



**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 Chapter 8 Beaches and Waterways of the Code of Ordinances shall be amended as follows:

PART I. That **Sec. 8-2. Swimming; prohibited during dangerous conditions;** be amended as follows:

Sec. 8-2. - Swimming; prohibited during dangerous conditions.

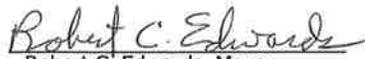
(a) It is recognized that during certain periods of time, as a result of a combination of environmental conditions, dangerous riptides and undercurrents occur in the ocean surf making ocean conditions unsafe for swimmers. The town manager is authorized, when he shall make a determination that conditions are unsafe for swimmers in the Atlantic Ocean, to prohibit all swimming in the Atlantic Ocean until such time as he shall determine that the unsafe conditions have abated. During such periods in which swimming is prohibited and after notice is given to the public by announcement on the local radio station and by the posting of signs on the public accesses to the Atlantic Ocean, swimming in the Atlantic Ocean shall be unlawful. The town manager shall make the determination of whether or not ocean conditions are safe based upon his observation of the effects of winds, tides, storm conditions and other environmental conditions affecting the surf in the Atlantic Ocean. He shall also take into consideration weather reports of existing storms in the Atlantic Ocean and the proximity of those storms to the beaches of the town, and the effect thereof.

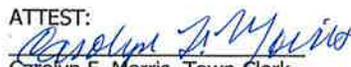
(b) The term "swimming," as used in this section, is defined to mean and include any entry into the water of the Atlantic Ocean whether assisted by a raft, float, or other aid or device commonly used, but shall not include any entry assisted by a "surfboard" or "body board and fins" as defined in this section.

The term "surfboard," as used in this section, shall be defined as a fiberglass and foam combination at least five feet in length, having a minimum of one fin and used in conjunction with a leash.

The term "body board and fins" as used in this section, shall be defined as a modern high performance body board and fins consisting of foam core encapsulated by a durable hard plastic bottom, a foam top deck, and foam side rails. The core is made of polyethylene or polypropylene and incorporates stringers for rigidity. A durable coiled leash shall be attached securely to the front of the board. Body boards constructed of Styrofoam or; those affixed with a nylon mesh cover and woven cord leash shall not meet the intent of this ordinance. "Fins" as used in this section shall mean surf type fins suitable for use in turbulent water, properly fitted and worn. Fins intended primarily for SCUBA use shall not meet the intent of this ordinance.

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 21st day of January 2015.


Robert C. Edwards, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: January 21, 2015

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS

