

ORDINANCE NO. 2300

AMENDING ORDINANCE NO. 606, AS AMENDED

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AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY,  
PENNSYLVANIA, PROVIDING GUIDELINES FOR WARRANTLESS ARRESTS IN  
CERTAIN CASES

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**WHEREAS**, pursuant to Section 1121 (b) of the Borough Code, 8 Pa. C.S.A §1121 (b) a borough police officer shall have those powers and abilities as are granted to police officers under the laws of this Commonwealth, the rules of the Supreme Court or the ordinances of the Borough for a which a fine or penalty is imposed unless otherwise excepted in the Borough Code; and

**WHEREAS**, 42 Pa. C.S.A. §8902 (a) grants a police officer the right of arrest without warrant for certain enumerated summary offenses under certain limited circumstances; and

**WHEREAS**, 42 Pa. C.S.A. §8902 (b) provides the right of arrest without a warrant only after the governmental body promulgates guidelines to be followed by a police officer when making a warrantless arrest under 42 Pa. C.S.A. §8902 (a); and

**WHEREAS**, the Borough Council of the Borough of Hanover wishes to promulgate such guidelines.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Borough Council of the Borough of Hanover, York County, Pennsylvania and it is hereby enacted and ordained by the authority of the same as follows:

**SECTION 1.** Ordinance No. 606, as amended, is amended to provide the following:

**[SECTION 75-8] GUIDELINES FOR WARRANTLESS ARREST.**

A. Prior to making a warrantless arrest under §8902 of Title 42 of the Pennsylvania Consolidated Statutes (42 Pa. C.S.A. §8902), the police officer shall ensure that the following requirements contained in the statute are satisfied: (1) that the police officer has probable cause to believe that one of the four offenses listed in 42 Pa. C.S.A. §8902 (a) (1) is involved; (2) that the defendant's conduct is ongoing; (3) that the conduct constituting the offense is upon the police officer's view; and (4) that the conduct imperils the personal security of any person or endangers public or private property.

B. After making a warrantless arrest pursuant to §8902 of Title 42 of the Pennsylvania Consolidated Statutes (42 Pa. C.S.A. §8902), the police officer shall follow Rule 440 (Arrest Without Warrant) and Rule 441 (Procedure Following Arrest Without Warrant) of the Pennsylvania Rules of Criminal Procedure, as may be amended from time to time.

**SECTION 2. SEVERABILITY.** The provisions of this Ordinance are severable. If any provision, sentence, clause, section, subsection or portion 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, subsections or portions of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section, subsection or portion thereof not been included herein.

**SECTION 3. REPEALER.** All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall become effective in accordance with Section 3301.3 (b) Borough Code, 8 Pa. C.S.A. Section 3301.3 (b).

**SECTION 5. THE CODE OF ORDINANCES.** The Code of Ordinances of the Borough of Hanover, York County, Pennsylvania, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented and modified by this Ordinance. This Ordinance shall become a part of Chapter 75 of Code of Ordinances of the Borough of Hanover, York County, Pennsylvania, as amended, upon enactment.

**DULY ENACTED AND ORDAINED** by the Borough Council of Hanover Borough this 22<sup>nd</sup> day of July, 2020.

**ATTEST:**

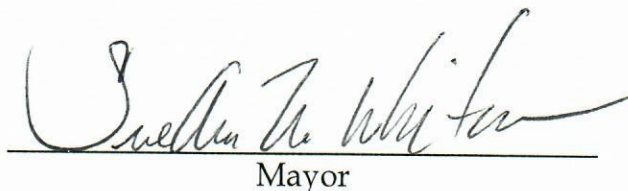


**BOROUGH OF HANOVER**



William W. Reichart II, President

**APPROVED**, this 22<sup>nd</sup> day of July, 2020, by the Mayor, Borough of Hanover.

  
Mayor