

CHAPTER 30: LAW ENFORCEMENT

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Statutory reference:

Town law enforcement in general, see G.S. 160A-281 et seq.

§ 30.01 POLICE DEPARTMENT CREATED.

The Police Department is created subject to the terms, authority, and conditions set out in §§ 30.02 through 30.08 below.

§ 30.02 COMPOSITION OF DEPARTMENT.

The Police Department shall consist of a Chief of Police and officers, patrolmen, and policemen of designated grade as the Council deems necessary.

§ 30.03 DUTIES OF POLICE OFFICERS.

(A) The Chief of Police and the members of the Police Department shall have the duty of enforcing all the ordinances of the town and the laws of this state within the town, and other duties as may be prescribed by ordinance.

(B) It shall be the duty of each member of the Police Department, on information furnished him, or on his knowledge of any violation of the ordinances of the town or of the laws of this state, to secure proper warrants for the arrest and trial of any and all offenders against any ordinances or laws.

§ 30.04 PERSONNEL.

The Council shall have the duty of hiring persons as may be necessary to man the Police Department and to provide the town with adequate police protection, together with the duty of discharging such members.

§ 30.05 CONTROL AND SUPERVISION OVER THE DEPARTMENT.

The Chief of Police, subject to the general supervision of the Council, is held responsible for the discipline, good order, and proper conduct of the Department.

§ 30.06 CONDITIONS OF EMPLOYMENT.

(A) Members of Police Department shall be appointed by the Council after due examination by the Council and based on the results of the examination.

(B) An appointee shall serve six months' probation, or as extended by Council.

§ 30.07 REQUIREMENTS.

Every person appointed as a law enforcement officer shall:

- (A) Be a citizen of the United States;
- (B) Be at least 20 years of age;
- (C) Be of good moral character;
- (D) Be fingerprinted and a search made of local, state, and federal fingerprint files;
- (E) Not have been convicted of a felony or an offense involving moral turpitude;
- (F) Have a high school diploma or its equivalent;
- (G) Pass an examination conducted by a physician employed by the town;
- (H) Be interviewed and approved by the Council; and
- (I) Be certified in accordance with state law.

Statutory reference:

State law requires that law enforcement officers be certified by the Criminal Justice Education and Training Standards Commission, see G.S. 17C-6

§ 30.08 SPECIFIC DUTIES OF THE POLICE CHIEF.

(A) The Police Chief commands the force under his order, and is responsible for its discipline and efficiency. Further, he shall recommend to the Council the reforms and changes in the Police Department which practical experience shows should be instituted. The Chief will be required to make out a quarterly statement of conduct of the affairs of the Department, and shall include therein any suggestions for the improvement in the service or personnel of the Department.

(B) Additional, specific functions of the Chief of Police are:

(1) To issue to the force under his command such orders and directives as may be necessary to preserve the public peace, prevent

crime, arrest offenders, and to protect public and private property and persons in the town;

(2) To enforce the laws, ordinances, police regulations, and executive orders applicable to his jurisdiction;

(3) To require the proper submission and handling of the necessary required reports.

§ 30.09 AUXILIARY POLICE DEPARTMENT.

(A) A Lake Lure Auxiliary Police Department made up entirely of volunteer members is hereby established.

(B) The Board of Commissioners shall have the duty of approval of volunteers to serve as auxiliary personnel, together with the duty of discharging such volunteer members.

(C) Auxiliary law-enforcement personnel shall perform no duties on behalf of the town unless under orders or instructions of the Chief of Police of the town.

(D) Neither the town nor its Police Department shall be liable to the auxiliary law-enforcement personnel for any additional fringe benefits, wages, other compensation, or insurance coverage, except as follows: while undergoing official training and while performing duties on behalf of the town pursuant to orders or instructions of the Chief of Police of the town, auxiliary law-enforcement personnel shall be entitled to benefits under the North Carolina Workers' Compensation Act.

(E) Neither the town nor its Police Department shall be liable to any third parties for any actions, intentional or otherwise, malicious or not, including negligence and/or gross negligence, unless said auxiliary law-enforcement personnel was engaged in the performance of duties on behalf of the town pursuant to orders or instructions of the Chief of Police of the town.

(F) Neither the town, the Town Manager, and/or the Board of Commissioners, shall be held responsible for the discipline, good order, and proper conduct of the Auxiliary Law-Enforcement Police Department.

(G) Every person appointed as a volunteer Auxiliary Law-Enforcement Department member shall:

- (1) Be a citizen of the United States;
- (2) Be at least 20 years of age;
- (3) Be of good moral character;

(4) Not have been convicted of a felony or an offense involving moral turpitude;

(5) Have a high school diploma or its equivalent;

(6) Be interviewed and approved by the Council; and

(7) Must complete the Basic Law Enforcement Training, be certified as a law enforcement officer, and meet any additional requirements of law.

(Ord., passed 5-26-89)

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Statutory reference:

Authority to establish Auxiliary Police Department, see G.S.

§ 160A-282