

**EAST COVENTRY
BOARD OF SUPERVISORS**

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 221

“Warrantless Arrests Ordinance”

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF EAST COVENTRY TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, TO REPEAL CHAPTER 1 (ADMINISTRATION AND GOVERNMENT), PART 10 (POLICE), SECTION 1-1001 (WARRANTLESS ARREST GUIDELINES) IN ITS ENTIRETY IN ORDER TO RELOCATE SUCH SECTION TO CHAPTER 6 (CONDUCT); AND TO AMEND CHAPTER 6 (CONDUCT) TO ADD A NEW PART 4 ENTITLED “WARRANTLESS ARRESTS” FOR THE PURPOSE OF PERMITTING WARRANTLESS ARRESTS IN ACCORDANCE WITH STATE LAW AND ESTABLISHING WARRANTLESS ARREST GUIDELINES, AND CONTAINING THE FOLLOWING SECTIONS: ARREST WITHOUT WARRANT; AND WARRANTLESS ARREST GUIDELINES.

The Board of Supervisors of East Coventry Township does hereby **ENACT** and **ORDAIN** as follows:

SECTION I. – Amendment to Code

The Code of Ordinances of East Coventry Township, Chapter 1 (Administration and Government), Part 10 (Police), is hereby amended to repeal Section 1-1001 (Warrantless Arrest Guidelines) in its entirety and to hereinafter mark such Section as “Reserved”.

SECTION II. – Amendment to Code

The Code of Ordinances of East Coventry Township, Chapter 6 (Conduct), is hereby amended to add a new Part 4 entitled “Warrantless Arrests”, as follows:

PART 4

WARRANTLESS ARRESTS

§6-401. Arrest Without Warrant.

In addition to any authorities granted under the Pennsylvania Judiciary and Judicial Procedure Code, and particularly §8902 (Arrest Without Warrant) and

§6324 (Taking A Child Into Custody), any sworn officer of the East Coventry Township Police Department, upon view, shall have the right of arrest for these summary offenses upon probably cause, but only when there is ongoing conduct that imperils the personal security of any person or endangers public or private property:

1. 18 Pa.C.S.A. §5503 (relating to disorderly conduct)
2. 18 Pa.C.S.A. §5505 (relating to public drunkenness)
3. 18 Pa.C.S.A. §5507 (relating to obstructing highways and other public passages)
4. 18 Pa.C.S.A. §6308 (relating to the purchase, consumption, possession or transportation of liquor or malt or brewed beverages)

§6-402. Warrantless Arrest Guidelines.

1. Each police officer employed by East Coventry Township, when making an arrest without warrant upon probable cause for certain summary offenses as authorized by this Part and Section 8902(a) of the Judicial Code, 42 Pa.C.S.A. § 8902(a), shall follow the procedures set forth in Rule 441 of the Pennsylvania Rules of Criminal Procedure (relating to arrest without warrant in summary cases), and any East Coventry Township Police Department procedures, now or hereafter established, relating to warrantless arrest upon probable cause for a summary offense.
2. The procedures provided in Subsection 1 shall constitute the promulgated guidelines required by Section 8902(b) of the Judicial Code, 42 Pa.C.S.A. § 8902(b), to be followed by a police officer employed by East Coventry Township in making a warrantless arrest under Section 8902(a) of the Judicial Code, 42 Pa.C.S.A. § 8902(a).
3. The procedures referenced in Subsection 1 shall include such procedures with all amendments and supplements thereto and any new procedures substituted for the same, as in force at the time of application under this section.

SECTION III. – Severability

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or

unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION IV. – Failure to Enforce not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION V. – Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION VI. – Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

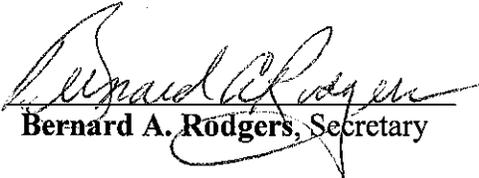
ORDAINED AND ENACTED by the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania, this 12th day of February, 2018.

EAST COVENTRY TOWNSHIP

By:


W. Atlee Rinehart, Chairman

Attest:


Bernard A. Rodgers, Secretary

NOTICE

NOTICE is hereby given that the Board of Supervisors of East Coventry Township, at its public meeting on February 12, 2018 at the Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania, will consider and could vote to adopt an ordinance amending the Codified Ordinances of East Coventry Township, Chester County, Pennsylvania, to repeal Chapter 1 (Administration and Government), Part 10 (Police), Section 1-1001 (Warrantless Arrest Guidelines) in its entirety in order to relocate such section to Chapter 6 (Conduct); and to amend Chapter 6 (Conduct) to add a new Part 4 entitled "Warrantless Arrests" for the purpose of permitting warrantless arrests in accordance with state law and establishing warrantless arrest guidelines, and containing the following sections: Arrest Without Warrant; and Warrantless Arrest Guidelines.

Copies of the full text of the proposed ordinance are available for examination during normal business hours without charge at the offices of *The Pottstown Mercury*, 24 North Hanover Street, Pottstown, Pennsylvania 19464, the Chester County Law Library, 201 West Market Street, Suite 2400, West Chester, Pennsylvania 19380-0989 and the East Coventry Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania 19465, where a copy of the proposed ordinance may be obtained for a charge not greater than the cost thereof.

MARK A. HOSTERMAN, ESQUIRE
WISLER PEARLSTINE, LLP
Solicitor for East Coventry Township