

Chapter 42 - LAW ENFORCEMENT^[1]

Footnotes:

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Cross reference— Police civil service board, § 2-106 et seq.

State Law reference— Law enforcement generally, G.S. 160A-281 et seq.

ARTICLE I. - IN GENERAL

Secs. 42-1—42-25. - Reserved.

ARTICLE II. - POLICE DEPARTMENT^[2]

Footnotes:

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Cross reference— Officers and employees, § 2-66 et seq.; personnel, ch. 54.

State Law reference— Authority to employ police officers, G.S. 160A-281.

Sec. 42-26. - Composition.

- (a) The police department of the city shall consist of a chief of police and as many police officers as the board of aldermen shall from time to time determine and as many special police officers as the mayor and the board of aldermen may deem necessary to appoint for special purposes.
- (b) The chief of police is specifically authorized to organize an auxiliary police department made up of volunteer members who, while undergoing official training and while performing duties on behalf of the city pursuant to orders or instructions of the chief of police, shall be entitled to benefits under the state workers' compensation act and any fringe benefits for which volunteer personnel qualify. All members of the auxiliary police department shall take the oath of office prescribed by G.S. 160A-284 and shall provide the services and perform the duties authorized by law.
- (c) The size of the auxiliary police department shall be determined by the board of aldermen from time to time. Initially, it shall consist of no more than 20 members.

(Code 1971, § 17-16)

Sec. 42-27. - Duties and functions.

The police department shall, under the supervision of the chief of police:

- (1) Preserve the peace and order of the city.
- (2) Protect persons and property from harm.
- (3) Prevent crime and detect and apprehend persons suspected of crimes.
- (4) Regulate traffic upon the public streets and highways.
- (5) Enforce all laws, provisions of this Code and other ordinances of the city and laws of the state.

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- (6) Take custody of lost and stolen property.
- (7) Maintain proper records of crime and criminals and matters related thereto.
- (8) Perform such other duties consistent with the police function that may be required from time to time.

(Code 1971, § 17-17)

State Law reference— Powers and duties of police officers, G.S. 160A-285.

Sec. 42-28. - Supervisory authority of the chief of police.

- (a) The chief of police shall be the commanding officer of the police department and shall have control of the assignment of all members of the department and supervision and direction of the police work of the city.
- (b) The chief of police shall be responsible for the control and regulation of all equipment belonging to the department.
- (c) The chief of police is authorized to enter into mutual assistance agreements containing such terms, conditions and restrictions that are consistent with the model mutual assistance agreement approved by resolution adopted by the board of aldermen.

(Code 1971, § 17-18; [Ord. No. 16-006, § 1, 2-9-16](#))

Cross reference— Officers and employees, § 2-66 et seq.; personnel, ch. 54.

Sec. 42-29. - Departmental regulations.

The police department, upon the approval of the board of aldermen and the city manager, may adopt such rules and regulations for carrying out the duties and functions of the department as they relate to the conduct and discipline of department members. The requirements for employment, suspension and dismissal of members of the police department, other than the chief of police, shall be in accordance with the city Charter.

(Code 1971, § 17-19)

Sec. 42-30. - Uniforms.

All police officers shall wear such uniforms as are provided by the city and they shall keep such uniforms in a neat and clean condition. All uniforms and equipment issued to patrol officers by the chief of police shall be turned in to the city upon the patrol officers' leaving the police service.

(Code 1971, § 17-20)

Sec. 42-31. - Engaging in political activities.

No member of the police department coming under the jurisdiction of the civil service board shall take any part in any election or political function other than that of exercising his right to vote, and any such member of the police department convicted of violating this provision by the civil service board shall be dismissed from service of the police department by the civil service board.

8.2 – City of New Bern Law Enforcement Ordinance

(Code 1971, § 17-21)

State Law reference— Political activities of city employees, G.S. 160A-169.

Sec. 42-32. - Fees.

Fees and charges for permits issued by the police department, for services performed by the police department such as EMS dispatching and providing funeral escorts, and for participation in the various programs and activities offered by the city's police department shall be established from time to time by the board of aldermen and set forth and maintained in the city schedule of fees and charges.

(Ord. No. 2011-104, § 1, 5-24-11)