

BOROUGH OF AVALON
OFFICIAL RESOLUTION NO. 874

A RESOLUTION OF THE BOROUGH OF AVALON, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING AND PROMULGATING GUIDELINES TO BE FOLLOWED BY AVALON BOROUGH POLICE OFFICERS IN MAKING WARRANTLESS ARRESTS PURSUANT TO ACT 1995-25 (SS1), 42 Pa.C.S. § 8902.

WHEREAS, the protection, public safety and welfare of the citizens of the Borough of Avalon is a fundamental and primary goal of Borough Council; and

WHEREAS, the protection and preservation of the property of the citizens of the Borough of Avalon is also a fundamental and primary goal of Borough Council; and

WHEREAS, the Legislature of the Commonwealth of Pennsylvania authorized the Borough of Avalon pursuant to Act No. 1995-25 (SS1), to establish and promulgate guidelines which are to be followed by Borough Police Officers in making warrantless arrests pursuant to such statute; and

WHEREAS, the Borough of Avalon is desirous of adopting and promulgating guidelines to be followed by Borough Police Officers in making warrantless arrests pursuant to such statute; and

WHEREAS, these guidelines allow Borough Police Officers to make warrantless arrests for certain enumerated summary offenses and the Borough Council has studied and determined that these guidelines are necessary to protect the health, safety and welfare of the citizens of the Borough and thus adopts this Resolution to accomplish these objectives.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Avalon, Allegheny County, Pennsylvania, and it is hereby resolved by and with the authority of the same:

SECTION I. The purpose of these guidelines is to authorize Borough Police Officers to make warrantless arrests for certain summary offenses pursuant to 42 Pa.C.S. § 8902.

SECTION II. That pursuant to 42 Pa.C.S. § 8902, Avalon Borough Police Officers shall have the right to arrest without warrant upon probable cause when there is ongoing conduct which imperils the personal security of any person or endangers public or private property in the Borough of Avalon for any of the following summary offenses:

- A. 18 Pa.C.S. § 5503 (relating to disorderly conduct).
- B. 18 Pa.C.S. § 5505 (relating to public drunkenness).
- C. 18 Pa.C.S. § 5507 (relating to obstructing highways and other public passages).
- D. 18 Pa.C.S. § 6308 (relating to purchase,

consumption, possession or transportation of liquor or malt or brewed beverages).

SECTION III. When a defendant has been arrested without a warrant for any of the above offenses, the defendant shall be released from custody when the following conditions are met:

- A. The defendant is a resident of the Borough;
- B. Reasonable grounds exist to believe the defendant will appear when required;
- C. The defendant poses no threat of immediate harm to himself or another;
- D. The defendant does not demand to be taken before an issuing authority;

When a defendant has not been immediately released from custody because the above conditions have not been met, the defendant shall be taken without unnecessary delay before an issuing authority pursuant to Rule 71 of the Pennsylvania Rules of Criminal Procedure.

SECTION IV. Prior to making a warrantless arrest for any of the above offenses, the officer shall determine:

- A. That probable cause to arrest exists;
- B. The violation is one of the above four listed criminal offenses;
- C. The defendant's conduct is ongoing;
- D. The defendant's conduct imperils the personal

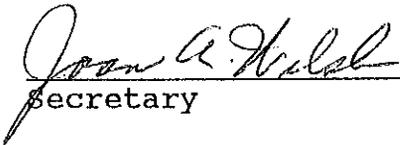
security of any person or endangers public or private property in the Borough of Avalon.

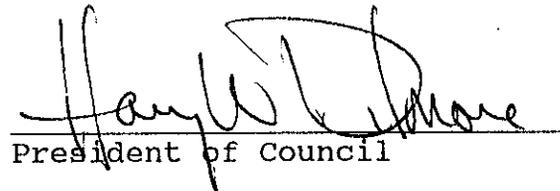
SECTION V. That any Resolution or part of Resolution conflicting with the provisions of this Resolution be and the same are hereby repealed to the extent of such conflict.

THIS RESOLUTION adopted unanimously this 19th day of November, 1996.

ATTEST:

BOROUGH OF AVALON


Secretary


President of Council

THIS RESOLUTION examined and approved by me this 19th day of November, 1996.


Mayor