

ORDINANCE NO. 396

AN ORDINANCE OF THE BOROUGH OF TULLYTOWN, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE POLICE DEPARTMENT CHAPTER OF THE CODE OF ORDINANCES OF TULLYTOWN BOROUGH, BUCKS COUNTY, TO CREATE AN AUXILIARY POLICE ORGANIZATION CONSISTING OF VOLUNTEER MEMBERS; REQUIRING THAT AUXILIARY POLICE OFFICERS ASSIST THE REGULAR POLICE FORCE IN EMERGENCIES WHEN CALLED UPON BY THE TULLYTOWN BOROUGH MAYOR AND AS DIRECTED BY THE TULLYTOWN BOROUGH CHIEF OF POLICE; ESTABLISHING NOMINATION AND ELIGIBILITY REQUIREMENTS FOR APPLICANTS TO THE AUXILIARY POLICE ORGANIZATION; PRESCRIBING THE SPECIFIC AND GENERAL DUTIES AND OBLIGATIONS OF AUXILIARY POLICE OFFICERS; PROHIBITING AUXILIARY POLICE OFFICERS FROM ENGAGING IN CONDUCT THAT CONSTITUTES A CONFLICT OF INTEREST; AND CONFIRMING THAT AUXILIARY POLICE OFFICERS ARE VOLUNTEERS AND ARE NOT TULLYTOWN BOROUGH EMPLOYEES UNDER THE APPLICABLE CIVIL SERVICE REGULATIONS

BACKGROUND:

A. The Council of the Borough of Tullytown, Bucks County, Pennsylvania (“Council”) has, by Ordinance No. 98, enacted on June 19, 1961, as amended, codified at Chapter 28 of the Code of Ordinances of Tullytown Borough (collectively the “Code”), adopted regulations establishing and regulating the Tullytown Borough Police Department (the “Department”).

B. By Act 561 of 1951, codified at 53 P.S. §731 *et seq.* (the “Act”), the Pennsylvania General Assembly enacted standards authorizing local municipalities to create an auxiliary police organization to supplement its primary police force.

C. The Council, as the governing body of Tullytown Borough, wishes to amend Chapter 28 of the Code to create an auxiliary police organization to support the Department; and to adopt and promulgate rules, regulations and guidelines for the auxiliary police organization and its members.

D. This Ordinance is enacted pursuant to the legislative authority set forth in the Pennsylvania Borough Code, 8 Pa.C.S. §101 *et seq.*, and the Act.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Council of the Borough of Tullytown, Bucks County, Pennsylvania, and it is hereby **ENACTED AND ORDAINED** by authority of same as follows:

Section 01: A new Article III shall be added to Chapter 28 of the Code and shall be titled “Auxiliary Police.” The new sections set forth in this Ordinance shall constitute Article III.

Section 02: New Section 28-30, Creation; Authority; Membership, shall be added to the Code and shall read in full as follows:

“§28-30. Creation; Authority; Membership.

A. There is hereby created an organization known as the Tullytown Borough Auxiliary Police, to be referred to in this Article as the “Auxiliary Police.”

- B. The Auxiliary Police, and the rules and regulations governing the Auxiliary Police, are hereby promulgated in accordance with the Tullytown Borough Code of Ordinances, and pursuant to the Pennsylvania Borough Code (8 Pa.C.S. §101 *et seq.*), and the Pennsylvania Auxiliary Police Law, 53 P.S. §§731 to 736.”
- C. The Auxiliary Police shall consist of not more than fifteen (15) members. Each members term of service shall be three (3) years; provided, however, that Council may appoint individuals for terms of less than three (3) years so no more five (5) members shall be replaced or reappointed during any one calendar years.”

Section 03: New Section 28-31, Activation by Mayor; Purposes, shall be added to the Code and shall read in full as follows:

“28-31. Activation by Mayor; Purposes.

- A. The Auxiliary Police shall assist the regular Tullytown Borough Police Department in any period of distress, disaster, emergency or other activities, but not including labor disturbances, deemed necessary as called upon by the Tullytown Borough Mayor.
- B. The primary purposes of the Auxiliary Police shall be traffic control at parades, fire ground, automobile accidents and special details.

Section 04: New Section 28-32, Assignments; Reporting for Duty, shall be added to the Code and shall read in full as follows:

§28-32. Assignments; Reporting for Duty.

- A. The Auxiliary Police shall receive assignments and duties from the Tullytown Borough Chief of Police or from the Chief’s designated subordinates. The Auxiliary Police are directly responsible to the Tullytown Borough Chief of Police.
- B. Auxiliary Police members shall report to an assigned regular police supervisor to receive direct assignments when responding in emergency situations or when otherwise activated for duty.
- C. Auxiliary Police members will report for assigned special details at the predetermined time and will receive orders from the regular police members. Auxiliary Police members shall remain at the assigned post until reassigned or relieved by the regular police.”

Section 05: New Section 28-33, Applicants; Appointments, shall be added to the Code and shall read in full as follows:

“§28-33. Applicants; Appointments.

- A. Applicants for the Auxiliary Police must be residents of Tullytown Borough or surrounding communities. They must have attained twenty-one (21) years of age prior to their first meeting. Applicants must complete a personal application form, which will be submitted to the Tullytown Borough Police Department for review and investigation and approval by the Chief of Police. Prospective members are required to attend a minimum number of training sessions as determined by the Chief of Police before being appointed to the Auxiliary Police and issued a uniform.
- B. The Tullytown Borough Council shall have the sole discretion on appointment of members to the Auxiliary Police. The Chief of Police shall nominate and forward to the Council for consideration and appointment a list of names of recommended applicant(s) who have completed the necessary prerequisites to appointment. After appointment by Council, members of the Auxiliary Police shall serve their appointed term, and at the pleasure of the Tullytown Borough Chief of Police, unless released from service earlier by the Chief of Police.”
- C. All new members of the Auxiliary Police shall be sworn in by the Tullytown Borough Mayor at a time and date set by the Tullytown Borough Chief of Police; and shall take the oath in writing as more fully set forth in Section 733 of the Pennsylvania Auxiliary Police Law.”

Section 06: New Section 28-34, Uniforms and Equipment, shall be added to the Code and shall read in full as follows:

“§28-34. Uniforms and Equipment.

Uniforms and equipment shall be supplied to members of the Auxiliary Police by the regular Tullytown Borough Police Department and shall remain the property of Tullytown Borough. Uniforms and equipment shall only be worn and/or displayed while on duty. Uniforms must be worn in full when on duty. No unauthorized uniforms, accessories or equipment shall be worn or displayed. When an individual ceases to be a member of the Auxiliary Police, all issued uniforms and equipment shall be promptly returned to the Tullytown Borough Police Department.”

Section 07: New Section 28-35, Powers and Duties of Members, shall be added to the Code and shall read in full as follows:

“§28-35. Powers and Duties of Members.

- A. Members of the Auxiliary Police on active duty shall have the same powers as regular police officers of Tullytown Borough to carry out their duties as may be assigned to them by the Chief of Police.
- B. The powers herein conferred may be exercised by members of the Auxiliary Police only after they report for duty and until they are relieved from duty.

C. Members of the Auxiliary Police shall:

1. Be responsible for the efficient performance of their duties in conformity with the policies and procedures of the Auxiliary Police organization, and the regular Tullytown Borough Police Department and all relevant codes of conduct applicable to the regular Tullytown Borough Police Department.
2. Exercise authority consistent with the obligations imposed by the oath of office and be accountable to their superiors, promptly obeying all legitimate orders.
3. Coordinate their efforts with those other members of the Auxiliary Police and the regular Tullytown Borough Police Department so that their teamwork may ensure continuity of purpose and maximum achievement of service program objectives.
4. Communicate to their superiors and to their coworkers all information they may obtain which is pertinent to the achievement of service program objectives.
5. Conduct themselves in accordance with high ethical standards both on and off duty.
6. Report for duty at specified time, physically fit, neatly and properly groomed with prescribed equipment and, if so ordered, report to their supervisor at the conclusion of their tour of duty.
7. Make all reports in conformity with the procedure for their accurate and complete preparation.
8. Exert every effort to satisfy the needs of citizen requesting service, assistance or information in a courteous manner.
9. When directing the movement of vehicular traffic, take a conspicuous and safe position, making signals clear and positive.”

Section 08: New Section 28-36, Communication, shall be added to the Code and shall read in full as follows:

“§28-36. Communication.

Communication technology, radios and related equipment will be made available to the Auxiliary Police when deemed necessary by the Chief of Police or his designated representative. Radios must be logged in and out with the on-duty police officer. Auxiliary Police will use “plain speak” language in conformity with regular police department radio procedure during all radio transmissions. Calls must pertain to official business only. Use of profanity over the radio is forbidden.”

Section 09: New Section 28-37, Use of Private Cars, shall be added to the Code and shall read in full as follows:

“§28-37. Use of Private Cars.

Auxiliary Police shall not use emergency warning devices of any kind (such as flashing lights or sirens) on their private vehicles either moving or parked. Only the lights which came with the private vehicle, such as four-way flashers, may be used while parked at the curb; and they may not be used for the purposes of gaining right-of-way while in motion. Auxiliary Police shall not use their private vehicles to block intersections to divert traffic. If the situation warrants a vehicle blocking an intersection, a police car or other emergency vehicle may be placed at the location.”

Section 10: New Section 28-38, First Aid and CPR, shall be added to the Code and shall read in full as follows:

“§28-38. First Aid and CPR.

All members of the Auxiliary Police are required to have a current and valid First Aid and CPR card. A member who does not have such a card(s) must attend the first available local training course following appointment. Members whose card(s) expire during their tenure must take a refresher course at the earliest opportunity. First Aid and/or CPR may not be rendered by any member of the Auxiliary Police who does not possess a current and valid First Aid and CPR card.”

Section 11: New Section 28-39, Conflict of Interest, shall be added to the Code and shall read in full as follows:

“§28-39. Conflict of Interest.

No member of the Auxiliary Police shall directly or indirectly accept any gift, service or other consideration for services rendered to the Auxiliary Police.”

Section 12: New Section 28-40, Finances, shall be added to the Code and shall read in full as follows:

“§28-40. Finances.

- A. All donations, contributions or other funds given to the Auxiliary Police shall be placed in the Tullytown Borough Auxiliary Police fund to be used for the benefit of the Auxiliary Police organization and acknowledged by the Chief of Police. All donations, contributions or other funds shall be delivered to the Borough Treasurer for deposit.
- B. The funds of the Auxiliary Police shall be audited annually by the Tullytown Borough Treasurer, and the reports of such audits shall be submitted to the Mayor, Borough Council, and Chief of Police.”

Section 13: New Section 28-41, Volunteer Status; Civil Service, shall be added to the Code and shall read in full as follows:

“§28-41. Volunteer Status; Civil Service.

Members of the Auxiliary Police are volunteers and shall not be considered employees of Tullytown Borough for any purpose. Civil service regulations otherwise applicable to regular Tullytown Borough police officers shall not be applicable to members of the Auxiliary Police.”

Section 14: In addition, all inconsistent provisions of all other Ordinances and Resolutions of the Borough of Tullytown, Bucks County, Pennsylvania are hereby repealed to the extent of the inconsistency. All other provisions of the Ordinances and Resolutions of the Borough of Tullytown, Bucks County, Pennsylvania shall remain in full force and effect.

Section 15: The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall have no effect on the remaining provisions of this Ordinance.

Section 16: This Ordinance shall be effective immediately.

ORDAINED and **ENACTED** this 9th day of June, 2020.

TULLYTOWN BOROUGH COUNCIL

By: Nina Chrzanowski
Nina Chrzanowski, President

Attest: Nancy Conner
Nancy Conner, Secretary

APPROVED this 9th day of June, 2020.

J. David Cutchineal
J. David Cutchineal, Mayor