

**Chapter 53**

**PLANNING COMMISSION**

**§ 53-1. Creation of Commission; membership.**

**[HISTORY: Adopted by the Borough Council of the Borough of North Wales 6-20-1973 as Ord. No. 456. Amendments noted where applicable.]**

GENERAL REFERENCES

Subdivision of land development — See Ch. 184.  
Zoning — See Ch. 208.

**§ 53-1. Creation of Commission; membership.<sup>1</sup>**

A Borough Planning Commission, to be composed of five (5) members, appointed as provided by law, is hereby created in and for the Borough of North Wales. Said Borough Planning Commission shall perform all duties and may exercise all the powers conferred by law upon borough planning agencies. Any and all vacancies in said Commission hereafter occurring shall be filled in the manner and for the term provided in the law governing Borough Planning Commissions in effect at the time of the happening of said vacancy.

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code; see Chapter 1, General Provisions, Art. I.



POLICE DEPARTMENT

**Chapter 55**

**POLICE DEPARTMENT**

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**[HISTORY: Adopted by the Borough Council of the Borough of North Wales as indicated in article histories. Amendments noted where applicable.]**

## GENERAL REFERENCES

Fire Department — See Ch. 21.

Police pensions — See Ch. 50, Art. H.

## ARTICLE I

**Organization and Requirements**  
**[Adopted 12-18-1966 by Ord. No. 377;**  
**amended in its entirety 5-30-1979**  
**by Ord. No. 541]**

**§ 55-1. Creation of Department. [Amended 3-28-1980 by Ord. No. 547]**

A Police Department is hereby established in and for the Borough of North Wales.<sup>1</sup>

**§ 55-2. Organization. [Added 8-24-1993 by Ord. No. 661]**

A. The North Wales Borough Police Department shall consist of:

- (1) A number of police officers ("officers") appointed pursuant to this article and in accordance with the civil service provisions of the Borough Code<sup>2</sup>, whose aggregate hours of service weekly shall average 190 for any calendar year, and whose individual regularly scheduled hours of service weekly shall not exceed 40. Police officers shall be classified and compensated in accordance with the provisions of a police employment contract negotiated from term to

<sup>1</sup> Editor's Note: Former Sections 72 and 73, which immediately followed this section were deleted 11.22-1994 by Ord. No. 674.

<sup>2</sup> Editor's Note: See 53 P.S. § 46101 et seq.

term. One officer shall be designated as Chief of Police. **[Amended 2-28-1995 by Ord. No. 676]**

- (2) Special policemen appointed during an emergency by the Mayor, whose individual hours of service weekly shall not exceed 60.
- (3) Auxiliary policemen appointed as provided by general law, whose individual hours of service weekly shall not exceed 60.
- (4) Special school police appointed as provided by the Borough Code, whose average aggregate hours of service weekly shall be between 20 and 30 and whose individual hours of service weekly shall not exceed 30.
- (5) A Police Secretary appointed pursuant to this article.

B. Special policemen, auxiliary policemen and special school police shall also be considered officers for purposes of this article. All officers and the Police Secretary are hereinafter collectively referred to as "members of the Department."

**§ 55-3. Appointment of police officers. [Added 8-24-1993 by Ord. No. 661]**

A. Officers shall be appointed only on the basis of suitability for police service in accordance with the civil service provisions of the Borough Code.<sup>3</sup> Suitability for police service shall be determined by the satisfaction of all qualifications for the same and by examination of fitness for the duties involved. Said qualifications and duties are enumerated in a document entitled "North Wales Borough Police Department Standards," dated August 24, 1993, hereinafter referred to as the

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<sup>3</sup> Editor's Note: See 53 P.S. § 46101 et seq.

"standards," and incorporated herein by reference.<sup>4</sup> The satisfaction of said qualifications and determination of fitness for police duties shall be ascertained in accordance with the civil service provisions of the Borough Code and rules and regulations, where such provisions, rules and regulations apply. Nothing contained in this article shall provide any officer with any additional civil service rights and benefits unless already provided under the Borough Code or applicable civil service rules and regulations.

- B. Officers shall serve a probationary period of 12 months. During the probationary period the officer may be released or terminated if he is found to lack any qualification for the applicable position, is physically disabled and unfit for the performance of duties of the position, is addicted to the habitual use of intoxicating liquors or narcotic drugs or for any other cause set forth in Section 1183 of the Borough Code.<sup>5</sup> The probationary period shall be in addition to any period served by the officer for recruit and/or on-the-job training.

**§ 55-4. Appointment of Police Secretary. [Added 8-24-1993 by Ord. No. 661]**

The Police Secretary shall be appointed by the Borough Council on the basis of suitability for the position, determined by the satisfaction of all qualifications for the same and by consideration of the candidate's skills and experience with respect to the duties pertaining thereto. Said qualifications and duties shall be those enumerated in the standards.

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<sup>4</sup> Editor's Note: Said document is on file in the office of the Borough Secretary and may be examined there during regular office hours.

<sup>5</sup> Editor's Note: See 53 P.S. § 46183.

**§ 55-5. Residency requirements. [Amended 3-28-1980 by Ord. No. 547; 11-25-1997 by Ord. No. 690; 3-26-2002 by Ord. No. 717]**

There is no residency requirement.

**§ 55-6. Annual firearms qualification. [Added 10-5-1979 by Ord. No. 543; amended 8-19-1980 by Ord. No. 548; 11-22-1994 by Ord. No. 674; 3-26-2002 by Ord. No. 717]**

- A. For the protection of the public safety and welfare, and for the protection of the officers of the Police Department, all officers must be capable of properly discharging their firearms. All officers must successfully qualify with their service weapons two times in each calendar year on a police course approved by the National Rifle Association and/or the Pennsylvania State Police, in accordance with their standards. The Mayor or his designee shall select such course. Each officer shall qualify on the same police firearm qualification course. For the purposes of this section, "officer" shall mean all full-time and part-time members of the Police Department of the Borough of North Wales.
- B. It will be the responsibility of the Mayor or his designee to arrange for the scheduling of the examination and firearms training for each officer. The examination shall be conducted by an instructor who must be certified by the National Rifle Association or the Pennsylvania State Police, as a certified firearm instructor. The Mayor or his designee shall select such instructor.
- C. Each officer shall receive compensation in the amount of \$30 for each of the two qualification examinations.
- D. Upon successful completion of firearm examination, the firearms instructor will deliver said certificate of examination for each officer to the Mayor or his designee.

Upon the request of Council, the Mayor shall provide the instructor's certification statement to Council.

- E. If an officer fails to qualify during his/her qualification examination, the officer shall be given the opportunity to retest. The officer shall have a maximum of six occasions to retest, within a thirty-day period (qualification period).
- F. If an officer fails to qualify within the thirty-day qualification period, the officer shall be suspended from duty without pay for 30 calendar days (suspension period), or until he/she qualifies with his/her duty weapon, whichever first occurs. The Borough shall not be responsible for any costs incurred by the officer during the suspension period. If the officer fails to qualify successfully during said thirty-day suspension period, then the officer shall be removed from the police force as being unqualified to perform the duties of a police officer.

**§ 55-7. Annual eye examination required. [Added 10-5-1979 by Ord. No. 543; amended 8-19-1980 by Ord. No. 548; 3-26-2002 by Ord. No. 717]**

- A. Once each year all officers are required to undergo an eye examination by a doctor who shall be a licensed ophthalmologist or optometrist and who shall be selected by the officer. The Borough will pay the necessary and customary charge for said eye examination to the doctor upon receipt by the Council of the doctor's report and bill.
- B. All officers must be determined by said ophthalmologist or optometrist to have eyesight reasonably accurate enough to perform his/her duties as a police officer. If a police officer fails the eye examination, he/she shall be placed on paid administrative leave for a period not to exceed 90 days. If, at any time during or at the conclusion of administrative leave, a certifying ophthalmologist or optometrist determines that the



officer is able to return to his/her duties, the officer will be reinstated without loss of seniority or position. If, however, the officer cannot return to his/her previous position at the conclusion of administrative leave, his/her employment with the Borough will be terminated.

**§ 55-8. Annual physical examination required. [Amended 11-22-1994 by Ord. No. 674; 11-25-1997 by Ord. No. 690; 3-26-2002 by Ord. No. 717]**

- A. Since Council deems it necessary for the protection of the public safety and welfare and for the protection of the individual officers of the Police Department that all officers be physically capable to continue in service as a police officer, each and every officer of the Police Department must annually undergo a physical examination by a qualified physician selected by the Borough Council. The Borough will pay the necessary and customary charge for said examination to the doctor upon receipt of the doctor's report and bill. Said annual physical examination shall be given no later than February 28 of each year. The result of the physical examination shall be a pass/fail determination and the results made available to the Mayor, Borough Council and the respective officer and shall be used only for the purpose of determining the physical capability of the officer to continue in the satisfactory performance of police duties.
- B. If a police officer fails the physical examination, he/she shall be placed on paid administrative leave for a period not to exceed 90 days. If, at any time during or at the conclusion of administrative leave, a certifying physician determines that the officer is able to return to his/her duties, the officer will be reinstated without loss of seniority or position. If, however, the officer cannot return to his/her previous position at the conclusion of administrative leave, his/her employment with the Borough will be terminated.

## ARTICLE II

**Police Chiefs' Association of  
Montgomery County Mutual Aid Plan  
[Adopted 9-28-1999 by Ord. No. 699]**

**§ 55-9. Purpose.**

The Borough Council of the Borough of North Wales hereby signifies its desire to participate in the Police Chiefs' Association of Montgomery County Mutual Aid Plan ("the plan") and available county emergency services or supplies, which provides for the receipt and/or supplying of police protection under situations created by civil disobedience and/or natural disasters.

**§ 55-10. Scope.**

Participation in the plan will be in accordance with the standard operating procedure developed by the Mutual Aid Committee of Police Chiefs' Association of Montgomery County setting forth the procedure and defining the methods to be used in requesting aid, the county agencies participating and the services to be rendered by them, the procedures for participating police departments, insurance protection, responsibility for equipment, defining the responsibilities of all police departments in the county and responding to the call for assistance.

**§ 55-11. Power and authority of Chief of Police.**

- A. The Chief of Police of the Borough of North Wales Police Department or the officer in charge in the Chiefs absence shall have the following power and authority:
- (1) To request assistance from other municipalities in the event of an emergency situation created by civil disobedience and/or natural disaster occurring within the Borough of North Wales. The request for such assistance shall be made to the Montgomery

County Communications Center in accordance with procedures established by the municipalities participating in the plan.

- (2) To be in charge of all personnel sent to the Borough of North Wales in response to the request for assistance.
- (3) To provide available Department personnel when responding to a request for assistance in another municipality.

B. The Chief of Police of the Borough of North Wales Police Department may join with the Chiefs of Police of other participating municipalities and authorities in Montgomery County to establish the procedure necessary to implement the plan.

#### **§ 55-12. Authority of responding police personnel.**

The police personnel responding to a request for assistance in the Borough of North Wales shall have the same authority as the Borough of North Wales police personnel. Borough of North Wales police personnel responding to a request for assistance in another municipality shall have the same authority of the police personnel of the requesting municipality.

#### **§ 55-13. Assignment of legal supervisor.**

The Chief of Police of the Borough of North Wales Police Department shall, at the time of requesting assistance, request the District Attorney of Montgomery County to provide an Assistant District Attorney to act as legal supervisor, and the District Attorney shall assign such Assistant District Attorney.

#### **§ 55-14. Assistance of Sheriff.**

If requested by the Chief of Police of the Borough of North Wales Police Department during an emergency within the

Borough of North Wales, the Sheriff of Montgomery County shall dispatch vans for the transportation of prisoners, and the Sheriff shall determine the availability of detention facilities for adult and juvenile prisoners.

§ 55-15. Costs and expenses.

The Borough of North Wales shall pay the costs of its own personnel called to duty in an emergency situation as defined under the plan.