

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1275 Session of  
1991

INTRODUCED BY BROUJOS, KUKOVICH, CESSAR, HALUSKA, TIGUE, NAHILL,  
HECKLER, LEH, VEON, NYCE, SAURMAN, PESCI, MELIO, BARLEY,  
SCHEETZ, STABACK, MAYERNIK, NOYE, CLARK, KING, HANNA,  
E. Z. TAYLOR, ARMSTRONG, TULLI AND GAMBLE, APRIL 23, 1991

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 23, 1991

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 of police officers.

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  
18 municipal authority of the borough whether such property is

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

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

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

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

1 assigned to each office, but the mayor shall continue to direct  
2 the manner in which the persons assigned to the office shall  
3 perform their duties. The mayor may, however, delegate to the  
4 chief of police or other officers supervision over and  
5 instruction to subordinate officers in the manner of performing  
6 their duties. The mayor may appoint special policemen during an  
7 emergency in which the safety and welfare of the borough and the  
8 public is endangered and auxiliary policemen may be appointed as  
9 provided by general law.

10 (e) Nothing in this subdivision shall prohibit a borough  
11 from employing members of a police force on a part-time basis,  
12 either through civil service or as extra police officers  
13 pursuant to clause (4) of section 1195 of this act. Such  
14 officers shall be considered as duly employed municipal police  
15 officers within the meaning of 42 Pa.C.S. Ch. 89, Subch. D  
16 relating to municipal police jurisdiction).

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

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

1 policemen appointed under authority of an ordinance.

2       Section 2. All part-time officers employed by a borough  
3 prior to the effective date of this act shall be considered as  
4 duly employed municipal police officers within the meaning of 42  
5 Pa.C.S. Ch. 89 Subch. D (relating to municipal police  
6 jurisdiction).

7       Section 3. This act shall take effect immediately.