1 they be in effect at the time, designate the individuals
2 assigned to each office, but the mayor shall continue to direct
3 the manner in which the persons assigned to the office shall
4 perform their duties. The mayor may, however, delegate to the
5 chief of police or other officers supervision over and
6 instruction to subordinate officers in the manner of performing
7 their duties. The mayor may appoint special policemen during an
8 emergency in which the safety and welfare of the borough and the
9 public is endangered and auxiliary policemen may be appointed as
10 provided by general law. Part-time policemen who are in
11 compliance with the provisions of the act of June 18, 1974
12 (P.L.359, No.120), referred to as the Municipal Police Education
13 and Training Law, shall possess all powers of arrest without a
14 warrant and other related powers granted to full-time policemen
15 under this act.

16 (e) The borough council may assign the chief of police or
17 any member of the police force to undergo a course of training
18 at any training school for policemen established and made
19 available by the State or Federal government, and may provide
20 for the payment by the borough of his expenses while in
21 attendance in such school.

22 (f) In any case in which a borough has heretofore appointed
23 policemen or established a police department by action of
24 council but not by or pursuant to an ordinance regularly
25 enacted, such action shall be deemed to have been a valid
26 exercise of the legislative power of the borough for all
27 purposes the same as though an ordinance had been enacted, and
28 all policemen appointed thereunder shall occupy the same status
29 and shall have the same rights and privileges as in the case of
30 policemen appointed under authority of an ordinance.

1 Section 2. This act shall take effect in 60 days.