

TITLE III: ADMINISTRATION

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CHAPTER 30: MAYOR AND BOARD OF COMMISSIONERS

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Governing Body

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GOVERNING BODY

' 30.01 GOVERNING BODY ORGANIZED.

The governing body of the town shall consist of a Mayor and Board of Commissioners of 5 members. The governing body shall be charged with the general government and administration of the affairs of the town.

(1989 Code, ' 20.01)

Statutory reference:

Board to organize town government, see G.S.

' 160A-146

' 30.02 POWERS AND DUTIES.

The powers and duties of the governing body shall be set out in the General Statutes of the state, the Town Charter, and the ordinances of the town. (1989 Code, ' 20.02)

MAYOR

' 30.15 DUTIES.

The Mayor shall perform the following duties:

(A) Keep himself or herself informed as to the town=s business;

(B) Preside over the meetings of the Board of Commissioners;

(C) Sign all ordinances, resolutions, franchises, and other documents as authorized by the Board;

(D) Appoint all committees and outline their duties, under the general direction of the Board;

(E) Make recommendations to the Board concerning the affairs of the town, as he or she deems necessary;

(F) Represent the town at ceremonies and other official occasions; and

(G) Perform other duties as authorized by the General Statutes, the Town Charter, and this code. (1989 Code, ' 20.03)

Statutory reference:

Duties of the Mayor, see G.S. ' 160A-69

' 30.16 MAYOR PRO TEM.

At the first meeting after their election, the Board of Commissioners shall select 1 of their number to act as Mayor Pro Tem. The Mayor Pro Tem shall have no fixed term of office, but as such, shall perform all the duties of the Mayor in the Mayor=s absence or disability.

(1989 Code, ' 20.04)

Statutory reference:

Mayor Pro Tem, see G.S. ' 160A-70

MEETINGS

' 30.30 REGULAR MEETINGS; TIME AND PLACE.

The regular meetings of the Board shall be held on the first Monday and the third Tuesday of each month at 7:00 p.m. at the Town Meeting Hall, unless otherwise designated by the Board.

(1989 Code, ' 20.15)

Statutory reference:

Quorum, see G.S. ' 160A-74

Voting, see G.S. ' 160A-75

' 30.31 SPECIAL MEETINGS.

Special meetings of the Board may be held according to the procedures set out in the applicable General Statutes.

(1989 Code, ' 20.16)

Statutory reference:

Notice of special meetings, see G.S.

' 143-318.12

Special meetings, see G.S. ' 160A-71

' 30.32 ADJOURNED MEETINGS.

Any meeting of the Board may be continued or adjourned from day to day, or for more than 1 day.

(1989 Code, ' 20.17)

CHAPTER 31: TOWN OFFICERS AND EMPLOYEES

Section

31.01	Town Manager
31.02	Clerk
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31.05	Finance Officer
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measures that he or she deems appropriate and expedient;

(4) He or she shall see that all laws of the state, the Town Charter, and the ordinances, resolutions, and regulations of the Board are faithfully executed within the town;

(5) He or she shall prepare and submit the annual budget and capital improvement program to the Board;

(6) He or she shall cause to be prepared and submitted annually to the Board and make available to the public a complete audit on the financial status of the town as of the end of the fiscal year;

(7) He or she shall make any other reports that the Board may require concerning the operations of town departments, offices, and agencies subject to his or her direction and control; and

(8) He or she shall perform any other duties that may be required or authorized by the Board. (G.S. ' 160A-148) (1989 Code, ' 21.01)

' 31.01 TOWN MANAGER.

(A) The Board shall appoint a Town Manager to serve at its pleasure. The Manager shall be appointed solely on the basis of his or her executive and administrative qualifications. He or she need not be a resident of the city or state at the time of his or her appointment. The office of Town Manager may be held concurrently with other appointive (but not elective) offices pursuant to G.S. ' 160A-147.

(B) The Town Manager shall be the chief administrator of the town. He or she shall be responsible to the Board for administering all municipal affairs placed in his or her charge by it, and shall have the following powers and duties:

(1) He or she shall appoint and suspend or remove all town employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the Town Attorney, in accordance with those general personnel rules, regulations, policies, or ordinances as the Board may adopt;

(2) He or she shall direct and supervise the administration of all departments, offices, and agencies of the town, subject to the general direction and control of the Board, except as otherwise provided by law;

(3) He or she shall attend all meetings of the Board, unless excused therefrom, and recommend any

' **31.02 CLERK.**

(A) The Board shall appoint a Clerk.

(B) It shall be the duty of the Clerk to:

(1) Act as secretary to the Board;

(2) Keep a true record of all the proceedings of the Board;

(3) Keep the original of all ordinances in a book especially provided for that purpose;

(4) Act as custodian for all the books, papers, records, and journals of the Board;

(5) Perform other duties as may be required by law or by the Board; and

(6) Perform the duties of the Finance Officer.

(1989 Code, ' 21.02)

Statutory reference:

Duties of the Clerk, see G.S. ' 160A-171

Minutes to be kept, see G.S. ' 160A-72

' **31.03 TOWN ATTORNEY.**

(A) The Board shall appoint a Town Attorney.

(B) The duties of the Town Attorney shall be to:

(1) Prosecute or defend any and all suits or actions at law or equity to which the town may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the town, or in the capacity of the person as an officer of the town;

(2) See to the full enforcement of all judgments or decrees rendered or entered in favor of the town;

(3) See to the completion of all special assessment proceedings and condemnation proceedings;

(4) Draft or review any contract, lease, or other document or instrument to which the town may be a party, and approve all ordinances and resolutions of the Board as to form;

(5) At the request of the Board, draft ordinances covering any subjects within the power of the town;

(6) Attend meetings of the Board on request; and

(7) Perform any other duties required of him or her by G.S. ' 160A-173 and other laws and ordinances.

(1989 Code, ' 21.03)

Statutory reference:

Duties of Town Attorney, see G.S. ' 160A-173

' **31.04 TAX COLLECTOR.**

(A) The Board shall provide for the appointment of a Tax Collector.

(B) The duties of the Tax Collector shall be to:

(1) Collect all taxes and assessments due to the town;

(2) Make an accounting to the Finance Officer at the end of each month;

(3) Pay over to the Finance Officer that money as is collected for the account of each separate fund according to the tax levy;

(4) Deliver a list of all unpaid taxes with the reason therefor as ascertainable to the Board of Commissioners;

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(5) Supply the Mayor and Board with any information as they may require relative to the performance of his or her duties;

(6) Make periodic reports to the Board, listing therein all funds collected; and

(7) Perform other duties required by law, or as the Board may direct.
(1989 Code, ' 21.04)

Cross-reference:

Privilege license tax; Tax Collector; duties, see ' 110.03

Statutory reference:

Duties of Tax Collector, see G.S. ' ' 105-349 and 105-350

' 31.05 FINANCE OFFICER.

(A) The Board shall provide for the appointment of a Finance Officer.

(B) The duties of the Finance Officer shall be to:

(1) Keep the books and accounts of the town;

(2) Receive and disburse all moneys of the town as required under state law;

(3) Countersign and pre-audit all checks, drafts, contracts, purchase orders, or other documents obligating town funds;

(4) Report to the Board concerning the finances of the town, as it may require;

(5) Maintain all records of the bonded debt of the town and maintain sinking funds;

(6) Supervise the investment of idle funds; and

(7) Perform other duties assigned by the General Statutes, the Town Charter, or by the Board.
(1989 Code, ' 21.05)

Cross-reference:

Clerk, see ' 31.02

Statutory reference:

*Duties of Finance Officer, see G.S. ' 159-25
Local Government Budget and Fiscal Control Act, see G.S. ' ' 159-7 et seq.*

' 31.06 OTHER OFFICERS AND EMPLOYEES.

Other officers and employees as are deemed necessary shall be appointed by the Board at the first meeting after each election, or when otherwise deemed necessary. All officers and employees shall serve at the pleasure of the Board and receive such compensation as from time to time may be prescribed by the Board.

(1989 Code, ' 21.06)

CHAPTER 32: BOARDS AND COMMITTEES

Section

- 32.01 Planning Board
- 32.02 Parks and Recreation Advisory Board

' 32.01 PLANNING BOARD.

(A) *Membership and vacancies.*

(1) The Planning Board shall consist of seven (7) members. Four members shall be citizens living within the corporate limits of the municipality, and three (3) members shall be residents of the county living within the area of municipal extraterritorial jurisdiction. The members residing within the municipality shall be appointed by the Board of Commissioners, and the members residing within the area of municipal extraterritorial jurisdiction shall be appointed by the Board of County Commissioners upon receipt of a resolution from the Town Board of Commissioners requesting that those appointments be made. In the event the Board of County Commissioners fails to make the appointments requested within 90 days of receipt of the resolution, the Town Board of Commissioners shall make the appointments.

(2) Their successors shall be appointed for terms of 3 years. Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term. Vacancies shall be filled by the legislative body responsible for the original appointment.

(3) Faithful attendance at the meetings of the Planning Board is considered a prerequisite for the maintenance of membership on the Board. Failure to attend 3 consecutive meetings shall be deemed adequate cause for summary removal from the Planning Board by the legislative body.

(B) *Organization, rules, meetings, and records.* For initial appointees, within 30 days after appointment the Planning Board shall meet to elect a chairperson and create and fill those offices as it may deem necessary. The term of the chairperson and other officers shall be 1 year, with eligibility for reelection. The Board shall adopt rules for transaction of its business and shall keep a record of its members= attendance and of its discussions, findings, and recommendations, which record shall be a public record. A quorum shall consist of 4 members for the purpose of taking any official action required by this section. All members of the Board shall have voting power on all matters of business. However, any member who is a party at interest to matters under consideration by the Board shall declare that interest prior to a vote of the Board on the question, and shall abstain from voting on the question. This provision shall not prohibit those members from participation in discussions of the Board on those matters prior to the vote.

(C) *Powers and duties.* The Powers and duties of the Planning Board shall be stated in the Unified Development Ordinance. (1989 Code, ' 24.01)

' 32.02 PARKS AND RECREATION ADVISORY BOARD.

(A) *Membership; appointment, terms of office, and compensation.*

(1) The Parks and Recreation Advisory Board shall be composed of 7 members from the town and the town=s extraterritorial jurisdiction. A minimum of 4 members must be from within the incorporated limits of the town. The members shall be representative of the different areas of the town and the extraterritorial jurisdiction. The members shall be appointed by the Board of Commissioners. All of the members shall have equal voting rights.

(2) In addition, there may be as ex-officio and non-voting members:

(a) A member of the staff as designated by the Town Manager; and

(b) A member of the Board of Commissioners as designated by the Mayor.

(3) The terms of office for members are that each member shall be appointed for a 3-year term. Initial appointments shall be arranged so that approximately 1/3 of the terms will expire each year.

(4) All appointments for filling vacancies shall be made by the Board of Commissioners. All terms are to begin on January 1 of the year appointed, or as soon as appointed if service begins in the middle of an unexpired term. Initial appointments shall be effective January 1, 2002.

(5) The members of the Parks and Recreation Advisory Board shall serve without compensation.

(6) An appointed member who misses more than 3 consecutive regular meetings loses his or her status as a member of the Advisory Board until reappointed or replaced by the Board of

Commissioners. Absences due to sickness, death, or other emergencies of like nature shall be regarded as approved absences and shall not affect the member=s status on the Advisory Board; except that in the event of a long illness, or other cause for prolonged absence, the member may be replaced.

(B) *Officers, adoption of rules, and meetings.*

(1) The Parks and Recreation Advisory Board shall elect from its membership its officers at its January meeting annually for a term of office to begin on January 1 of the year and ending on December 31 of the following year. The officers to be elected shall include a chairperson, vice-chairperson, and recording secretary, and other officers as deemed necessary for the orderly conduct of business. Initial election of officers shall take place at the first meeting of the Advisory Board after January 1, 2002.

(2) The recording secretary shall provide each member with a copy of the minutes of the previous meeting by the next meeting of the Advisory Board. In addition, the recording secretary shall provide a copy of the minutes to the Board of Commissioners at its next regularly scheduled meeting.

(3) The Advisory Board may adopt bylaws, rules, and regulations covering its procedures not inconsistent with the provisions of state law and of town ordinances.

(4) The Advisory Board shall submit rules and regulations concerning the operation and conduct of the recreational facilities operated by the Advisory Board to the Board of Commissioners for adoption and approval.

(5) The Advisory Board is to meet monthly unless otherwise determined by the chairperson of the Advisory Board. A quorum shall consist of a majority of the appointed voting members. A quorum must be in attendance before any official action can be taken. The chairperson shall preside at all meetings and sign all documents relative to action taken by the Advisory Board. Excluding the Greater Rolesville Athletic Committee, the chairperson shall appoint all subcommittees, including a nominating committee composed of 2 Advisory Board members.

(6) In the absence of the chairperson, the vice-chairperson shall perform the duties of the

chairperson. When both the chairperson and the vice-chairperson are absent, a temporary chairperson shall be selected by a majority of those members present.

(C) *Function and duties.*

(1) The Parks and Recreation Advisory Board shall serve as the advisory body for the Parks and Recreation Department and the town. The Advisory Board shall suggest policies to the town within its powers and responsibilities as stated in this section. The Advisory Board may advise the Board of Commissioners in matters affecting recreation policies, programs, finances, and the acquisition and disposition of land and facilities. In addition, the Advisory Board is to advise on long-range recreation plans and programs.

(2) The Parks and Recreation Advisory Board shall make recommendations:

(a) For the establishment of a system of supervised recreation for the town and its environs;

(b) To set apart land for use as parks, playgrounds, recreation centers, greenways, and other open space, and to acquire structures for recreation purposes for the benefit of all segments of the affected populations;

(c) Advise in the acquisition of lands and structures through gifts, purchase, lease, or loan, or by condemnation by the town as provided by eminent domain and as provided for by the General Statutes of the state;

(d) Advise in the acceptance by the town of any grant, gift, bequest, or donation, or personal or real property offered or made available for recreation purposes and which is judged to be of present or future use for recreation; and

(e) Advise in the construction, equipping, operation, and maintenance of parks, playgrounds, recreation centers, and all buildings and structures necessary or useful to Department function, and advise in regard to other recreation facilities that are owned or controlled by the town or leased or loaned to the town.

(D) *Committees.* The chairperson of the Parks and Recreation Advisory Board is authorized to appoint those committees as, in the opinion of the Board, are necessary for the effective operation of Advisory Board activities. These committees will operate under the general supervision of the Advisory Board, and may receive administrative support from the town staff upon request and as directed by the Town Manager.

(1) Standing and temporary committees can include, but are not limited to:

(a) Park Land Acquisition Committee;

(b) Open Space and Greenways Committee;

(c) Greater Rolesville Athletic Committee (including Spring Youth Baseball Committee, Winter Youth Basketball Committee, and Summer Adult Softball Committee);

(d) Special events (including Re-creation Day and Fall Festival);

(e) Senior citizen activities;

(f) Nominating Committee;

(g) Other programs and activities;

(h) Budget;

- (i) Policies and procedures; and
- (j) Project and activity committees.

(2) The Greater Rolesville Athletic Committee shall be responsible for the team sports activities. The team sports activities must be open to all applicants who qualify as to age. Sports teams that otherwise restrict participation, such as all-star and select teams, shall be considered non-municipal, private activities.

(1989 Code, ' 24.02)

**Section 32.02 amended 1/3/12 through TA 11-11;
Section 32.01 amended 2/3/14 through TA 14-01.**

CHAPTER 33: FINANCE

Section

General Provisions

33.01 Disbursement procedure

be valid unless it bears on its face the certificate of the Clerk as follows:

Impact Fees

- 33.15 Authorized; application
- 33.16 Amount
- 33.17 Capital improvements reserve fund; expenditures
- 33.18 Credits for improvements
- 33.19 Appeals procedure
- 33.20 Payment of fees
- 33.21 Refunds
- 33.22 Limitations on actions
- 33.23 Powers supplemental

This disbursement has been approved as required by the Local Government Budget and Fiscal Control Act.

(B) No contract, agreement, or purchase order shall be valid unless it bears the Clerk=s certificate as follows:

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(1989 Code, ' 22.01)

Statutory reference:

Pre-audit of disbursements required, see G.S. ' 159-28

Purchasing

- 33.35 Authority
- 33.36 Authority granted
- 33.37 Report
- 33.38 Extent of authority
- 33.39 Other authority not affected
- 33.40 Appropriation required
- 33.41 State statutes apply

IMPACT FEES

' 33.15 AUTHORIZED; APPLICATION.

(A) The Town Board of Commissioners may provide by ordinance for a system of impact fees to be paid by developers to help defray the costs to the town of constructing certain capital improvements, the need for which is created in substantial part by the new development that takes place within the town and its extraterritorial planning area.

(B) For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

GENERAL PROVISIONS

' 33.01 DISBURSEMENT PROCEDURE.

(A) In accordance with the Local Government Budget and Fiscal Control Act, being G.S. ' ' 159-7 *et seq.*, no bill or claim against the town may be paid unless it has been approved by the officer or employee responsible for the function or agency to which the expense is charged. No check or draft of the town shall

CAPITAL IMPROVEMENTS. Includes

capital improvements to public streets, bridges,

sidewalks, greenways, water treatment facilities, wastewater treatment facilities, bikeways, on- and off-street surface water drainage ditches, pipes, culverts, other drainage facilities, public schools, and public recreation facilities.

(C) An ordinance adopted under this subchapter may be made applicable to all development that occurs within the town and its extraterritorial planning area, as established by local act or pursuant to the procedures set forth in G.S. ' 160A-360.

(D) The town may, with the approval of the County Board of Commissioners, construct capital improvements outside the town limits but within the town=s extraterritorial planning area.

(1987 Session Laws, Ch. 996) (1989 Code, ' 22.15)

' 33.16 AMOUNT.

(A) In establishing the amount of any impact fee, the town shall endeavor to approach the objective of having every development contribute to a capital improvements fund an amount of revenue that bears a reasonable relationship to that development=s fair share of the costs of the capital improvements that are needed in part because of that development.

(B) In fulfilling this objective, the Town Board of Commissioners shall, among other steps and actions:

(1) Estimate the total cost of improvements by category (for example, streets, water, sewer, and the like) that will be needed to provide in a reasonable manner for the public health, safety, and welfare of persons residing within the town and its extraterritorial planning area during a reasonable planning period not to exceed 20 years. The Town Board may divide the town and its extraterritorial area into 2 or more

districts and estimate the costs of needed improvements within each district. These estimates shall be periodically reviewed and updated, and the planning period used may be changed from time to time;

(2) Establish a percentage of the total costs of each category of improvement that, in keeping with the objective set forth above, should fairly be borne by those paying the impact fee; and

(3) Establish a formula that fairly and objectively apportions the total costs that are to be borne by those paying impact fees among various types of developments. By way of illustration without limitation:

(a) In the case of street improvements, the impact fee may be related to the number of trips per day generated by different types of uses according to recognized estimates; and

(b) In the case of drainage improvements, the impact fee may be related to the size of a development, the amount of impervious surface the development has, or other factors that bear upon the degree to which a development contributes to the need for drainage improvements made at public expense. (1987 Session Laws, Ch. 996) (1989 Code, ' 22.16)

' 33.17 CAPITAL IMPROVEMENTS RESERVE FUND; EXPENDITURES.

(A) Impact fees received by the town shall be deposited in a capital improvements reserve fund or funds established under G.S. Ch. 159, Art. 3, Pt. 2. These funds may be expended only on the type of

capital improvements for which the impact fees were established, and then only in accordance with the provisions of division (B) of this section.

(B) In order to ensure that impact fees paid by a particular development are expended on capital improvements that benefit that development, the town may establish for each category of capital improvement for which it collects an impact fee at least 2 geographical districts or zones, and impact fees generated by developments within those districts or zones must be spent on improvements that are located within or that benefit property located within those districts or zones.

(1987 Session Laws, Ch. 996) (1989 Code, ' 22.17)

' 33.18 CREDITS FOR IMPROVEMENTS.

An ordinance adopted under this subchapter shall make provision for credits against required fees when a developer installs improvements of a type that generally would be paid for by the town out of a capital reserve account funded by impact fees. The ordinance may spell out the circumstances under which a developer will be allowed to install those improvements and receive those credits.

(1987 Session Laws, Ch. 996) (1989 Code, ' 22.18)

' 33.19 APPEALS PROCEDURE.

An ordinance adopted under this subchapter may provide that any person aggrieved by a decision regarding an impact fee may appeal to the Town Board of Adjustment. If the ordinance establishes an appeal procedure, it shall spell out the time within which the appeal must be taken to the Board of Adjustment, the possible grounds for an appeal and the Board's authority in the matter, whether the fee must be paid prior to resolution of the appeal, and other procedural or substantive matters related to appeals. Any decision by the Board of Adjustment

shall be subject to review by the superior court by proceedings in the nature of certiorari in the same manner as is provided in G.S. ' 160A-388(e).

(1987 Session Laws, Ch. 996) (1989 Code, ' 22.19)

' 33.20 PAYMENT OF FEES.

An ordinance adopted under this subchapter shall spell out when, in the process of development approval and construction, impact fees shall be paid and by whom. By way of illustration without limitation, the ordinance may provide that an applicant for a building permit shall submit the impact fee along with the permit application and that building permits shall not be issued until the impact fee has been paid.

(1987 Session Laws, Ch. 996) (1989 Code, ' 22.20)

' 33.21 REFUNDS.

If this subchapter or any ordinance adopted thereunder is declared to be unconstitutional or otherwise invalid, then any impact fees collected shall be refunded thereunder to the person paying them together with interest at the same rate paid by the Secretary of Revenue on refunds for tax overpayments.

(1987 Session Laws, Ch. 996) (1989 Code, ' 22.21)

' 33.22 LIMITATIONS ON ACTIONS.

(A) Any action contesting the validity of an ordinance adopted under this subchapter must be commenced not later than 9 months after the effective date of that ordinance.

(B) Any action seeking to recover an impact fee must be commenced not later than 9 months after the impact fee is paid.

(1987 Session Laws, Ch. 996) (1989 Code, ' 22.22)

' 33.23 POWERS SUPPLEMENTAL.

The powers conferred in this subchapter shall be supplementary to all other powers and procedures authorized by any other general or local law. Assessments, charges, fees, or rates authorized by any other general or local law are not affected by this subchapter.

(1987 Session Laws, Ch. 996) (1989 Code, ' 22.23)

PURCHASING**' 33.35 AUTHORITY.**

This subchapter is enacted pursuant to the provisions of G.S. ' 143-129(a).
(1989 Code, ' 23.07)

' 33.36 AUTHORITY GRANTED.

Subject to the restrictions and conditions hereinafter provided, when purchasing supplies, materials, or equipment for use by the town, in addition to authority as may be provided by law or otherwise delegated by the Board of Commissioners, the Town Manager shall have the authority to:

(A) Prepare, or cause to be prepared, plans and specifications setting forth a complete description of the item(s) to be purchased and the characteristics, features, and requirements therefor;

(B) Include, where appropriate, in specifications for the item(s) to be purchased an opportunity for bidders to purchase as trade-in specified personal property owned by the town;

(C) Advertise, or otherwise secure bids, for the item(s), if required under applicable law;

(D) Award contracts for the purchase of the item(s) and, where applicable, award contracts for the purchase of the item(s) and the sale of trade-in property;

(E) Reject bids;

(F) Re-advertise to receive bids;

(G) Waive bid bond or deposit requirements;

(H) Waive performance and payment bond requirements; and

(I) Execute and deliver the purchase contract(s).
(1989 Code, ' 23.01)

' 33.37 REPORT.

At the first meeting of the Board of Commissioners following the award of any contract(s) pursuant to this subchapter, the Town Manager shall submit a report to the Board of Commissioners summarizing the bids received and the contract(s) awarded. This report shall be included in the minutes of the meeting at which it is received.

(1989 Code, ' 23.02)

' 33.38 EXTENT OF AUTHORITY.

Except in cases of sole source purchases pursuant to G.S. ' 143-129(f) and cases of purchases from established contracts pursuant to G.S. ' 143-129(g), unless otherwise provided by law, the provisions of this subchapter shall apply to the purchase of supplies, materials, or equipment requiring the estimated expenditure of municipal funds in an amount not to exceed \$30,000 for any 1 item or group of similar items.

(1989 Code, ' 23.03)

' 33.39 OTHER AUTHORITY NOT AFFECTED.

The provisions of this subchapter are not intended to limit, restrict, or revoke, in any manner, authority otherwise granted or delegated to the Town Manager by statute, law, or action of the Board of Commissioners.

(1989 Code, ' 23.04)

' 33.40 APPROPRIATION REQUIRED.

No purchase shall be made by the Town Manager under authority of this subchapter unless an appropriation for that purpose has been authorized in the annual budget, or by supplemental appropriation or budget appropriation amendment duly adopted by the Board of Commissioners.

(1989 Code, ' 23.05)

' 33.41 STATE STATUTES APPLY.

In acting pursuant to the authority delegated by this subchapter, the Town Manager shall comply with the requirements of G.S. ' ' 143-128 *et seq.*, as from time to time amended, modified, supplemented, revised, or superseded, to the same extent as would have otherwise applied to the Board of Commissioners.

(1989 Code, ' 23.06)

CHAPTER 34: LAW ENFORCEMENT

Section

- 34.01 Police Department created
- 34.02 Composition of Department
- 34.03 Duties of police officers
- 34.04 Department supervision
- 34.05 Duties of Chief of Police
- 34.06 Personnel
- 34.07 Conditions of employment
- 34.08 Officer requirements

Statutory reference:

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

' 34.01 POLICE DEPARTMENT CREATED.

The Police Department is created subject to the terms, authority, and conditions set out in ' ' 34.02 through 34.08, below.
(1989 Code, ' 30.01)

' 34.02 COMPOSITION OF DEPARTMENT.

The Police Department shall consist of a Chief of Police and officers, patrol officers, and police officers of designated grade as the Town Manager deems necessary.
(1989 Code, ' 30.02)

' 34.03 DUTIES OF POLICE OFFICERS.

(A) The Chief of Police and members of the Police Department shall have the duty of enforcing all 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
- (2) To enforce the laws, ordinances, police

Police Department, on information furnished him or her, or on his or her 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.
(1989 Code, ' 30.03)

' 34.04 DEPARTMENT SUPERVISION.

The Chief of Police, subject to the supervision and direction of the Town Manager, is held responsible for the discipline, good order, and proper conduct of the Department.
(1989 Code, ' 30.05)

' 34.05 DUTIES OF CHIEF OF POLICE.

(A) The Chief of Police commands the force under his or her order, and is responsible for its discipline and efficiency. Further, he or she shall recommend to the Town Manager the reforms and changes in the Police Department which practical experience shows should be instituted. Periodically the Chief may be required to make out a 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 or her 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;

regulations, and executive orders applicable to his or

her jurisdiction; and

(3) To require the proper submission and handling of the necessary required reports. (1989 Code, ' 30.08)

' 34.06 PERSONNEL.

The Town Manager shall have the responsibility of hiring and discharging persons as may be necessary to staff the Police Department so as to provide the town with adequate police protection. Personnel recommendations of the Chief of Police will be considered. (1989 Code, ' 30.04)

' 34.07 CONDITIONS OF EMPLOYMENT.

Members of the Police Department shall conform to the conditions of employment specified in the then current Personnel Policy Manual of the town, and any other conditions unique to the Police Department that are specified by the Chief of Police and approved by the Town Manager. (1989 Code, ' 30.06)

' 34.08 OFFICER 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 fingerprinted and a search made of local, state, and federal fingerprint files;

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

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

(F) Pass an examination conducted by a physician approved by the town, and paid for by the applicant;

(G) Pass an examination conducted by a psychologist employed by the town;

(H) Submit a current credit history statement paid for by the applicant; and

(I) Be certified in accordance with state law. (1989 Code, ' 30.07)

Statutory reference:

State law requires that law enforcement officers be certified by the Criminal Justice Training and Standards Council, see G.S. ' 17C-10