

Election of town officers in Asheboro.

Act to re-enact such legislation relating to the election of municipal officers in the Town of Asheboro in Randolph County as was in effect prior to the thirteenth day of May, in one thousand nine hundred and thirty-three.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, A.D. 1935.

H. B. 412

CHAPTER 49

AN ACT FOR THE PROTECTION OF PLAIN VIEW FREE WILL BAPTIST CHURCH IN SAMPSON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Sunday closing hours near Plain View Free Will Baptist Church, Sampson County.

SECTION 1. That it shall be unlawful for any person or corporation to keep open on Sunday any store, shop, garage or filling station for the purpose of selling or offering for sale any goods, wares, merchandise, drinks, gasoline or oil within one mile of Plain View Free Will Baptist Church in Halls Township, Sampson County, North Carolina.

Violation made misdemeanor.

SEC. 2. Any person violating this Act shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

Ratified this the 1st day of March, A.D. 1935.

S. B. 225

CHAPTER 50

AN ACT TO CREATE A CIVIL SERVICE COMMISSION FOR THE FIRE DEPARTMENT AND POLICE DEPARTMENT OF THE CITY OF RALEIGH AND TO PROVIDE THE NECESSARY MACHINERY AND RULES FOR THE ORGANIZATION AND OPERATION OF SAID CIVIL SERVICE COMMISSION AND DEPARTMENTS.

The General Assembly of North Carolina do enact:

Raleigh Civil Service Commission for firemen and policemen created.

SECTION 1. That there is hereby created a Civil Service Commission of Raleigh for the Fire Department and Police Department of said city to consist of five members each of whom shall be a citizen and resident of Raleigh; one to be appointed by the

majority action of the membership of said Fire Department, but in no event to be a member of or related by blood or marriage to any member of said department; one to be appointed by the majority action of the membership of the said Police Department, but in no event to be a member of or related by blood or marriage to any member of said department; one to be appointed by the majority action of the governing body of the City of Raleigh, but in no event to be otherwise employed by the City of Raleigh; one to be appointed by the joint action of the Boards of Directors or the governing bodies, by whatever term designated, of the Chamber of Commerce and the Junior Chamber of Commerce of the City of Raleigh and the Merchants Association of the City of Raleigh, and one to be appointed by the joint action of the Executive Boards or the governing bodies, by whatever term designated, of the Woman's Club and the Business and Professional Women's Club of the City of Raleigh. That the members of said Civil Service Commission shall be named and appointed in the manner aforesaid on or before April the first, one thousand nine hundred and thirty-five, and shall take office on the first day of April, one thousand nine hundred and thirty-five, and serve for a period of three years or until their successors are appointed and qualified. Every three years from April first, one thousand nine hundred and thirty-five, members of said Civil Service Commission shall be named and appointed in the aforesaid manner for a term of three years, and any member of said Commission shall be eligible for re-election or re-appointment by any of the agencies designated for naming members of said Commission. In the event of a vacancy occurring in the membership of said Commission by the death, resignation or disqualification of any member thereof, such vacancy shall be filled by the action of the agency or agencies originally naming such deceased or resigned or disqualified member of said Commission.

SEC. 2. That the members of said Civil Service Commission, in addition to the requirements set forth in the foregoing section, shall possess the general qualifications now or hereafter required of other officers of the City of Raleigh and shall take a similar oath (or affirmation) of office.

SEC. 3. That the Civil Service Commission shall have full charge of passing upon the qualifications and certifying the eligibility of all persons to be appointed as employees for the Fire Department and Police Department of the City of Raleigh, and also shall have full charge of the removal and discharge of said employees from the aforesaid departments (except as is hereinafter specifically provided in respect to the naming and removal of the chiefs of said departments). That no person or applicant shall be eligible for employment as a member of the Fire De-

Membership qualifications.

Appointment of members.

Time of appointment.

Term of office.

Vacancy appointments.

Oath of office.

Power of Commission to pass on eligibility.

Removal and discharge.

Rules and regulations as to applicants.	<p>partment or Police Department, nor shall any member of said departments be removed or dismissed therefrom, except by the majority action of the Civil Service Commission. That said Civil Service Commission shall make all necessary rules and regulations relating to the requirements of applicants for positions in said departments as well as establish rules and regulations relating to the conduct and standard of service of the employees of the aforesaid departments. Such rules and regulations shall be printed and made available for public inspection and for the use of employees and applicants for employment in said departments: <i>Provided, however,</i> that all such administrative or supervisory powers and authority over said departments as are not specifically delegated in this Act to said Civil Service Commission shall be retained by the governing body of the City of Raleigh.</p>
Printing and distribution.	
Certain powers excepted.	
Competitive examinations.	<p>SEC. 4. That all applicants for positions in the Fire Department or Police Department of the City of Raleigh shall be subjected to an examination by the said Civil Service Commission, which shall be competitive and free to all persons possessing the right of suffrage and meeting all requirements prescribed by said Commission, subject to reasonable and proper limitations as to residence, age, health, and moral character, which said examinations shall be practical in their character and shall relate to those matters tending fairly to test the capacity and qualifications of the applicants to discharge proficiently the duties of the position to which they seek appointment, and shall include examinations as to physical and mental qualifications as well as general fitness; but no such applicant shall be examined concerning his or her political or religious opinions or affiliations. That said Civil Service Commission shall establish such necessary and proper regulations as it sees fit relating to the moral worth and character of all applicants for positions in the Police Department and Fire Department of the City of Raleigh, to the end that all persons certified by the Civil Service Commission as eligible for employment in said departments shall be persons of good character as well as possessing necessary mental and physical qualifications. The Civil Service Commission shall provide in its system of grading applicants that all applicants who have served continuously for three or more years in the Fire or Police Departments of North Carolina towns or cities having populations of twenty thousand or more, or who have actively served three or more years in the United States Army, Navy or Marine Corps, shall be allowed or given fifteen per cent credit upon the mental or intelligence examinations on account of such former service and experience: <i>Provided, however,</i> that no applicant shall be allowed such credit for such former experience if he shall have been dismissed from such former service on account of incompetence, moral unfitness, or because of any violation of any regulations</p>
Details of examinations.	
Regulations as to character of applicants.	
Credit given for past service.	
Exceptions.	

- incident to such former employment: *Provided*, that no person shall be appointed to the Fire Department whose age exceeds thirty-two years or to the Police Department whose age exceeds thirty-eight years, except that in case of former employees of either the Police Department or Fire Department of the City of Raleigh who, prior to the ratification of this Act, served continuously for three or more years in either of said departments of said city, and who had good records in said departments and were not dismissed therefrom for cause, the Commission may, in its discretion, waive the aforesaid age limits as to said former employees who served in said departments prior to the ratification of this Act: *Provided, however*, that no such former employee shall be employed for the Fire Department who is over forty years of age or for the Police Department who is over forty-five years of age.
- SEC. 5. That notice of the time and place of every examination shall be given by the Civil Service Commission by publication for once a week for two weeks immediately preceding such examination in one of the newspapers having the largest or next largest circulation in the City of Raleigh, and such notice shall be posted in a conspicuous place in the office of the Civil Service Commission and on the Bulletin Board of the city for at least two weeks next preceding such examination.
- SEC. 6. That said Commission shall prepare and keep as a permanent record of the Commission a register of all persons successfully passing such examinations, accurately reflecting the grades made by such applicants. Appointments to positions in the Police Department and in the Fire Department shall be made only from the list of successful applicants as certified by the Commission (except in case of the chiefs of said departments). The order of priority for appointment to such position shall be determined under such rules and regulations as shall be made by the Civil Service Commission. Whenever any appointment is to be made to either of said departments, the Commission shall certify from said registered list of successful applicants three names for each appointment so to be made, and the appointments shall be made only from among the names thus certified by the Commission.
- SEC. 7. That all promotions in each of said departments shall be made by its respective chief, by and with the approval of the Civil Service Commission. The Chief of the Fire Department and the Chief of the Police Department shall be appointed by the chief administrative officer of the Department of Public Safety, by whatever name called, subject, however, to the approval of the Civil Service Commission of the City of Raleigh. The Chief of the Fire Department shall be chosen from the officers of said department.

Age limits.

Waiving age limits in certain cases.

Notice of examinations published.

Register of persons passing examinations.

Appointment from register only.

Department chiefs excepted.

Order of priority.

Promotions.

Appointment of department chiefs.

Political activity prohibited.	<p>SEC. 8. That no officer or employee of said Fire or Police Departments shall participate or take any part in any election, primary, or any political contest in any manner other than that of exercising his or her right as a citizen to vote, and any officer or employee of the Fire Department or Police Department who shall violate this provision shall be dismissed from service in said department. The members of said departments shall not make any donation to any political party, faction or cause, under penalty of dismissal.</p>
Penalty of dismissal.	
Dismissal only for cause and after notice.	<p>SEC. 9. That no officer or employee of the Fire Department or Police Department of the City of Raleigh (except as hereinafter provided) who shall be in good standing at the time of the passage of this Act, or who shall thereafter be appointed under the rules and regulations provided for herein, shall be dismissed, removed, suspended or discharged except for cause, and upon written complaint, and after he or she shall have been given reasonable opportunity for an open hearing by said Civil Service Commission in defense of such charges: (<i>Provided</i>, that the foregoing provisions of this section shall not apply to the offices of the Chief of the Fire Department or Chief of the Police Department of the City of Raleigh, it being the intent and purpose of this proviso to leave the matter of the dismissal, appointment or reappointment of chief of said departments in the hands of the chief administrative officer of the Department of Public Safety, by whatever name called, subject, however, as herein before set forth, to the approval of said Civil Service Commission). And in the event the charges preferred against such officer or employee shall be sustained, said Civil Service Commission, in the exercise of its discretion, may dismiss or discharge said officer or employee from service or may fine or penalize such officer or employee in an amount not exceeding thirty days' salary of such officer or employee; and said Commission may suspend such officer or employee pending such hearing, such suspension not to exceed a thirty-day period at any one time. In the event a member of either of said departments commits any flagrant offense he may, pending hearing by the Commission, be immediately suspended by the chief of such department for a period not exceeding thirty days. In the conduct of such hearing or investigation said members of said Civil Service Commission shall have the right and power to compel, by subpoena, both the attendance and testimony of witnesses, together with the production of books and papers relevant to such investigation. The action of said Civil Service Commission in respect to the matters contained in this section shall be final and conclusive.</p>
Hearing.	
Dismissal or other punishment when charges sustained.	
Suspensions.	
Action of Commission conclusive.	
Annual reports.	<p>SEC. 10. That said Commission, together with the chiefs of each department, shall, at the end of the fiscal year, make an annual report of its action for the preceding year, and it may</p>

include in said reports the opinions of said Commission as to the practical effects of the rules, plan or system in use, together with suggestions for improvement of said departments, which said annual reports shall be kept in the files of said Commission and a copy delivered to the governing body of the city.

SEC. 11. That said Commission shall meet as soon as practical and organize by electing one of its members Chairman and one who shall act as Secretary. The Secretary shall keep the minutes of the proceedings of said Commission and shall be custodian of all papers pertaining to the business of said Commission. He shall keep a record of all examinations held, and perform such other duties as said Commission shall prescribe, for which he shall be paid compensation to be fixed by the governing body of the City of Raleigh in an amount not less than two hundred dollars nor more than three hundred dollars a year, to be paid out of the general fund of said city.

SEC. 12. That the governing body of the City of Raleigh shall provide suitable rooms for said Civil Service Commission and shall allow such reasonable use of public buildings for holding examinations and hearings by such Commission as may be necessary. The City of Raleigh shall also pay all necessary expense of said Civil Service Commission incident to its operation: *Provided*, no such expense shall be incurred by the Commission unless the same shall have been approved in advance by the governing body of the city.

SEC. 13. That the members of the Civil Service Commission shall each be paid out of the general funds of the City of Raleigh the sum of one hundred dollars per year for their services, except the Secretary, who shall be compensated as hereinbefore provided.

SEC. 14. That nothing in this Act contained shall be so construed as to deprive the governing body of the City of Raleigh of its control over the finances of such city. The salaries of all officers or members of both departments shall be fixed by the governing body of said city.

SEC. 15. All members of the Fire Department and Police Department of the City of Raleigh at the time of the ratification of this Act shall be continued in such employment without being required to take the examinations required of applicants for such positions hereafter under this Act. But it shall be the duty of the Civil Service Commission immediately after it is appointed to inquire into and thoroughly investigate all present members of said departments for the purpose of determining their efficiency, their record and general fitness for their positions; and in event any member of either department shall be found to be disqualified and unfitted for such service, in the opinion of the Commission, such person, after being accorded a hearing by the

Contents.

Organization meeting of Commission.

Secretary.

Pay of secretary.

Provision for quarters.

Provision for expenses.

Pay of members of Commission.

Powers reserved to City.

Present employees not required to take examination.

Investigation of present employees.

Commission, may be removed and discharged from service by said Commission in its discretion.

Conflicting laws repealed.

SEC. 16. That all laws or clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 17. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, A.D. 1935.

S. B. 149

CHAPTER 51

AN ACT TO EXTEND THE AUTHORITY OF THE POLICE OFFICERS OF THE TOWN OF DUNN.

The General Assembly of North Carolina do enact:

Ch. 235, Private Laws 1905, amended.

Jurisdiction of Dunn police extended

SECTION 1. That Section twenty-six of Chapter two hundred and thirty-five of the Private Laws of nineteen hundred five be and the same is hereby amended by adding after the word "hands" in section twenty-six thereof the following, to wit: "The police officers of the Town of Dunn shall have authority and such officers are hereby authorized to make arrests of violators of ordinances of the Town of Dunn to compel the abatement of all public nuisances, houses of ill-fame, pool rooms, gambling dens, lewd shows, and all other like places when and where the laws of the land are openly and defiantly broken and against the peace and dignity and morality of said town, within the town or within one and one-half miles of the corporate limits of the town."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from date of its ratification.

Ratified this the 5th day of March, A.D. 1935.

S. B. 247

CHAPTER 52

AN ACT TO CORRECT A CLERICAL ERROR IN SENATE BILL NUMBER ONE HUNDRED FORTY-SIX.

The General Assembly of North Carolina do enact:

S. B. 146, Private Laws 1935, amended, correcting error in Act establishing town limits of Biltmore Forest.

SECTION 1. That Senate Bill one hundred forty-six, entitled, An Act to Restore the Original Corporate Limits of the Town of Biltmore Forest, in Buncombe County, and to Authorize the Issuance of Refunding Bonds by Said Town, is hereby amended for the purpose of correcting a clerical error in said bill as here-