

ARTICLE IX: CRIMINAL BACKGROUND CHECKS

BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, that Article IX of Chapter 2 of the Eden City Code is hereby amended as follows:

Section

- 2-250 Purpose
- 2-251 Delegation of Authority
- 2-252 Procedure for Evaluation
- 2-253 Confidentiality

§ 2-250 PURPOSE.

In order to protect the citizens of the city and their properties, the City of Eden deems it a necessary use of its police powers to obtain fingerprints and criminal history checks in evaluating certain applications, including, but not limited to: applications for regular full and part-time employment with the City; applications for coaches, assistant coaches or other volunteers working directly with children participating in City of Eden activities and events; and applications for permits or licenses for adult establishment, dance hall, game room, massage business, pawn broker, peddler, charitable solicitor, magazine solicitor, itinerant merchant, taxi driver, and ABC (local opinion forms). Individuals being considered as final applicants for coaches, assistant coaches or other volunteers working directly with children participating in City of Eden activities and events shall provide a criminal history check as hereinafter provided. (Ord. passed 10-21-08) (Am. Ord. passed 03-22-11) (Am. Ord. passed 10-16-12)

§ 2-251 DELEGATION OF AUTHORITY.

The City Manager, or designee, is authorized to conduct an investigation of an individual's criminal history when required by the City Code. The individual shall upon request provide fingerprints and all other necessary personal identification, including a birth certificate, social security number, and drivers license, if available, so the city manager or designee, may cause a thorough search to be made of local and state criminal records to determine if the individual has a history of criminal convictions by use of the Division of Criminal Information Network (DCIN). The City of Eden police department shall provide the findings from the use of the DCIN to the city manager, provided that all necessary agreements with the State Bureau of Investigation Criminal Information and Identification Section have been executed.

§ 2-252 PROCEDURE FOR EVALUATION.

(A) If the Criminal History Record Inquiry (CHRI) received from the City of Eden Police Department indicates the existence of a possible record, the City Manager or designee shall verify existence of a

record by either obtaining a certified public record or by submitting a fingerprint card of the individual to the State Bureau of Investigation Criminal Information and Identification Section for verification that the CHRI record belongs to the individual.

(B) If any criminal history check verifies a prior record for the individual, the applicable clerk of court shall be contacted to obtain the record. The City of Eden shall pay the cost of obtaining a criminal history record check; and other than for employment or volunteer purposes, the subject individual shall reimburse the City for said cost.

(C) Any evaluation of a criminal history record for an individual will take into account the nature, circumstances, and time frame of the offense as it relates to the purpose for which the search was originally required.

§ 2-253 CONFIDENTIALITY.

The information provided by the individual and the information obtained by the criminal history check is sensitive information, and parties handling the information shall comply with all laws and regulations concerning non-public confidential information.

(Ord. passed 10-21-08)

Adopted and effective this 16th day of October, 2012

John E. Grogan, Mayor

Attest:

Sheralene Thompson, City Clerk