

Chapter 29

CRIMINAL COMPLAINTS

§ 29-1. Title.

§ 29-2. Scope.

§ 29-3. Definitions.

§ 29-4. Imposition of costs and expenses.

§ 29-5. Fees.

§ 29-6. Collection of fees; failure to pay;
interest and expenses.

[HISTORY: Adopted by the Board of Supervisors of the Township of Donegal 10-22-2002 by Ord. No. 2002-7. Amendments noted where applicable.]

§ 29-1. Title.

This chapter shall be known as the "Criminal Complaint Fee Ordinance."

§ 29-2. Scope.

The subject matter of this chapter is to establish reimbursement for the Township of Donegal for costs, expenses and fees associated with the Donegal Township Police Department under the circumstances set forth herein.

§ 29-3. Definitions.

As used in this chapter, 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 Township of Donegal and/or any laws of the Commonwealth of Pennsylvania and/or those laws, rules and regulations designated as the Pennsylvania Crimes Code,¹ Pa.C.S.A. Title 18 and Title 35, Chapter 6, in their entirety.

REQUEST FOR RESPONSE — Any communication to the Township of Donegal 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, nonprofit organization, charitable institution, agent, servant or employee who makes a request for response.

RESPONSE — Any request for response which causes the Donegal Township Police Department to utilize its communications systems, motor vehicles and/or personnel to arrive at any place designated by the requestor.

1. Editor's Note: See 18 Pa.C.S.A. § 101 et seq.

§ 29-4. Imposition of costs and expenses.

Any actor or perpetrator against whom it has been determined has violated the ordinances of the Township of Donegal or the laws of the Commonwealth of Pennsylvania set forth in this chapter, said determination being made by the Court of Common Pleas of Washington County, including the minor judiciary of said counties known as "Magistrates" or "District Justices," by judge or jury, after trial or hearing, the agreement by the actor to a guilty plea, ARD agreement, plea, probation or determination without verdict, of 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 § 29-5 of this chapter.

§ 29-5. Fees.

Any responses or determinations as set forth in § 29-4 of this chapter shall require the requestor or actor to pay the Township of Donegal the fee set forth on Appendix A of this chapter,² the same being incorporated herewith as though more fully set forth herein at length, and any incidental costs, fees or expenses relating to a response. The fees set forth on Appendix A may be adjusted from time to time by resolution of the Township of Donegal.

§ 29-6. Collection of fees; failure to pay; interest and expenses.

- A. The Donegal Township 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 § 29-4 of this chapter pursuant to the schedule of charges set forth in Appendix A of this chapter, said amount being the hourly rate indicated thereon plus any incidental costs, fees or expenses.
- B. The invoicing as designed above shall be provided by the Donegal Township Police Department within 30 days of the date of the police response or determination as set forth in this chapter. Thereafter, payment shall be made to the Township of Donegal for the aforesaid invoicing within 30 days of the date of the invoicing.
- C. Failure to pay the aforesaid invoicing shall cause the Township of Donegal to file a civil action, judgment and/or municipal lien against the invoiced party. The foregoing notwithstanding, the Township of Donegal, through its Police Department, may request any court having competent jurisdiction over a requestor, actor or perpetrator to make restitution to the Township of Donegal consistent with this chapter.
- D. Interest on the unpaid balance of any invoices of any fees shall carry an interest rate of 9% per annum on the unpaid balance. In addition, the Township of Donegal may assess attorney(s) fees, costs and expenses associated with collection of any fees authorized by this chapter.

2. Editor's Note: Appendix A is on file in the Township offices.