

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 268
HOUSE BILL 754

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A COUNTY POLICE
DEPARTMENT IN BURKE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The Board of County Commissioners of Burke County is hereby authorized to establish a Burke County Police Department, to establish policies and regulations to govern the operation of the Department, to appropriate funds for its operation and to authorize the county manager to appoint a police chief and such other officers and employees as may be necessary.

Sec. 2. The police chief and the members of the county police department shall have all the powers and authority of peace officers and law enforcement officers provided for under the Constitution, the laws and common law of the State of North Carolina. It shall be the duty of the county policemen, under the general control and direction of the police chief, to patrol and police the County; to detect and prevent the violation of criminal laws of any and every kind; to make arrests upon his own initiative as well as upon information and complaints; to report his acts and all known or suspected violations of the criminals laws to the Chief of Police of the County; to obtain warrants for arrests for and to prosecute all persons who have violated any of the criminal laws; and they shall at all times obey and carry out the orders and instructions of the police chief, when not inconsistent with the law and with this act. The county policemen shall have the power and authority and shall be required to serve all criminal processes and indictments issued by any lawful authority and placed in their hands for service, and may perform civil duties when directed by the chief.

Sec. 3. Nothing in this act shall be construed in any way as limiting or restricting the powers, duties or authority of the Sheriff of Burke County or any of his deputies.

Sec. 4. The law enforcement powers of the county police shall be limited to the areas outside of municipalities except that such powers may be exercised within any municipality where there is a written agreement between the county and the municipality to that effect.

Sec. 5. A merit board may be established and its members appointed by the county commissioners which shall oversee procedures for recruiting and testing applicants for appointment to the County Police Department and shall certify qualified applicants to the designated appointing official.

Sec. 6. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 7. This enabling act shall become effective upon ratification, provided, that a Burke County Police Department shall not be created unless and until such time as the Board of County Commissioners shall authorize the establishment of such police department by resolution or by the adoption of an ordinance.

In the General Assembly read three times and ratified, this the 25th day of April, 1973.