

CHAPTER 32: DEPARTMENTS, BOARDS AND COMMISSIONS

Section

General Provisions

32.01 Departments enumerated

Recreation Commission

32.20 Created

32.21 Composition; vacancies

32.22 Operating procedures

32.23 General powers and duties

32.24 Specific authority to accept gifts, contracts and the like

32.25 Director of Recreation

32.26 Fiscal procedures

32.27 Reports to Board

32.28 Powers supplemental to statutory authority

Police Department

32.40 Created

32.41 Composition of Department

32.42 Police officers' duties

32.43 Supervision of Department

32.44 Personnel

32.45 Control and supervision

32.46 Power and authority

32.47 Conditions of employment

32.48 Requirements of employment

32.49 Specific functions of Chief of Police

Volunteer Fire Department

32.60 Officers

32.61 Duties of Chief

32.62 Membership

32.63 Equipment

GENERAL PROVISIONS

§ 32.01 DEPARTMENTS ENUMERATED.

The administrative organization of the town shall be divided into the following departments:

- (A) Police Department;
- (B) Water Department;
- (C) Street Department;
- (D) Administration Department;
- (E) Sanitation Department;
- (F) Fire Department.

(1978 Code, § 2-3001)

RECREATION COMMISSION

§ 32.20 CREATED.

There is created a commission to be known as the Recreation Commission of Jonesville.

(1978 Code, § 2-7001)

§ 32.21 COMPOSITION; VACANCIES.

The Recreation Commission, hereafter referred to in this subchapter as the Commission, shall be appointed by the Board of Commissioners of the town and shall consist of 7 members. The Board of Commissioners shall appoint 2 members for a term of 1 year; 2 members for a term of 2 years and 3 members for a term of 3 years. Upon the expiration of their original terms of office, succeeding terms shall be for 3 years and until their successors qualify for office. Vacancies in the Commission shall be filled for the unexpired term by appointment of the Board of Commissioners of the town. The members shall serve without compensation.

(1978 Code, § 2-7002)

§ 32.22 OPERATING PROCEDURES.

The Commission shall appoint from its membership a Chairperson and such other officers as it may deem necessary for the orderly procedure of its business and may adopt bylaws, rules and regulations governing its procedure not inconsistent with the provisions of the state laws. The Commission shall, from time to time, make rules and regulations governing the operation and conduct of the recreation facilities operated by the Commission. The Commission shall hold regular meetings at such times and places as it may designate.

(1978 Code, § 2-7003)

§ 32.23 GENERAL POWERS AND DUTIES.

The Commission shall provide, maintain, operate and supervise the public parks and playgrounds, athletic fields, and recreation centers and other recreation facilities owned or controlled by the Board of Commissioners of Jonesville or leased or loaned to the Recreation Commission by the owners thereof. The Commission shall have complete supervision of the facilities and activities provided and conducted on or in connection with the parks, playgrounds, athletic fields and recreation centers provided and shall have the power to conduct any form of recreation or cultural activity.

(1978 Code, § 2-7004)

§ 32.24 SPECIFIC AUTHORITY TO ACCEPT GIFTS, CONTRACTS, AND THE LIKE.

The Commission may accept any grant, gift, bequest or donation of any personal property offered or made for recreation purposes and, with the approval of the governing body, may accept any grant, gift, or devise of real estate. Any gift, bequest of money or other personal property, grant or devise of real estate shall be held, used and finally disposed of in accordance with the terms or conditions under which such grant, gift or devise is made and accepted. The Recreation Commission shall have no authority to enter into any contract or incur any obligation binding the Board of Commissioners of Jonesville other than current obligation(s) or contracts to be fully executed within the current fiscal year and all within the budget appropriations made by the Board of Commissioners of Jonesville.

(1978 Code, § 2-7005)

§ 32.25 DIRECTOR OF RECREATION.

The Commission shall have power to appoint and designate a Director of Recreation who possesses the necessary foundation training and who demonstrates by actual work his ability to organize and direct a community recreation system. Such other trained persons as may be necessary in the maintenance of and operation of the recreation facilities and system may be employed.

(1978 Code, § 2-7006)

§ 32.26 FISCAL PROCEDURES.

Funds appropriated by the Board of Commissioners of Jonesville and budgeted to the Commission shall be disbursed by the fiscal disbursing officer of the Board of Commissioners of Jonesville upon vouchers issued by the Commission and within the budget appropriations made. Funds received by the Commission from sources other than budget appropriations shall be deposited by the Board of Commissioners of Jonesville to the credit and for the use of the Commission and disbursed as budget funds are disbursed, except that funds received by gift, bequest or otherwise shall be disbursed in accordance with the terms of such gift or bequest.

(1978 Code, § 2-7007)

§ 32.27 REPORTS TO BOARD.

The Commission shall make full and complete reports to the Board of Commissioners at such times as may be requested and at such other times as to the Board may seem proper. The fiscal year of the Commission shall conform to that of the Board of Commissioners of the town.

(1978 Code, § 2-7008)

§ 32.28 POWERS SUPPLEMENTAL TO STATUTORY AUTHORITY.

Such powers as are now provided by statute of the State of North Carolina or by the ordinance or resolution of the Board of Commissioners of the town relating to the development and operation of recreation systems, parks, and playgrounds are vested in the Commission to be exercised by it subject to all restrictions contained in such powers and ordinances or resolutions.

(1978 Code, § 2-7009)

POLICE DEPARTMENT

§ 32.40 CREATED.

The Town Police Department is created subject to the terms, authority, and conditions set out in this subchapter.

(1978 Code, § 3-1001)

Statutory reference:

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

§ 32.41 COMPOSITION OF DEPARTMENT.

The Police Department of the town shall consist of a Chief of Police and police officers

of a designated grade as the Town Board deems necessary, from time to time, all of whom shall hold office at the pleasure of the Town Board and shall receive compensation as the Town Board shall direct.

(1978 Code, § 3-1002)

§ 32.42 POLICE OFFICERS' DUTIES.

(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 and to abide by rules and regulations as the Town Board or Town Manager may prescribe.

(B) It shall be the duty of each member of the police force, upon information furnished him or upon 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 offenders against any ordinances or laws.

(1978 Code, § 3-1003) (Am. Ord. passed 11-3-1986)

§ 32.43 SUPERVISION OF DEPARTMENT.

The Chief of Police shall have immediate direction and control of the members of the Police Department, subject, however, to the supervision of the Town Board and Town Manager and to rules, regulations, and orders that the Town Board or Town Manager may prescribe.

(1978 Code, § 3-1004) (Am. Ord. passed 11-3-1986)

§ 32.44 PERSONNEL.

The Town Manager shall have the duty of hiring persons as may be necessary to man the police force of the town and to provide the town with adequate police protection, together with the duty of discharging the members.

(1978 Code, § 3-1005) (Am. Ord. passed 11-3-1986)

§ 32.45 CONTROL AND SUPERVISION.

The Chief of Police of the town, subject to the general supervision of the Town Manager and Board of Commissioners, is held responsible for the discipline, good order, and proper conduct of the Department and the various duties thereof and for the proper enforcement of the laws of the state and of the town.

(1978 Code, § 3-1021) (Am. Ord. passed 11-3-1986)

§ 32.46 POWER AND AUTHORITY.

- (A) The persons exercising police powers shall have all the power and authority now or which may hereafter be invested in local law enforcement officers for the preservation of the peace of the town and for suppressing disturbances and arresting offenders.
- (B) Except when pursuing an offender of the law or happening upon persons in the act of committing some offense, or when directed by a superior officer or when acting pursuant to an official request for assistance, the police shall carry out their duties when on duty within the law enforcement jurisdiction of the town.

(1978 Code, § 3-1022)

Statutory reference:

Jurisdiction of policemen, see G.S. §§ 160A-286 and 15A-402

§ 32.47 CONDITIONS OF EMPLOYMENT.

Members of the Police Department shall be appointed by the Town Manager after due examination by the Town Manager and based upon the results of the examination. Unless provided otherwise by the Town Manager, Board of Commissioners, or collective bargaining agreement, members of the Police Department shall be subject to the general personnel policies of the town.

(1978 Code, § 3-1023) (Am. Ord. passed 11-3-1986)

§ 32.48 REQUIREMENTS OF EMPLOYMENT.

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 and possess correct habits;
- (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) Satisfactorily complete the Employment Security Commission aptitude test for the occupation of a public patrolman;
 - (H) Pass an examination conducted by a physician;
 - (I) Be interviewed and approved by the Town Manager.
- (1978 Code, § 3-1024) (Ord. passed 3-1-1974; Am. Ord. passed 11-3-1986)

Statutory reference:

State law now requires that local law enforcement officers be certified by the Criminal Justice Education and Training Standards Commission, see G.S. §§ 17C-1 et seq.

§ 32.49 SPECIFIC FUNCTIONS OF CHIEF OF POLICE.

The functions of the Chief of Police in the town are:

- (A) 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;
- (B) To enforce the laws, ordinances, police regulations and executive orders applicable to his jurisdiction;
- (C) Upon the direction of the Town Manager, to suspend from duty any members of the Department for incompetence, neglect of duty, immorality, drunkenness, drinking intoxicants when on duty, or who shall be found unfit for duty when called on emergency service, or who fail to obey orders given by proper authority, and in addition for any just or reasonable cause in the judgment of the Town Manager;
- (D) To require the proper submission and handling of the necessary and required reports. (1978 Code, § 3-1025) (Am. Ord. passed 11-3-1986)

VOLUNTEER FIRE DEPARTMENT

§ 32.60 OFFICERS.

- (A) The Department shall consist of a Chief, Assistant Chief, Captain, 2 lieutenants and other officers as the Chief and Assistant Chief may deem necessary for the effective operation of the Department.
- (B) The Chief shall be appointed by the Town Manager for an indefinite

period of time and his tenure of office shall depend upon his good conduct and efficiency. The Chief shall be technically qualified by training and experience and shall have ability to command men and hold their respect and confidence. He shall be removed only for just cause and after a public hearing before the Town Manager.

- (C) The Chief shall be held accountable to the Town Manager only and shall make written and verbal reports thereto as the Town Manager may require. All other department and company officers shall be accountable to the Chief only.
- (D) The Assistant Chief and all other Department and company officers shall be appointed by the Chief. Such officers shall be accountable only to the Chief and subject to removal by him.

(1978 Code, § 3-2001) (Am. Ord. passed 11-3-1986)

Statutory reference:

Fire protection generally, see G.S. §§ 160A-291 et seq.

§ 32.61 DUTIES OF CHIEF.

- (A) The Chief shall formulate a set of rules and regulations to govern the Department and shall be responsible to the Town Manager for the personnel, morale, and general efficiency of the Department.
- (B) The Chief shall determine the number and kind of companies of which the Department is to be composed and shall determine the response of such companies to alarms.
- (C) The Chief shall at least once a month conduct suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in the town, fire prevention, water supplies, and all other matters generally considered essential to good firemanship and safety of life and property from fire.
- (D) The Chief is hereby required to assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires.
- (E) The Chief is empowered to enter any and all buildings and premises at any reasonable hour for the purpose of making inspections.
- (F) Any person so served with a notice to abate any fire hazard or hazards shall comply therewith and promptly notify the Chief.

- (G) The Chief shall see that complete records are kept of all fires, inspections, apparatus and minor equipment, personnel and other information about the work of the Department.
- (H) The Chief shall report monthly to the Town Manager the conditions of the apparatus and equipment; the number of fires during the month, their location and cause, and date of same and loss occasioned thereby; the number of members responding to each fire or other run, and any changes in membership.
- (I) The Chief shall make a complete annual report to the Town Manager within 1 month after the close of the fiscal year, such report to include the information specified in division (G), together with comparative data for previous years and recommendations for improving the effectiveness of the Department.

(1978 Code, § 3-2002) (Am. Ord. passed 11-3-1986)

§ 32.62 MEMBERSHIP.

- (A) The membership of the Department shall consist of such persons as may be appointed by the Chief and shall be able-bodied citizens, preferably property owners whose business activities are normally within the confines of the town and who have telephones in their homes. Determination of whether candidates for appointment are able-bodied shall be made by the Chief after a medical and physical examination has been made in a manner prescribed by the Chief and approved by the Town Manager.
- (B) Any member of the Department may be suspended or discharged from the Department by the Chief at any time he may deem such action necessary for the good of the Department. On written request of such member to the Town Manager, he shall be given a public hearing on the charges brought by the Chief.

(1978 Code, § 3-2003) (Am. Ord. passed 11-3-1986)

§ 32.63 EQUIPMENT.

- (A) The Department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire.
- (B) Recommendations of apparatus and equipment needed shall be made by the Chief and after approval by the Town Manager shall be purchased in such manner as may be designated by the Board of Commissioners.

- (C) All equipment of the Department shall be safely and conveniently housed in such places as may be designated by the Town Manager.
 - (D) Suitable arrangement or equipment shall be provided for citizens to turn in an alarm and for notifying all members of the Department so that they may promptly respond.
 - (E) No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the Departments.
- (1978 Code, § 3-2004) (Am. Ord. passed 11-3-1986)