



ORDINANCE NO. 07-684

***An Ordinance Amending Chapter 2 Administration,
Article III Officers and Employees,
Section 2-49 Criminal History Checks***

WHEREAS, the Carolina Beach Code of Ordinances does not currently provide for fingerprinting and criminal history checks on all final applicants for regular full time and part-time positions in the town government and persons seeking employment in public service positions including taxi drivers and wrecker operators.

BE IT HEREBY ORDAINED, by the Town Council of the Town of Carolina Beach that the Code of Ordinances, Town of Carolina Beach, is amended by adding a section to be numbered Chapter 2 Administration, Article III Officers and Employees, Section 2-49 Criminal History Checks, which section reads as follows:

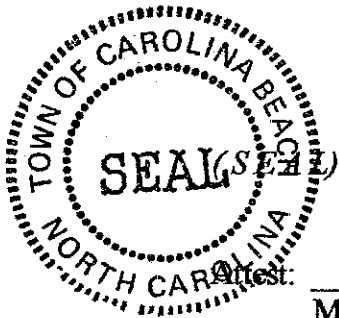
Sec. 2-49 Criminal History Checks

1. In order to protect the citizens of the town and their properties, the procedures herein are established to provide for fingerprinting and criminal history checks on all final applicants for regular full and part-time positions in the town government. Employment with the town may be denied for those persons convicted of any crime against a person or crimes against property where intent is an element, or any drug or gambling related offense.
 - (A) The town manager, or designee, shall conduct an investigation of persons seeking employment in public service positions including taxi drivers and wrecker operators, and any final candidate for a permanent or full-time or part-time position with the town government and it shall be a precondition of employment that an applicant for such a position shall upon request, provide fingerprints and all other necessary personal identification including a birth certificate, social security number and driver's license, if available so that the town 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

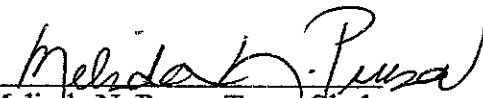
crimes enumerated above by the use of the Division of Criminal Information Network (DCI).

- (B) The Carolina Beach Police Department shall provide the finding from the use of the DCI to the town manager or designee, provide that all necessary agreements with the State Bureau of Investigations Division of Criminal Information have been executed.
 - (C) An evaluation of the any crime for purpose of employment will take into account the nature and the circumstances of the offense and the time frame of the offense as it relates to the essential job functions for the position applied.
2. If this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.
 3. Prior to denial or termination of employment based upon Criminal History Record Inquiry (CHRI) received from the criminal justice agency, 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 CJIS Section for verification that the CHRI record belongs to the individual.
 4. Any ordinance or any part of an ordinance in conflict with this ordinance to the extent of such conflict is hereby repealed.
 5. This ordinance is adopted in the interest of the public health, safety and general welfare of the inhabitants of the Town of Carolina Beach, North Carolina and shall be in full force and effect from and after its adoption.

Adopted this 10th day of April 2007.




Bill Clark, Mayor


Melinda N. Prusa, Town Clerk