



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA**

BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Code of Ordinances shall be amended as follows:

PART I. That Section 16-1 **Smoking in municipal buildings**, be rescinded in its entirety as follows:

Sec. 16-1—Smoking in municipal buildings.

(a) ~~Definitions.~~ The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

~~Designated smoking areas~~ means confined areas of adequate space with proper ventilation and/or exhaust systems where smoking is granted permissible by proper authority.

~~No smoking areas~~ means any building or portion thereof owned and/or operated, presently or in the future, by the town where appropriate signs prohibiting smoking have been posted.

~~Private office~~ means a confined space with walls, floor, ceiling and doors, totally separate from all other work stations, offices and co-workers.

~~Public~~ means visitors, taxpayers, vendors or any other person that is not a town employee. This does not include suspects brought in for interrogation.

~~Smoke/smoking~~ means the inhaling, exhaling, burning or carrying of a lighted pipe, cigar, cigarette or other combustible tobacco product.

(b) ~~Restricted smoking areas.~~ Smoking is prohibited in all town owned and/or operated buildings except where "designated smoking areas" are assigned.

(1) ~~Computer work stations.~~ As a result of the damage smoke has on computers, smoking will not be allowed in rooms, including private offices, containing computer equipment (i.e., word processors, PC's and mainframes).

(2) ~~Public contact/customer service areas.~~ Any office, room or reception area where employees are dealing with the public will be smoke free. Signs will be posted to properly inform the public as they enter town buildings.

(3) ~~Conference rooms.~~ There will be no smoking in conference rooms or areas when meetings of three or more people are held.

(4) ~~Hazardous material/equipment.~~ No smoking will be allowed in the presence of combustible materials, chemicals, and related operating and control equipment.

(5) ~~Private offices.~~ Unless the office is a "designated smoking area," then smoking is prohibited in all private offices.

(6) ~~Indoor open work areas.~~ Where two or more employees share working space, smoking will not be allowed.

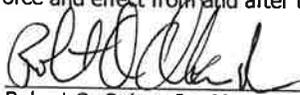
(c) ~~Designated smoking areas.~~ It will be the responsibility of the department head, in coordination with the personnel department, to determine the "designated smoking areas" within town buildings. In these areas, smokers will show courtesy to nonsmokers and the public. Emptying the ashtrays is the responsibility of those who utilize the designated smoking areas. The following are general areas where smoking will be permitted:

(1) ~~Outdoor work sites.~~ Smoking will be allowed outside, except when it violates safety standards (e.g., use of chemicals, operating machinery, etc.).

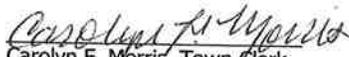
- ~~(2) *Town vehicles.* Smoking is permitted in town vehicles, providing there are no objections from nonsmokers. Courtesy shall be shown to nonsmokers.~~
- ~~(d) *Policy control.* The department heads, along with supervisors, will be responsible for enforcing the stipulations of this section. Employees not adhering to the policy may be subject to disciplinary action under article VIII, section 2, of the personnel policy. Measures to be taken for implementation and enforcement of this section are as follows:

 - ~~(1) *Signs.* Standard "No Smoking" signs will be created and posted in all restricted areas throughout the town.~~
 - ~~(2) *Tobacco product receptacles.* Receptacles are to be purchased and placed at all entrances to town buildings to be used for disposal of burning tobacco products.~~
 - ~~(3) *Breaks.* Department heads and supervisors shall control break times for employees (smokers and nonsmokers) of their respective departments.~~~~

PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the 16th day of October 2013.


 Robert O. Oakes, Jr., Mayor
 Town of Nags Head

ATTEST:


 Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:

 John Leidy, Town Attorney

Date adopted: October 16, 2013

Motion to adopt by Commissioner _____
 Motion seconded by Commissioner _____
 Vote: _____ AYES _____ NAYS