

NORTH CAROLINA GENERAL ASSEMBLY  
1965 SESSION

CHAPTER 693  
HOUSE BILL 870

AN ACT TO AMEND CHAPTER 1281 OF THE SESSION LAWS OF 1957,  
RELATING TO THE CHARTER OF THE CITY OF NEW BERN.

The General Assembly of North Carolina do enact:

Section 1. Section 20 of Chapter 1281 of the Session Laws of 1957 is hereby rewritten to read as follows:

"Time for Candidates to File; Fee; Ballots. All candidates for mayor, recorder of municipal recorder's court, for membership on the board of aldermen, or any other elective office, shall file their candidacy with the clerk of said city not later than the first Tuesday in April next preceding the day set for elections. All such candidates may file as a candidate during regular office hours of the city clerk, beginning on the day following the call of the election by the board of aldermen. Any candidate for mayor or recorder of the municipal recorder's court or any elective office other than that of the member of the board of aldermen shall, as a condition precedent to his filing, deposit with said clerk a filing fee of ten dollars (\$10.00). Every candidate for the office of alderman shall, as a condition precedent to such filing, deposit with the clerk a filing fee of two dollars (\$2.00). The clerk shall not accept the filing of any candidate who shall fail or refuse to make the required deposit. After the close of the time for the filing of candidates, the Clerk of the City of New Bern shall proceed forthwith to have ballots printed and said ballots shall contain sufficient explanatory matter to designate and explain the purpose thereof."

Sec. 2. The third paragraph of Section 42 of Chapter 1281 of the Session Laws of 1957 is hereby amended by rewriting said paragraph to read as follows:

"Said board, with the advice and counsel of the chief of police, shall establish and fix requirements for applicants for position in the police department, and all persons who make application shall be subjected to examinations by said board, which shall be competitive and free to all persons possessing the rights of suffrage and meeting the requirements of said board, subject to reasonable limitations as to residence, age, health, and moral character, and said examinations shall be practical in their nature and shall be limited to those matters which will fairly test the relative ability of the persons examined to discharge the duties and responsibilities of the positions which they are seeking, and shall include tests of personality and physical qualifications, but no applicant shall be examined concerning his political or religious opinions or affiliations."

Sec. 3. The seventh paragraph of Section 42 of Chapter 1281 of the Session Laws of 1957 is hereby amended by rewriting said paragraph to read as follows:

"No member of the police department of the City of New Bern shall be dismissed, removed, or discharged except for cause upon written complaint and until after he has been given an opportunity to be heard by the Civil Service Board in his own defense. In the event such member is convicted of violating the rules and regulations of the police department, said board may dismiss or discharge him from service, or may fine him or suspend him without pay for a period not to exceed ninety days. Upon the filing of a written complaint with the Civil Service Board by the chief of police, requesting that a member of the police department be discharged, the chief of police shall suspend such member from duty pending an investigation and hearing of the charges by the board. The hearing by the board shall be conducted as soon as is reasonably possible, and in no event longer than thirty days after the written complaint shall have been filed with the clerk of said board, unless the suspended member of the police department shall, in writing, file with said clerk a request for delay beyond said period of time. In the conduct of said investigation each member of said board shall have the power to secure by subpoena both the attendance and testimony of witnesses and the production of any documents or papers of any kind relevant to such investigation. The Civil Service Board may make such rules and regulations from time to time with respect to the manner in which the hearing shall be conducted as shall be desired by said board. The decision of the Civil Service Board shall be final. Notwithstanding any other provision herein set forth, the chief of police may suspend any member of the police department for violation of any of the rules and regulations of the police department for a period of time not to exceed three days at any one time, said suspension to be without pay. Such suspension by the chief of police shall not be subject to review by the Civil Service Board. Provided, however, that in the event the officer is subjected to another suspension within ninety days, said officer shall have the right to appeal such additional suspension to the Civil Service Board."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1965.