



**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 Chapter 26 Offenses and Miscellaneous Provisions, Section 26-11
Cooperative Law Enforcement Policy be created as follows:**

Sec 26-11. COOPERATIVE LAW ENFORCEMENT POLICY

26-11.1 ESTABLISHED.

(A) In accordance with these rules, policies and guidelines, the Chief of Police is authorized to enter into mutual assistance arrangements with municipal, county, state and federal law enforcement agencies, provided that such request and authorizations shall comply with G.S. §§ 153A-212, 160A-288, 160A-288.2 and 90-95.2, as applicable.

(B) The Chief of Police is authorized to permit officers of the Police Department to work temporarily with officers of a requesting agency, including in an undercover capacity, and the Chief of Police may lend such equipment and supplies to requesting agencies as he deems advisable.

26-11.2 DURATION OF AGREEMENT.

The agreement entered into by and between the town and the other law enforcement agencies as provided for herein shall continue in full force and effect for a period of one year, to be renewed in writing annually with an effective date of January 1. A copy of each agreement shall be kept on file in the office of the Chief of Police and on file with the Town Clerk.

26-11.3 POWERS, RIGHTS AND PRIVILEGES.

While working with a requesting agency, an officer shall have the same jurisdiction, powers, rights, privileges and immunities (including those relating to the defense of civil actions and payment of judgments) as the officer of the requesting agency in addition to those he normally possesses.

26-11.4 ADMINISTRATIVE CONTROL.

While on duty with the requesting agency, the police officer shall be subject to the lawful orders and operational commands of superior officers in the requesting agency; however, for personnel and administrative purposes, he shall remain under the control of the town, and the payment of compensation or salary is the town's responsibility. Also, such officers shall be entitled to workers' compensation and the same benefits when acting pursuant to request for assistance under G.S. § 160A-288 as though he were functioning within the normal scope of his duties with the town.

26.11.5 AUTHORITY.

Each mutual assistance agreement shall be reviewed and approved by the Town Attorney and shall be effective upon its execution by the Town Police Chief and the appropriate department head of the other law enforcement agency that is a party to the agreement.

**PART II. That Chapter 26 Offenses and Miscellaneous Provisions, Section 26-12
Cooperative Fire Response Policy be created as follows:**

Sec. 26-12. COOPERATIVE FIRE RESPONSE POLICY

26-12.1. ESTABLISHED.

(A) In accordance with these rules, policies and guidelines, the Fire Chief is hereby authorized to enter into mutual assistance arrangements with municipal, county and volunteer departments, provided that request and authorizations shall comply with the North Carolina General Statutes.

(B) The Fire Chief is hereby authorized to permit officers of the Fire Department to work temporarily with officers of a requesting department, and the Fire Chief may lend equipment and supplies to requesting agencies as he deems advisable.

The agreement entered into by and between the town and other fire departments as provided for herein shall continue in full force and effect until terminated in writing by either party thereto. A copy of each agreement shall be kept on file in the Fire Chief's office and on file with the Town Clerk.

26-12.2 ADMINISTRATIVE CONTROL.

Any employee of the Fire Department, while engaged in any duty or activity outside the corporate limits of the town pursuant to orders of the Fire Chief or Council, shall have all of the jurisdiction, authority, rights, privileges and immunities, including coverage under the worker's compensation laws, which they have within the corporate limits of the town.

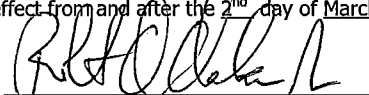
26-12.3 AUTHORITY.

Each mutual assistance agreement shall be reviewed and approved by the Town Attorney and shall be effective upon its execution by the Fire Chief and the appropriate chief of the other fire department that is a party to the agreement.

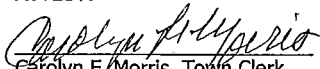
26-12.4 VIOLATIONS.

Any person who shall violate or fail to comply with any provision of this chapter or of the North Carolina Fire Code, as adopted, amended, or augmented by this chapter, or who shall violate or fail to comply with any order made under this chapter or the North Carolina State Building Code, or who shall construct or alter any building in violation of any detailed statement of specifications or plans submitted under this chapter or the North Carolina Fire Code, or any certificate or permit issued thereunder, shall subject the violator to civil penalties in accordance with Sec. 1-6 of the town code.

PART III. 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 2nd day of March, 2011.

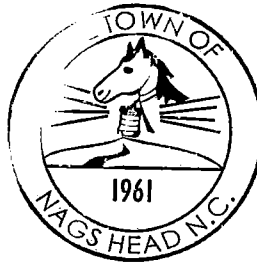

Robert O. Oakes, Jr., Mayor
Town of Nags Head

ATTEST:


Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney



Date adopted: March 2, 2011
Motion to adopt by Commissioner _____
Motion seconded by Commissioner _____
Vote: _____ AYES _____ NAYS