

**ORDINANCE OF THE TOWNSHIP OF EAST LAMPETER,
LANCASTER COUNTY, PENNSYLVANIA, AUTHORIZING
COST RECOVERY FOR POLICE SERVICES ASSOCIATED
WITH EXCESSIVE SHOPLIFTING POLICE CALLS AND
SHOPLIFTING POLICE CALLS WHICH DO NOT RESULT
IN THE FILING OF A FORMAL CRIMINAL COMPLAINT**

Background

Based on reports from the East Lampeter Township Police, the Board of Supervisors has determined that a number of commercial businesses located within the township require a disproportionate amount of police service, primarily due to calls reporting shoplifting incidents. The Board of Supervisors further recognizes that the township hosts a number of tourist-related businesses and other commercial businesses which are patronized by individuals who do not live within the township or within the areas immediately surrounding the township. Partly as a result of the number of tourist-related businesses and the number of businesses which serve people who do not live in or near the township, there are an extraordinary number of shoplifting calls to the police, all of which result in the devotion of police personnel to such calls and, in effect, result in less police service being available for other locations and for emergencies and other more typical police service duties. Such calls also frequently involve claims where the representatives of the business who made the call do not follow through or cooperate with the filing of formal criminal proceedings against the alleged shoplifter, in many cases seemingly because of the difficulty and cost of successfully prosecuting such a claim against the person who does not live within the township or in the near vicinity to the township. Shoplifting calls which do not result in the filing of formal criminal proceedings have overburdened the township Police Department and have no or little deterrent effect upon other potential shoplifters. The Board of Supervisors desires to create a structure which effectively utilizes the current and future police personnel and other resources available to the township and to do so by encouraging cooperative action which results, where appropriate, in the filing of appropriate charges against individuals legitimately suspected of shoplifting, yet discourages police calls which result in ineffective allocation of personnel and other police resources.

In order to create such a structure, the Board of Supervisors has developed a cost structure intended to assess the cost of unnecessary police personnel and other resource costs to businesses where either excessive shoplifting claims are made or excessive claims are made which do not result in appropriate filing of criminal charges.

The Board of Supervisors is authorized, under §1506 of the Second Class Township Code, to make and adopt ordinances, rules and regulations which are generally necessary for the proper

management, care and control of the township and the maintenance of the welfare of the township. The township is further authorized, under Article 19 of the Township Code, to provide for the creation of a police force and the organization and supervision of the police force.

The Board of Supervisors has determined that the regulatory structure envisioned by this ordinance reflects an appropriate balance between the Board's duty and desire to provide effective police services to the East Lampeter Township community and to make such services available to businesses and other citizens and landowners in a manner which provides for the most effective use of the township police personnel and other resources.

NOW THEREFORE, BE IT ORDAINED by the Board of Supervisors of the Township of East Lampeter, Lancaster County, Pennsylvania, as follows:

Section 1. Purpose.

The purpose of this ordinance is to provide for appropriate cost recovery from businesses which permit, allow, or fail to prevent excessive calls for police service related to shoplifting and to businesses which habitually fail to file or support criminal proceedings against an alleged shoplifter after making a call for police service, all of which compromise the public health, safety and welfare of the township.

Section 2. Definitions.

As used herein, the following terms shall have the meaning indicated:

- (A) Board – The Board of Supervisors of the Township of East Lampeter, Lancaster County, Pennsylvania.
- (B) Business – Any individual, sole proprietor, corporation, partnership, limited liability company, and any other type of business entity which engages in business or commercial activities, including the sale of goods, within the Township.
- (C) Calendar Month – The period which begins on the first day of one of the months as named in the calendar and which ends on the last day of that same month as named in the calendar.
- (D) Criminal Complaint – A complaint filed in municipal court by a witness to a shoplifting event alleging a shoplifting event.
- (E) Manager – The individual or entity which is responsible for the management of a Business as defined herein, or the person who appears to the general public to have supervisory responsibility for the management of such a business.

- (F) Owner – The individual or entity which owns a Business as defined herein.
- (G) Police – The East Lampeter Township Police Department.
- (H) Police Service Cost – The costs as established in the provisions which follow.
- (I) Shoplifting – Theft of merchandise or goods from a Business as defined herein.
- (J) Shoplifting Call – A call made to the Police by a representative of a Business to report an incident, or suspected incident, of Shoplifting.
- (K) Township – Township of East Lampeter, Lancaster County, Pennsylvania.

Section 3. Cost Recovery Required for Excessive Shoplifting Calls

- (A) Every owner and/or manager responsible for the management and regulation of a business is required to pay police service costs for (1) each shoplifting call in excess of ten (10) within a calendar month and/or (2) each shoplifting call which does not result in the filing of a criminal complaint by the business in excess of two (2) within a calendar month.
- (B) (1) For each shoplifting call in excess of ten (10) within a calendar month, an owner and/or manager responsible for management and regulation of the business shall make payment of Two Hundred Fifty and 00/100 (\$250.00) Dollars to the Township and (2) for each shoplifting call which does not result in the filing of a criminal complaint by the business in excess of two (2) within a calendar month, an owner and/or manager responsible for management and regulation of the business shall make payment of Two Hundred Fifty and 00/100 (\$250.00) Dollars to the Township.

Section 4. Notice

Prior to the issuance of a police service cost invoice, the Township shall provide the business owner with notice that the business is approaching the threshold amount of shoplifting calls and/or shoplifting calls which do not result in the filing of a criminal complaint which will result in the business' responsibility for police service costs.

Section 5. Billing

Police service costs due in accordance with this ordinance shall be billed to the owner and/or manager with responsibility to manage the business by the Township through a police service cost invoice and shall be due and payable within thirty (30) days of such billing.

Section 6. Police Service Cost Invoice

- (A) The police service cost invoice shall identify the calendar month, the business, and the date of each shoplifting call during that calendar month, with an indication of whether that shoplifting call resulted in the filing of a criminal complaint.
- (B) The police service cost invoice shall indicate the number of shoplifting calls in excess of ten (10) during that calendar month and shall indicate the number of shoplifting calls which did not result in the filing of a criminal complaint in excess of two (2) during that calendar month and shall indicate the amount of the police service cost to be reimbursed by the business.

Section 7. Failure to Pay

Unpaid police service costs may be collected by civil action by the Township against the owner and/or manager with responsibility to manage the business and/or may be imposed or assessed against the subject property as a municipal lien or added to the next property tax bill for the subject property. In either event, a penalty of ten (10%) percent and interest at the rate of ten (10%) percent per annum shall be added and collected as provided by law for payments not made within thirty (30) days of billing.

Section 8. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

Section 9. Severability.

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Township of East Lampeter declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 10. Effective Date.

This ordinance shall take effect on December 1, 2015.

Duly ordained and enacted by the Supervisors of the Township of East Lampeter, Lancaster County, Pennsylvania, this 5th day of October, 2015.

BOARD OF SUPERVISORS OF
EAST LAMPETER TOWNSHIP

By: 

(Vice) Chairman

00817445 /(41005.604)

I, Ralph M. Hutchison, Secretary of the Board of Supervisors of East Lampeter Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of East Lampeter Township held on October 5, 2015, at which meeting a quorum was present and voted in favor thereof.



Ralph M. Hutchison, Secretary