

CHAPTER 18. POLICE*

ARTICLE I. IN GENERAL

Sec. 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)

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

Sec. 18-102. Extraterritorial jurisdiction.

(a) In addition to their authority within the corporate limits, policemen shall have all the powers invested in law enforcement officers by statute or common law within one (1) 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 would be entitled if acting within the town, including coverage under the workmen's compensation laws.

(Code 1976, § 3.6)

State law reference-Extraterritorial jurisdiction of policemen, G.S. § 160A-286.

Sec. 18-103. Auxiliary police division.

(a) Pursuant to G. S. section 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 North Carolina Workers Compensation Act and to any fringe benefits for which such volunteer personnel qualify.

* **Cross references**-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.

State law references-Criminal procedure act, G.S. Ch. 15A; law enforcement in municipalities, G.S. Ch. 160A-281 et seq.

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(b) The town council hereby establishes within the Town of Maiden 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 (10) members to be determined by the chief of police and approved by the town manager.
(Ord. No. 10-2004, 5-17-04)

Secs. 18-104 - 18-199. Reserved.

ARTICLE II. POLICE DEPARTMENT*

Sec. 18-201. Chief of police.

The chief shall have control over the police department under the supervision of the 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 shall perform such other duties as may be required of him by the manager. The chief shall have his or her primary residence within the corporate limits of the town.

(Code 1976, § 3.3; Ord. No. 20-90, 12-17-90)

Sec. 18-202. Organization.

The police department shall consist of a chief and as many policemen as the council shall from time to time determine.

(Code 1976, § 3.1)

Sec. 18-203. Manager to supervise.

The manager shall have general supervision over the police department.

(Code 1976, § 3.2)

Cross reference-Town manager, § 2-403.

State law reference-Powers of manager, G.S. § 160A-148.

Sec. 18-204. Uniforms.

Repealed.

(Code 1976, § 3.4)

Sec. 18-205. Powers and duties.

Each police officer shall:

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

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

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

(Code 1976, § 3.5)

* **Cross references**-Authority of police and fire department officials, § 20-301; authorized emergency vehicles, § 20-306.

State law reference- Law enforcement in municipalities, G.S. Ch. 160A-281 et. seq.

State law reference-Powers and duties of policemen, G.S. § 160A-285.

Sec. 18-206 to 18-300. Reserved.

Article III. BACKGROUND CHECKS*

Sec. 18-301. Definitions.

Precious metal dealer: A person or company operating a business under General Statutes Chapter 66 Article 25.

Massage Parlor: See adult establishments.

Adult Establishments / Sexually oriented business: 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.

Sec. 18-302. Scope.

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 North Carolina State Bureau of Investigation/Division of Criminal Investigation (SBI/DCI). The use of criminal history checks shall be limited to final applicants for the Town of Maiden and those wishing to operate or gain employment with a specific business listed in Section 18-303(c).

Sec. 18-303. Criminal History background checks

Final applicants for employment with the Town of Maiden specified below, final applicants for employment or volunteers with the Town of Maiden Fire Department as specified below, and specified business, all owners and employees of business listed below shall require a criminal history and fingerprinting pursuant to the authority vested in the Town of Maiden by the General Assembly of the State of North Carolina in Sections 153A-11 and 153A-12 of the North Carolina General Statutes.

- a) The Town of Maiden Police Chief, or designee, may conduct an investigation in accordance with the Town of Maiden updated personnel policy and / or the Town of Maiden 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 of Maiden Police Chief, or designee, may conduct an investigation in accordance with the Town of Maiden updated Fire Department personnel policy and bylaws of any final candidate for a full-time position, part-time position, or volunteer position with the Town of Maiden Fire Department.
- c) Private business owners, stockholders and all employees of an establishment conducting business within the Town of Maiden corporate limits within the following definitions. precious metal dealer, ice cream venders (mobile), massage parlors, persons applying for

* Adopted 11-18-2010. Editor's note: The sections in this article have been renumbered.

permits or license to operate adult establishments, pawn broker.

Sec. 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.

Sec. 18-305. Background Check Procedure.*

Persons subject to Sec. 18-303 shall, upon request, provide fingerprints and all other necessary personal identification including a birth certificate, social security number, and drivers 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 Sec. 18-304 by use of the Division of Criminal Information Network (DCI)

- a) The Town of Maiden 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.
- b) 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 time frame of the offense as it relates to the essential job function or the position applied or volunteered for.
- c) Prior to denial or termination of employment as a full-time employee, part-time employee, volunteer, or intern with the Town of Maiden, Town of Maiden Recreation Department or Town of Maiden 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 Maiden of any person based upon criminal history record information (CHRI) received from the Town of Maiden 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.

* The section title "Background Check Procedure" has been added by the editor for ease of reference.