

Aug 2, 1999

**WEST PIKELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO. 99-05 OF 1999**

AN ORDINANCE OF WEST PIKELAND TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, IMPLEMENTING THE PROVISIONS OF AN AGREEMENT TO BE SIGNED BY WEST PIKELAND TOWNSHIP AND OTHER MUNICIPALITIES PROVIDING FOR INTER-MUNICIPAL POLICE COOPERATION BY EACH GRANTING AUTHORITY TO OFFICERS OF THE SIGNATORY MUNICIPALITIES TO ACT AS POLICE OFFICERS IN THE OTHER SIGNATORY MUNICIPALITIES, AND FURTHER IMPLEMENTING THE PROVISIONS OF A "MUNICIPAL DRUG TASK FORCE AGREEMENT" TO BE SIGNED BY WEST PIKELAND TOWNSHIP, THE OFFICE OF THE ATTORNEY GENERAL OF THE COMMONWEALTH OF PENNSYLVANIA, THE CHESTER COUNTY DISTRICT ATTORNEY, AND OTHER MUNICIPALITIES, TO FACILITATE THE ENFORCEMENT OF STATUTES GOVERNING THE ILLEGAL POSSESSION, USE, SALE, DISTRIBUTION, ETC. OF NARCOTICS AND OTHER CONTROLLED SUBSTANCES.

West Pikeland Township, in accordance with the provisions of the Intergovernmental Cooperation Act (the Act of July 12, 1972, No. 180, §1, et. seq. 53 P. S. §481, et. seq. as amended) (the "ICA") and the provisions of the Municipal Police Jurisdiction Act (the Act of June 15, 1982, P.L. 512, No. 141, 54, et. seq., 42 Pa. C.S.A. §8951, et. seq., as amended) (the "MPJA") hereby enacts an Ordinance implementing the provisions of an agreement to be signed by West Pikeland Township and one or more municipalities in Chester County, Pennsylvania, providing for inter-municipal police cooperation, and further implementing the provisions of a "Municipal Drug Task Force Agreement" to be signed by West Pikeland Township, the Office of the Attorney General of the Commonwealth of Pennsylvania, the Chester County District Attorney and other signatory municipalities by and through which these entities shall coordinate and cooperate to interdict the illegal use and trafficking of narcotics and other controlled substances within the municipal boundaries of West Pikeland Township, as well as within the municipal boundaries of other signatory municipalities in Chester County, Pennsylvania.

SECTION 1 ENABLING PROVISIONS IMPLEMENTING AN INTERGOVERNMENTAL POLICE COOPERATION AGREEMENT

a. In accordance with the provisions of the ICA, West Pikeland Township shall enter into an Intergovernmental Police Cooperation Agreement ("IPCA") with other municipalities in Chester County, Pennsylvania, under the terms of which police officers (including both full-time and part-time officers) of each signatory municipality will be granted authority to officially act as police officers of other signatory municipalities (subject to the terms of the IPCA) when performing duties in other signatory municipalities.

Office of the Attorney General of the Commonwealth of Pennsylvania ("OAG"), the Chester County District Attorney, and other municipalities in Chester County, Pennsylvania, by and through which these entities shall coordinate narcotics investigations, enforce narcotics and other controlled substance statutes, and coordinate prosecutorial activities in order to interdict illegal narcotic and controlled substance activities in Chester County, Pennsylvania.

- b. West Pikeland Township shall utilize the services of both full-time and part-time officers of its police department under the conditions contained in the MDTFA, and in compliance with the MPJA.
- c. The MDTFA to be signed by West Pikeland Township, the OAG, the Chester County District Attorney and other municipalities shall conform substantially to the draft of the MDTFA currently on file in the offices of the Township.
- d. After execution by the Township, the OAG, the Chester County District Attorney and at least one other municipality, either the original or a duplicate copy of the executed MDTFA shall be kept on file at all times in the offices of the Township; as additional municipalities sign the MDTFA, or withdraw from the MDTFA, the original of the MDTFA (or duplicate thereof) to be kept on file at all times in the Township offices shall accurately reflect all the then current parties signatory to the MDTFA.
- d. Pursuant to the MDTFA, West Pikeland Township shall establish appropriate procedures to comply with all relevant provisions of the MDTFA and such regulations and directives as may be issued from time to time by the OAG.

SECTION 7 DURATION OF MDTFA

- a. The duration of the MDTFA, and the Township's participation therein, shall be indefinite, subject to the provisions of Section 7.b. and c. hereof.
- b. Withdrawal from the MDTFA by West Pikeland Township shall be effected by the Township's giving thirty (30) days written notice to all other parties to the then current MDTFA.
- c. If the OAG terminates the existence of the Drug Task Force created pursuant to the provisions of the MDTFA, the Township's participation in the MDTFA shall automatically terminate without further action of the Township Board of Supervisors, effective the date of such termination by the OAG.

SECTION 8 PURPOSE AND OBJECTIVES OF THE MDTFA

- a. The purpose and objectives of the MDTFA include, but are not limited to, county wide coordination of police activities in order to enhance the combating of illegal narcotic and controlled substance trafficking, and expediting and enhancing intergovernmental cooperative activities with signatories to the MDTFA to enhance interdiction of illegal drug and controlled substance activities.

SECTION 9 FINANCING

- a. The MDTFA shall be financed by funds supplied by the OAG.

SECTION 10 ORGANIZATIONAL STRUCTURE

- a. Any organization structure required to implement the provisions of the MDTFA shall be established through such directives, procedures, and guidance as may be issued by the OAG, the

and also under which procedures for the police department of each signatory municipality to render aid and assistance to one another will be established.

b. The IPCA to be signed by West Pikeland Township and other municipalities shall conform substantially to the draft of the IPCA currently on file in the offices of the Township.

c. After execution by the Township and at least one other signatory municipality, either the original or a duplicate copy of the executed IPCA shall be kept on file at all times in the offices of West Pikeland Township; as additional municipalities sign the IPCA or withdraw from the IPCA, the original IPCA (or duplicate thereof) to be kept on file at all times in the Township offices shall accurately reflect all the then current parties signatory to the IPCA.

SECTION 2 DURATION OF IPCA

- a. The duration of the IPCA, and the Township's participation therein, shall be indefinite, subject to the provisions of Section 2-b. hereof.
- b. Withdrawal from the IPCA by West Pikeland Township shall be effected by the Township giving seven (7) days written notice to all then participating signatory municipalities to the IPCA.

SECTION 3 PURPOSE AND OBJECTIVES OF IPCA

1. The purposes and objectives of the IPCA include, but are not limited to:

- a. Improving law enforcement in Chester County, Pennsylvania, especially in West Pikeland Township and other signatory municipalities of the IPCA by granting police officers authority to exercise official duties in signatory municipalities, thereby alleviating problems of arrests being determined improper or unlawful because of jurisdictional or municipal boundary issues; and
- b. Enhancing the coordination of drug investigations in Chester County, Pennsylvania; and
- c. Providing mutual police aid across jurisdictional lines to enable police to more effectively enforce the provisions of narcotic and controlled substance statutes, thereby preserving the safety and welfare of persons in West Pikeland Township and in the other signatory municipalities.

SECTION 4 MANNER AND EXTENT OF FINANCING THE IPCA

- a. Each signatory municipality shall be responsible for all expenses incurred by reason of actions taken by its police pursuant to the IPCA, no other financing being necessary or required to effectuate its purpose.

SECTION 5 ORGANIZATIONAL STRUCTURE OF THE IPCA

- a. No additional organizational structure is necessary to implement the provisions of the IPCA, nor will any property, real or personal be acquired, managed or disposed of in order to effectuate the purposes contained in the IPCA.

SECTION 6 ENABLING PROVISIONS IMPLEMENTING A MUNICIPAL TASK FORCE AGREEMENT

- a. In accordance with the provisions of the ICA and the provisions of the MPJA, West Pikeland Township shall also enter into a Municipal Drug Task Force Agreement ("MDTFA") with the

Chester County District Attorney, the West Pikeland Township Police Department, and other police departments whose municipalities are signatory to the MDTFA.

SECTION 11 ACQUISITION, MANAGEMENT AND DISPOSAL OF PROPERTY

a. The acquisition, management or disposal of any and all property, whether real or personal, acquired or to be acquired pursuant to the provisions of the MDTFA shall be in accordance with the terms of the MDTFA and such directives and procedures issued by the OAG.

SECTION 12 RETENTION OF MANAGERIAL RESPONSIBILITIES

a. West Pikeland Township shall remain responsible and maintain responsibility for the management, control and direction of its police officers, subject to such assistance (financial or otherwise) supplied by the OAG.

SECTION 13 EFFECTIVE DATE OF ORDINANCE

a. After adoption by West Pikeland Township, this Ordinance shall become effective when both:

1. West Pikeland Township and at least one other municipality have signed the IPCA; and,
2. West Pikeland Township and the OAG, the Chester County District Attorney and at least one other municipality have signed the MDTFA.

SECTION 14 REPEAL OF CONFLICTING ORDINANCES

a. All existing Ordinances of West Pikeland Township, or parts thereof, inconsistent with this Ordinance, or any part hereof, are hereby repealed.

SECTION 15 SEVERABILITY

a. If any Section or provision of this Ordinance is declared by any Court of competent jurisdiction to be invalid or unconstitutional for any reason, such decision shall not effect the validity or constitutionality of this Ordinance as, a whole nor the validity or constitutionality of any other Section or provision of this Ordinance other than the ones so declared to be invalid.

ENACTED and ORDAINED by the Board of Supervisors of West Pikeland Township this 2nd day of Aug, 1999.

BOARD OF SUPERVISORS OF
WEST PIKELAND TOWNSHIP

Chairman

Vice Chairman

Member

Attested:

Secretary