

ORDINANCE 88-01

AN ORDINANCE PROVIDING THAT THE SHERIFF OF YORK COUNTY MAY OBTAIN EXCLUSIVE USE OF ANY ELEVATOR IN THE YORK COUNTY COURTHOUSE FOR THE PURPOSE OF TRANSPORTING TO OR FROM TRIAL ANY PERSON UNDER ARREST OR OTHERWISE IN THE CUSTODY OF THE SHERIFF AND ALSO PROVIDING REMEDIES FOR VIOLATION HEREOF.

WHEREAS, pursuant to the County Code, Act of August 9, 1955, P.L. 323, §202, 16 P.S. §202, a county has the power to acquire and hold real property for the best interests of the county; and

WHEREAS, pursuant to the County Code, Act of August 9, 1955, P.L. 323, §509, 16 P.S. §509, the Board of Commissioners of a county may adopt an ordinance prescribing the manner in which powers of the county shall be carried out and generally regulating the affairs of the county and the Board of Commissioners may provide for a non-criminal fine or penalty as well as for summary criminal sentence upon violation of such an ordinance; and

WHEREAS, the County of York holds the premises known as the York County Courthouse, 28 East Market Street, City of York, County of York, Pennsylvania, for the best interests of the county including court proceedings involving any person who is under arrest or otherwise in the custody of the Sheriff of York County; and

WHEREAS, the Board of Commissioners of York County has determined that the best interests and the safety of the people of York County requires that the Sheriff shall be granted exclusive use of the elevators at the York County Courthouse at times necessary to transport or deliver to or from court proceedings any person who is under arrest or otherwise in the custody of the Sheriff's office.

NOW, THEREFORE, it is hereby enacted and ordained as follows:

1. The Sheriff of York County or any Deputy Sheriff is hereby authorized to obtain exclusive use of any elevator in the York County Courthouse for the purpose of transporting or delivering to or from court proceedings any person or persons under arrest or otherwise in the custody of the office of the Sheriff of York County.

2. The authority to obtain exclusive use of any elevator in the York County Courthouse shall include the authority to prevent any other person from entering the elevator and shall include the authority to require any other person to leave the elevator upon request or direction and shall include the authority to remove any other person from any such elevator, and thereafter to detain such person, in order to obtain the exclusive use of any elevator granted hereunder.

3. Any person who willfully fails or refuses to comply with a request or direction whereby the Sheriff of York County or any Deputy Sheriff seeks to obtain pursuant hereto exclusive use of any elevator in the York County Courthouse or willfully interferes with the exclusive use of any elevator granted hereunder shall be in violation of this ordinance and may be sued for a penalty of three hundred (\$300.00) dollars, which penalty may be collected by suit, brought in the name of the County of York, in like manner as debts of like amount may be sued for.

4. Any person who willfully fails or refuses to comply with a request or direction whereby the Sheriff of York County or any Deputy Sheriff seeks to obtain pursuant hereto exclusive use of any elevator in the York County Courthouse or willfully interferes with the exclusive use of any elevator granted hereunder shall be in violation of this ordinance and shall, upon conviction thereof at a summary proceeding, be sentenced to pay a fine of one hundred (\$100.00) dollars to be paid to the use of the County of York, with costs of prosecution, or to be imprisoned for not more than ten (10) days, or both.

5. The provisions of this Ordinance are and shall be severable. In the event that any provision of this Ordinance shall be determined to be invalid or otherwise unenforceable, such determination shall not affect the validity or enforceability of the remaining provisions of this Ordinance.

6. This Ordinance shall become effective when recorded in the Ordinance Book of York County.

IN WITNESS WHEREOF the Board of Commissioners of York County, Pennsylvania, have enacted and ordained this ordinance on the 18th day of May, 1988.

BOARD OF COUNTY COMMISSIONERS

Lorraine B. Novis
Lorraine B. Novis, President

Ronald E. Fitzkee
Ronald E. Fitzkee

George M. Trout
George M. Trout

ATTEST: Hamp A. Taylor
Chief Clerk