

SMOKING POLICY

POLICY:

It is the policy of the Omaha Police Department (OPD) to comply with Mayor's Executive Order #S-12-13, "[No Smoking Policy](#)." Smoking is prohibited in police buildings and vehicles by sworn or non-sworn employees, contractors, visitors, or arrestees. There is no smoking allowed on the plaza in front of Police Headquarters. Smoking is allowed only in designated smoking areas.

DEFINITIONS:

City Facility: Per Mayor's Executive Order #S-12-13, "City Facility" means any indoor office, work area, or location used by the general public or serving as a place of work for City employees that is owned, leased, or rented and under the day-to-day control of the City of Omaha.

Smoking: Per Mayor's Executive Order #S-12-13, "Smoking" means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device. An electronic smoking device is an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.

Vehicle: Per Mayor's Executive Order #S-12-13, "Vehicle" means any self-propelled conveyance designed for use upon City streets that is owned, leased, or rented by the City of Omaha.

PROCEDURE:

I. General

- A. The City of Omaha is committed to providing a safe and healthy workplace and to promoting the health and wellbeing of its employees and "customers" – taxpayers doing business with City government.
- B. Smoking, in all forms, is prohibited by all persons in any City Facility or City-Owned Vehicle.

II. Enforcement

- A. Reasonable efforts to prevent smoking in City Facilities and/or City-Owned Vehicles have been enacted including, but not limited to, the following:
 - 1. Posting appropriate signs.
 - 2. Asking smokers to refrain from smoking in a smoke-free area, citing the Nebraska Clean Indoor Air Act and City policy.
 - 3. Informing violators that they are guilty of a Class V misdemeanor for the first offense and a Class IV misdemeanor for the second and subsequent offenses (NRS §[71-5733](#)).
 - 4. Taking any other appropriate actions, including disciplinary action for City employees pursuant to [Collective Bargaining Agreements \(CBA\)](#) or [Chapter 23](#) of the Omaha Municipal Code.

III. Designated Smoking Areas

- A. Smoking is allowed outside of Police Headquarters only in the area east of the police parking lot on the concrete slab with picnic tables.

1. Smoking is not allowed in the plaza area in front of Police Headquarters.
- B. Designated smoking areas at other police facilities is identified by the senior command officer assigned to the facility.
 1. Proper receptacles for trash and smoking materials are furnished in the designated areas.

REFERENCES:

I. Laws

- A. Nebraska Revised Statute [§71-5716 through 71-5734](#), the Nebraska Clean Indoor Air Act, is referenced in this policy.
- B. Omaha Municipal Code [Chapter 23](#) is referenced in this policy.

II. Mayoral Executive Orders

- A. Mayoral Executive Order #S-12-13, "[No Smoking Policy](#)" is referenced in this policy.

III. Previous OPD Orders

- A. Previous OPD General Orders include: #17-93, 17-93 Sup #1, 24-96, 86-02, 21-10, and 62-18.
- B. Previous OPD Information Orders include: #4-94.