

ORDINANCE NO. *02-2006*
BOROUGH OF COALDALE

**AN ORDINANCE OF THE BOROUGH OF COALDALE
ESTABLISHING REIMBURSEMENT TO THE BOROUGH OF
COALDALE FOR COSTS, EXPENSES AND FEES ASSOCIATED
WITH THE COALDALE BOROUGH POLICE DEPARTMENT**

WHEREAS, the Borough of Coaldale is concerned about the ever increasing costs associated with providing municipal services; and

WHEREAS, Borough Council for the Borough of Coaldale desires, to place the burden of costs associated with providing police services on those persons who unnecessarily cause increase responses or costs associated with the Police Department;

WHEREAS, in order to better protect the public health, safety and welfare and to protect and preserve public funds and tax dollars, Borough Council for the Borough of Coaldale desires to adopt a policy of reimbursement of its expenses and costs incurred while providing police services;

NOW THEREFORE, be it ORDAINED and ENACTED by the Borough of Coaldale and it is hereby ORDAINED and ENACTED by the authority of the same as follows:

SECTION 1 DEFINITIONS.

As used in this Ordinance, the following terms shall have the meanings indicated unless a different meaning clearly appears from the context:

“Actor” - The person violating any Ordinance of the Borough of Coaldale and/or any Laws of the Commonwealth of Pennsylvania and/or those laws, rules and regulations designated as the Pennsylvania Crimes Code Pa. C.S.A. Title 18 and Title 35, Chapter 6, in their entirety.

“Request for Response” - Any communication to the Borough of Coaldale or County 911 Dispatch Center or to the police or other entity, indicating the possibility or existence of the occurrence of a crime or other emergency situation warranting immediate action by the police.

“Requestor” - Any person, tenant, resident, business organization, non-profit organization, charitable institution, agent servant or employee who makes a Request for Response.

“Response” - Any request for response which causes the Coaldale Borough Police Department to utilize its communications systems, motor vehicles and/or personnel to arrive at any place designated by the Requestor.

SECTION 2 IMPOSITION OF COSTS AND EXPENSES - FEES.

- a. Any Requestor who makes a Request for Response which causes a Response and subsequently results in the withdrawing of charges initiated as a result of the Response or any Requestor who unreasonably makes multiple Requests for Response shall be charged the cost of the Response as set forth in Section 3 of this Ordinance.
- b. Any Actor or perpetrator against whom it has been determined has violated the Ordinances of the Borough of Coaldale or the laws of the Commonwealth of Pennsylvania set forth in this Ordinance, said determination being made by the Court of Common Pleas of Schuylkill County, including the minor judiciary of said counties known as magistrates or district justices or district judges, by Judge or Jury, after trial or hearing; the agreement by the Actor to a guilty plea or a plea of nolo contendere or no contest in said Courts and/or the determination or agreement of an Actor a plea of agreement with said Courts without verdict and/or any adjudication, determination, or agreement regarding a juvenile under the Pennsylvania Juvenile Laws, shall be charged the cost of the response as set forth in Section 3 of this Ordinance.

SECTION 3 FEES.

Any responses or determinations as set forth in Section 2 of this Ordinance shall require the Requestor or Actor to pay to Coaldale Borough the fee set and charges as set forth by the Borough of Coaldale from time to time set by resolution including any incidental costs, fees, or expenses relating to a Response.

SECTION 4 COLLECTION OF FEES.

- a. The Coaldale Borough Police Department shall provide an invoice to those individuals creating the requirement of a police response and/or any Actor or perpetrator as set forth in Section 2 of this Ordinance pursuant to the of charges and fees by council of the Borough of Coaldale as time to time by resolution, said amount being the hourly rate indicated thereon plus any incidental costs, fees or expenses.
- b. The invoicing as designated above shall be provided by the Coaldale Borough Police Department within thirty (30) days of the date of the police response or determination as set forth in this Ordinance. Thereafter, payment shall be made to Coaldale Borough for the aforesaid invoicing within thirty (30) days of the date of the invoicing.
- c. Failure to pay the aforesaid invoicing shall cause the Borough of Coaldale to file a civil action, judgment and/or municipal lien against the invoiced party. The foregoing notwithstanding Coaldale Borough, through its police department, may request any Court having competent jurisdiction over a Requestor, Actor or perpetrator to make restitution to Coaldale Borough consistent with this Ordinance.
- d. Interest on the unpaid balance of any invoices of any fees shall carry an interest rate of

six percent (6%) per annum on the unpaid balance. In addition, the Borough of Coaldale may access attorney's fees, costs and expenses associated with collection of any fees authorized by this Ordinance.

SECTION 5 SEVERABILITY.

If any section, clause or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Council members for the Borough of Coaldale, Pennsylvania, that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included therein.

SECTION 6 EFFECTIVE DATE.

This Ordinance shall become effective upon passage or as otherwise authorized by law.

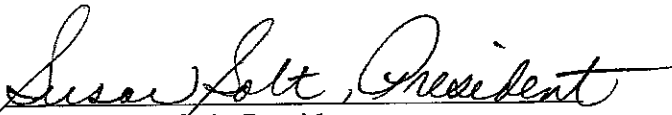
ORDAINED AND ENACTED this 14th day of March, 2006.

ATTEST

BOROUGH OF COALDALE

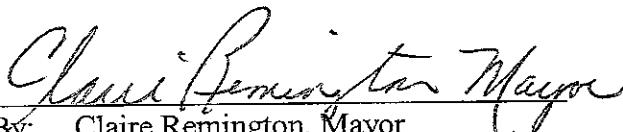


Louise Lill, Secretary/Treasurer



By: Susan Solt, President

Approved this 14th day of March, 2006.



By: Claire Remington, Mayor