

## TOWNSHIP OF SOUTH BEAVER

## ORDINANCE NO. 57

AN ORDINANCE OF THE TOWNSHIP OF SOUTH BEAVER, OF BEAVER COUNTY, PENNSYLVANIA, RELATIVE TO AUTHORIZING/SETTING GUIDELINES FOR SOUTH BEAVER TOWNSHIP POLICE OFFICERS IN THE MAKING OF AN ARREST WITHOUT WARRANT AND AUTHORIZING THE TEMPORARY IMMOBILIZATION AND/OR IMPOUNDMENT OF VEHICLES ACCORDING TO STATUTORY LAW.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of South Beaver Township, of Beaver County, Pennsylvania, and it is hereby enacted under the authority of the Second Class Township Code, the Judicial Code and the Vehicle Code, the following:

### ARTICLE I - ARREST WITHOUT WARRANT

Section 101. In addition to the general provisions of the Pennsylvania Crimes Code, the Vehicle Code of the Commonwealth of Pennsylvania, and Rules of Court of the Commonwealth of Pennsylvania, authorizing a police officer to make an arrest without warrant, South Beaver Township Police Officers are hereby specifically authorized and empowered per Section 8902(a) of the Judicial Code [42 Pa.C.S.A. Section 8902(a)] to make an arrest without warrant of any person relative to a violation, or suspected violation, of:

- a.) Section 5503 of the Crimes Code [18 P.S. Section 5503] relating to Disorderly Conduct;
- b.) Section 5505 of the Crimes Code [18 P.S. Section 5505] relating to Public Drunkenness;
- c.) Section 5507 of the Crimes Code [18 P.S. Section 5507] relating to Obstructing Highways or other Public Passages; and
- d.) Section 6308 of the Crimes Code [18 P.S. Section 6308] relating to the Purchase, Consumption, Possession or Transportation of Liquor or Malt or Brewed Beverages.

Section 102. Pursuant to the requirements of Section 8902(a) and (b) of the Judicial Code [42 Pa.C.S.A. Section 8902(a) and (b)], a Police Officer of South Beaver Township shall:

- a.) Have the right of arrest without warrant upon probable cause when there is ongoing conduct that imperils the personal security of any person or endangers public or private property. Probable cause shall exist if it would be deemed by any person of average reasonable

prudence the conclusion that a violation has occurred and shall continued to occur in such manner or result in other conduct or occurrence as is likely to imperil the safety of any person or any property.

b.) Upon the making of an arrest without warrant, and thereafter, a Police Officer of South Beaver Township shall follow the procedures set forth in Rule 71 of the Pennsylvania Rules of Criminal Procedure that provide and set forth the procedure to be followed upon and after a person is arrested without a warrant of arrest having been issued prior to the occurrence of the arrest.

## ARTICLE II - IMPOUNDMENT OF VEHICLES

Section 201. In addition to the general provisions or any other specific provisions of the Vehicle Code or any other statutory laws of the Commonwealth of Pennsylvania or the United States of America, South Beaver Township Police Officers are authorized and empowered to temporarily immobilize or impound motor vehicles pursuant to the provisions of Sections 6309, 6309.1 and 6309.2 of the Vehicle Code of the Commonwealth of Pennsylvania [75 Pa.C.S.A. Sections 6309, 6309.1 and 6309.2]. Per the requirements subparagraph (a)(2) of Section 6309.1 of said Vehicle Code {75 Pa.C.S.A. 6309.1(a)(2), South Beaver Township does elect to be subject to the provisions therein contained as to the impoundment of motor vehicles relative to the offenses of:

a.) Section 1301 of the Vehicle Code [75 Pa.C.S.A. Section 1301] relating to registration and certificate of title requirements as to a vehicle.

b.) Section 1332 of the Vehicle Code [75 Pa.C.S.A. Section 1332] relating to display of registration plate;

c.) Section 1371 of the Vehicle Code [75 Pa.C.S.A. Section 1371] relating to operation of a vehicle following suspension of registration;

d.) Section 1501 of the Vehicle Code [75 Pa.C.S.A. Section 1501] relating to drivers required to be licensed;

e.) Section 1543 of the Vehicle Code [75 Pa.C.S.A. Section 1543] relating to driving while operating privilege is suspended or revoked;

f.) Section 1786 of the Vehicle Code [75 Pa.C.S.A. Section 1786] relating to

required financial responsibility; and

g.) Section 7124 of the Vehicle Code [75 Pa.C.S.A. Section 7124] relating to fraudulent use or removal of registration plate.

Section 202. The "Appropriate Towing and Storage Agent" per the provisions of the Vehicle Code upon a Police Officer of South Beaver Township impounding a vehicle pursuant to the aforesaid, shall be:

a.) A licensed "salvor" person or entity as licensed per the provisions of the Vehicle Code of the Commonwealth of Pennsylvania, having a place of business within the County of Beaver of this Commonwealth of Pennsylvania as selected/chosen by the South Beaver Township Police Officer at time of impoundment, which selection shall be made based on the proximity of such licensed salvor to the location of the vehicle to be impounded and availability of such licensed salvor to meet the time needs of the Police Officer in accomplishment of such impoundment. Upon said licensed salvor being so selected/chosen by the South Beaver Township Police Officer, such licensed salvor shall be the towing and storage agent of and for South Beaver Township and the South Beaver Township Police Department per the provisions of said Vehicle Code.

b.) Under the circumstance of the impoundment of a vehicle not located within the County of Beaver, the Board of Supervisors shall by Resolution adopted from time to time, designate a licensed salvor as the towing and storage agent to accomplish the impoundment of any particular vehicle that is subject to impoundment per the provisions of this Ordinance, the Vehicle Code or otherwise.

### ARTICLE III - GENERAL PROVISIONS

Section 301. No clause, provision or Section of this Ordinance shall be interpreted or applied in any manner to limit or otherwise restrict the authority and right of arrest without warrant as otherwise provided by law unto a Police Officer of South Beaver Township, as it is the intent of this Ordinance to enhance the authority and right of the Police Officers of South Beaver Township pursuant to the laws of the Commonwealth of Pennsylvania to make appropriate arrest of a person or persons without arrest warrant.

Section 302. The provisions of this Ordinance are severable and if any section, clause, sentence, word, part of provision shall be deemed illegal, invalid or unconstitutional, the decision of the Court shall not affect or impair any of the remaining sections, clauses, sentences, words or parts of this Ordinance. It is hereby declared the intent of the Board of Supervisors of South Beaver Township that this Ordinance would have been adopted if such illegal, invalid or unconstitutional portion had not been included herein.

Section 303. This Ordinance shall be effective five (5) days after adoption and enactment by the Board of Supervisors of South Beaver Township.

ENACTED this 14<sup>th</sup> day of October, 1997.

ATTEST:

SOUTH BEAVER TOWNSHIP

Carol Miller  
Secretary

Robert S Long  
Supervisor

Matthew A. Balik  
Supervisor

David Shaner  
Supervisor