

**BOROUGH OF LIGONIER
COUNTY OF WESTMORELAND
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. 571

**AN ORDINANCE AUTHORIZING THE BOROUGH OF LIGONIER,
WESTMORELAND COUNTY, PENNSYLVANIA TO CREATE WITH LIGONIER
TOWNSHIP, WESTMORELAND, COUNTY, PENNSYLVANIA, THE LIGONIER
VALLEY POLICE DEPARTMENT BY ENTERING INTO AN AGREEMENT
PROVIDING FOR MUTUAL POLICE PROTECTION PURSUANT TO ARTICLE IX,
SECTION 5 OF THE CONSTITUTION OF THE COMMONWEALTH OF
PENNSYLVANIA AND THE INTERGOVERNMENTAL COOPERATION ACT AND
ABOLISHING THE EXISTING BOROUGH OF LIGONIER POLICE DEPARTMENT**

WHEREAS, the BOROUGH OF LIGONIER and Ligonier Township desire to enter into an Agreement (hereinafter the "Agreement") providing for mutual police protection within each of the respective municipal limits by creating a joint police force called the LIGONIER VALLEY POLICE DEPARTMENT; and

WHEREAS, such an Agreement is authorized by Article IX, Section 5 of the Constitution of the Commonwealth of Pennsylvania and the Intergovernmental Cooperation Act of July 12, 1972, No. 180, as amended by Act No. 1996-177 (53 P.S. §2301, et. seq.) and by the Borough Code, 8 PA. C.S.A. § 1202 (24); and

WHEREAS, the Intergovernmental Cooperation Act provides that the municipality shall adopt an Ordinance authorizing the governing body to enter into an intergovernmental agreement as may be deemed appropriate for such purposes.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Council of the BOROUGH OF LIGONIER, in session lawfully assembled, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION I

Intergovernmental Agreement Authorization: The BOROUGH OF LIGONIER is hereby authorized to join with Ligonier Township in accordance with the Pennsylvania Intergovernmental Cooperation Act of July 12, 1972, No. 180, as amended by Act No. 1996-177 (53 P.S. §2301, et. seq.) and by the Borough Code, 8 PA. C.S.A. § 1202 (24), by entering into an

Agreement with each other to provide for mutual police protection within the municipal limits of each municipality, which Agreement shall be approved and adopted by Resolution of the Council of the BOROUGH OF LIGONIER with the same effect as if it has been set forth verbatim in this section and a copy of which shall be filed with the minutes of the meeting at which said Agreement is adopted.

SECTION II

LIGONIER VALLEY POLICE DEPARTMENT: The new police department shall be known as the LIGONIER VALLEY POLICE DEPARTMENT and shall be organized as an unincorporated association. Said LIGONIER VALLEY POLICE DEPARTMENT shall have perpetual existence, unless terminated sooner in accordance with the terms of its charter or by an ordinance of the BOROUGH OF LIGONIER. The LIGONIER VALLEY POLICE DEPARTMENT shall become effective and operational on January 1, 2019 at 12:01 AM eastern time zone.

SECTION III

Duties of Department Established: The Council of the BOROUGH OF LIGONIER hereby expressly delegates to the LIGONIER VALLEY POLICE DEPARTMENT those powers and duties of a police department established pursuant to the Borough Code. The LIGONIER VALLEY POLICE DEPARTMENT shall establish and operate a police department for the purpose of providing protection to persons and property within the corporate boundaries of the BOROUGH OF LIGONIER and Ligonier Township, in Westmoreland County, Pennsylvania. The purpose and objectives of the Agreement shall be to provide broader and more comprehensive police protection and law enforcement services on a more economical basis within the municipal limits of both municipalities by the consolidation of said separate police departments into a new joint police department to be known as the Ligonier Valley Police Department, which new consolidated police department shall provide police protective services throughout the municipal limits of both municipalities.

SECTION IV

Appropriations Authorized: The total cost of operating and maintaining the consolidated LIGONIER VALLEY POLICE DEPARTMENT is to be financed by annual budget appropriations made by each Participating Municipality toward such total cost in the manner and subject to the conditions as set forth in the Agreement.

SECTION V

Commission Established: The LIGONIER VALLEY POLICE DEPARTMENT is to be under the general supervision and control of a joint board to be known as the Ligonier Valley Consolidated Police Commission, consisting of two elected officials from each Charter Municipality, and one non-elected resident from Ligonier Township. The one non-elected resident from Ligonier Township shall be chosen by a majority vote of the other members of the Commission. The organizational structure of the Ligonier Valley Police Department shall be as provided in the Agreement.

SECTION VI

Property and Equipment: The Agreement shall provide that all of the existing property and equipment of each police department shall be contributed or transferred to the LIGONIER VALLEY POLICE DEPARTMENT. Thereafter, all new purchases of property or equipment are to be made and disposed of as provided in said Agreement.

SECTION VII

Powers of Commission: The Ligonier Valley Consolidated Police Commission created pursuant to this Ordinance and the Agreement shall be empowered to enter into contracts for the purchase of property, equipment, materials and supplies, and shall be authorized to enter into contracts for policies of group insurance and employee benefits for its employees, subject to the budgetary restrictions and other provisions contained in said Agreement, and shall have all other powers and authority as provided in said Agreement and not otherwise denied to it or withheld by the laws of the Commonwealth of Pennsylvania.

SECTION VIII

The BOROUGH OF LIGONIER Police Department: At such time as the LIGONIER VALLEY POLICE DEPARTMENT becomes operative as set forth in the said Agreement or at 11:59 PM on December 31, 2018, whichever shall occur later, the existing BOROUGH OF LIGONIER Police Department shall be abolished. Prior to such time and after such time that the LIGONIER VALLEY POLICE DEPARTMENT is not operative due to expiration or termination of the Agreement, a Police Department for the BOROUGH OF LIGONIER is authorized, recognized, established and reestablished as follows:

1. The Chief of Police shall be the chief executive of the Police Department. He shall, under the direction of the Borough Council, be in charge of the police department and have supervision over its members, in the exercise of their power, duties, and authority.
2. Subordinate to the Chief of Police in the Police Department, the following classifications are hereby established: Sergeant and Patrolman.

The priority of authority among such subordinate classifications shall be in the order above listed. The number of persons to serve in such subordinate classifications, on a full-time or part-time basis, and the compensation of each, shall be determined by Borough Council from time to time. The next highest ranking active police officer shall, in the absence of the Chief of Police, assume all duties of the Chief of Police.

3. Nothing herein contained shall affect the authority of the Borough Council to appoint special policemen.

ENACTED AND ORDAINED this 13 day of December 2018.

BOROUGH OF LIGONIER

By: James B. St. Clair
James B. St. Clair, President of Council



ATTEST:
Paul A. Fry, Jr.
Paul A. Fry, Jr., Secretary

Examined and approved this 13 day of DECEMBER 2018.

Ormond Bellas
Ormond Bellas, Mayor