

CHAPTER 18: POLICE

Article

I. IN GENERAL

II. POLICE DEPARTMENT

III. BACKGROUND CHECKS

Notes

- 1 Cross-reference:
General penalty, § 1-111; officers and employees, §§ 2-401, et seq.; Fire Protection and Prevention, Ch. 10; Nuisances, Ch. 14; Offenses, Ch. 15; parades and pickets, §§ 19-321 et seq.; Traffic Division established, § 20-201.
Statutory reference:
Criminal procedure act, G.S. Ch. 15A; law enforcement in municipalities, G.S. Ch 160A-281 et seq.

ARTICLE I: IN GENERAL

Section

- 18-101 Resisting police prohibited
- 18-102 Extraterritorial jurisdiction
- 18-103 Auxiliary Police Division
- 18-104 to 18-499 Reserved

§ 18-101 RESISTING POLICE PROHIBITED.

No person shall resist the police while in the discharge of their duty, by force, words, or threats, or any attempt to excite others to resistance, or in any other manner obstruct them in the performance of their duty. Such acts shall be punishable as a Class 2 misdemeanor, as provided in G.S. § 14-223.

(Code 1976, § 3.7)

Statutory reference:

Resisting arrest with deadly weapon or deadly force, G.S. § 15A-401(F).

§ 18-102 EXTRATERRITORIAL JURISDICTION.

(A) In addition to their authority within the corporate limits, police officers shall have all the powers invested in law enforcement officers by statute or common law within one mile of the corporate limits of the town, and on all property owned by, or leased to, the town wherever located.

(B) When any offense is committed within the corporate limits of the town, or within its extraterritorial jurisdiction, under circumstances that would authorize a police officer to arrest the offender without a warrant, the officer may pursue the offender outside the corporate limits, and outside the town's extraterritorial jurisdiction, as may be reasonably required for the purposes of making an arrest. Any officer pursuing an offender outside the corporate limits, or extraterritorial jurisdiction, of the town shall be entitled to all of the privileges, immunities, and benefits to which he or she would be entitled if acting within the town, including coverage under the Workers' Compensation Laws, being G.S. Chapter 97.

(Code 1976, § 3.6)

Statutory reference:

Extraterritorial jurisdiction of police officers, G.S. § 160A-286.

§ 18-103 AUXILIARY POLICE DIVISION.

(A) Pursuant to G.S. § 160A-282(a) and (b), a town or city may, by ordinance, provide for the organization of an Auxiliary Police Department made up of volunteer members; and by enactment of an ordinance, may provide that, while undergoing official training and while performing duties on behalf of the town, auxiliary law enforcement personnel shall be entitled to benefits under the State Workers' Compensation Act, being G.S. Chapter 97, and to any fringe benefits for which such volunteer personnel qualify.

(B) The Town Council hereby establishes, within the Town Police Department, as a division thereof, an Auxiliary Police Division. The Auxiliary Police Division shall be a volunteer organization, whose members shall serve without compensation,

composed of no more than ten members to be determined by the Chief of Police, and approved by the Town Manager.
(Ord. 10-2004, passed 5-17-2004)

§§ 18-104 TO 18-199 RESERVED.

ARTICLE II: POLICE DEPARTMENT

Section

- 18-201 Chief of Police
- 18-202 Organization
- 18-203 Manager to supervise
- 18-204 Uniforms
- 18-205 Powers and duties
- 18-206 to 18-300 Reserved

Cross-reference:

Authority of Police and Fire Department officials, § 20-301; authorized emergency vehicles, § 20-306.

Statutory reference:

Law enforcement in municipalities, G.S. §§ 160A-281 et seq.

§ 18-201 CHIEF OF POLICE.

The Chief shall have control over the Police Department under the supervision of the Town Manager. The Chief shall keep the Manager informed of the Department's activities, and make such reports as the Manager, from time to time, may require, and he or she shall perform such other duties as may be required of him or her by the Manager. The Chief shall have his or her primary residence within the corporate limits of the town.

(Code 1976, § 3.3) (Ord. 20-90, passed 12-17-1990)

§ 18-202 ORGANIZATION.

The Police Department shall consist of a Chief, and as many police officers as the Town Council shall, from time to time, determine.

(Code 1976, § 3.1)

§ 18-203 MANAGER TO SUPERVISE.

The Town Manager shall have general supervision over the Police Department.

(Code 1976, § 3.2)

Cross-reference:

Town Manager, § 2-403.

Statutory reference:

Powers of Manager, G.S. § 160A-148.

§ 18-204 UNIFORMS.

[Repealed]

(Code 1976, § 3.4)

§ 18-205 POWERS AND DUTIES.

Each police officer shall:

(A) Have, within the corporate limits of the town, all of the powers invested in law enforcement officers by statute or common law;

(B) Enforce all laws, ordinances, and regulations of the town and the state, and report each and every violation thereof to the Chief; and

(C) At all times preserve the peace, and protect the property and the safety of the citizens of the town.

(Code 1976, § 3.5)

Statutory reference:

Powers and duties of police officers, G.S. § 160A-285.

§§ 18-206 TO 18-300 RESERVED.

ARTICLE III: BACKGROUND CHECKS

Section

- 18-301 Definitions
- 18-302 Scope
- 18-303 Criminal history background checks
- 18-304 Applicant denial
- 18-305 Background check procedure

Editor's note:

Adopted 11-18-2010. The sections in this article have been renumbered.

§ 18-301 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

ADULT ESTABLISHMENTS/SEXUALLY-ORIENTED BUSINESSES. An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, or any combination of the foregoing.

MASSAGE PARLOR. See **ADULT ESTABLISHMENTS.**

PRECIOUS METAL DETECTOR. A person or company operating a business under G.S. Chapter 66, Article 25.

§ 18-302 SCOPE.

(A) The provisions of this article, and regulatory codes herein adopted, shall apply for the purpose of providing policy and procedures for conducting finger printing and criminal history checks through the State Bureau of Investigation/Division of Criminal Investigation (SBI/DCI).

(B) The use of criminal history checks shall be limited to final applicants for the town, and those wishing to operate, or gain employment, with a specific business listed in § 18-303(C).

§ 18-303 CRIMINAL HISTORY BACKGROUND CHECKS.

Final applicants for employment with the town specified below, final applicants for employment or volunteers with the Town Fire Department as specified below, and specified business, all owners, and employees, of businesses listed below shall require a criminal history and fingerprinting, pursuant to the authority vested in the town by the General Assembly of the state in G.S. §§ 153A-11 and 153A-12.

(A) The Town Police Chief, or designee, may conduct an investigation in accordance with the town updated personnel policy and/or the Town Recreation Department personnel policy of any final candidate for a full-time position, part-time position, intern, or volunteer position, including, but not limited to, those working directly with children.

(B) The Town Police Chief, or designee, may conduct an investigation in accordance with the town updated Fire Department personnel policy and by-laws of any final candidate for a full-time position, part-time position, or volunteer position with the Town Fire Department.

(C) Private business owners, stockholders, and all employees of an establishment conducting business within the town corporate limits within the following definitions: precious metal dealer; ice cream venders (mobile); massage parlors; persons applying for permits, or license, to operate adult establishments; and pawn brokers.

§ 18-304 APPLICANT DENIAL.

Any individual may be denied employment and/or permits to open an establishment if the applicant has been convicted of any crime against a person, or crimes against property where intent is an element, or any drug or gambling related offense.

§ 18-305 BACKGROUND CHECK PROCEDURE.

(A) Persons subject to § 18-303 shall, upon request, provide fingerprints and all other necessary personal identification, including a birth certificate, Social Security number, and driver's license (if available) so that the Town Manager, or designee, may cause a thorough search to be made of local and state criminal records to determine if the applicant has a history of criminal convictions, or the crimes enumerated in § 18-304 by use of the Division of Criminal Information Network (DCI).

(B) The Town Police Department shall provide the findings from the use of the DCI to the Town Manager, or designee; provided, that all necessary agreements with the State Bureau of Investigations Division of Criminal Information have been executed.

(C) An evaluation of any crime for purposes of employment, volunteerism, internships, approval of permits, or licenses, the Town Manager, or designee, will take into account the nature and circumstances of the offense, and the timeframe of the offense as it relates to the essential job function, or the position applied, or volunteered, for.

(D) Prior to denial or termination of employment as a full-time employee, part-time employee, volunteer, or intern with the town, the Town Recreation Department or the Town Fire Department, or prior to denial or termination of a volunteer, or prior to the denial or termination of a person performing a volunteer internship, or prior to denial of a permit or license to operate a business within the town of any person based upon criminal history record information (CHRI) received from the Town Police Department, the Town Manager shall verify the existence of a record by either obtaining a certified public record, or by submitting a fingerprint card of the individual to the criminal information and identification section for verification that the CHRI record belongs to the individual.

Editor's note:

The section title "Background check procedure" has been added by the editor for ease of reference, Sidewalks, and Other Public Places