



Aldermen

Sabrina Bengel  
Jameesha Harris  
Robert V. Aster  
Johnnie Ray Kinsey  
Barbara J. Best  
Jeffrey T. Odham

**NEW BERN**  
CITY OF NEW BERN  
300 Pollock Street, P.O. Box 1129  
New Bern, NC 28563-1129  
(252) 636-4000

Dana E. Outlaw  
Mayor

Mark A. Stephens  
City Manager

November 7, 2018

Via Email Transmission and U.S. First Class Mail

Joint Legislative Oversight Committee on  
Justice and Public Safety:

Representative James L. Boles, Jr., Co-Chair  
N.C. House of Representatives  
300 N. Salisbury Street, Room 528  
Raleigh, NC 27603-5925  
[Jamie.Bowles@ncleg.net](mailto:Jamie.Bowles@ncleg.net)

Representative Ted Davis, Jr., Co-Chair  
N.C. House of Representatives  
300 N. Salisbury Street, Room 4178  
Raleigh, NC 27603-5925  
[Ted.Davis@ncleg.net](mailto:Ted.Davis@ncleg.net)

Senator Shirley B. Randleman, Co-Chair  
North Carolina Senate  
300 N. Salisbury Street, Room 628  
Raleigh, NC 27603-5925  
[Shirley.Randleman@ncleg.net](mailto:Shirley.Randleman@ncleg.net)

Joint Legislative Administrative Procedure  
Oversight Committee:

Representative Jonathan C. Jordan, Co-Chair  
N.C. House of Representatives  
300 N. Salisbury Street, Room 420  
Raleigh, NC 27603-5925  
[Jonathan.Jordan@ncleg.net](mailto:Jonathan.Jordan@ncleg.net)

Senator Andy Wells, Co-Chair  
North Carolina Senate  
16 W. Jones Street, Room 1028  
Raleigh, NC 27601-2808  
[Andy.Wells@ncleg.net](mailto:Andy.Wells@ncleg.net)

Dear Legislators:

Pursuant to Session Law 2018-69, House Bill 379, enclosed is a list of all ordinances adopted by the Board of Aldermen of the City of New Bern that are punishable pursuant to North Carolina General Statute §14-4(a).

Sincerely,

Brenda E. Blanco, CMC, NCCMC  
City Clerk

Enclosure

xc: Susan Sitze, Esq. (Via email @ [Susan.Sitze@ncleg.net](mailto:Susan.Sitze@ncleg.net))

Ordinances Enacted by the Board of Aldermen of the  
City of New Bern Punishable Pursuant to G.S. § 14-4(a)

Section 6-7. *Penalty for cruelty to animals*: Provides the penalty for anyone willfully engaging in any act of cruelty to any animal as described in Chapter 6. *Animals and Animal Control*.

Section 6-9. *Continuous tethering prohibited*: Imposes restrictions on the tethering of dogs.

Section 6-12. *Animals prohibited at street fairs, festivals or parades*: Prohibits animals within 150 feet of any street fair, festival or parade sanctioned or permitted by the city, with the exception of (1) service animals, (2) licensed or permitted kennels or animals that are part of a parade or sanctioned street fair or festival and (3) law enforcement animals.

Section 6-14. *Dangerous or potentially dangerous dog*: Imposes restrictions on the housing and control of dangerous or potentially dangerous dogs and provides for permanent identification of declared dogs and possible obedience training/behavior modification, as well as permit fees and registration of dogs declared potentially dangerous, dangerous or vicious, and liability for dog bites.

Section 6-16. *Defecation on streets, public and private property*: Makes it unlawful for the custodian of an animal to fail to remove feces deposited by the animal on any private property and on any street, sidewalk, cemetery, park or other publicly owned area.

Section 15-278. *Penalties for violation*: Provides the penalty for a violation of, or failure to comply with the provisions and requirements of Article XVI. *Floodways, Floodplains, Drainage and Erosion*, the purpose of which is to promote public health, safety and welfare and minimize public and private losses due to flood conditions within flood prone areas.

Section 15-556. *Enforcement*: Provides the penalty for the violation of, or failure to comply with the provisions and requirements of Article XXVI. *Stormwater Quality Management and Discharge Control*, the purpose of which is ensure the health, safety and welfare of its citizens, protect and enhance the water quality of watercourses and water bodies, ensure that the City remains in compliance with the Neuse Riparian Buffer Rule and Neuse Stormwater Rule and that the City has a stormwater management program consistent with the Federal Clean Water Act, and to establish minimum criteria to control and minimize the impacts of stormwater runoff from development within the city.

Section 26-32. *Procedures under this article not exclusive*: Provides that the City may proceed in a criminal action, as provided in G.S. § 14-4, against anyone violating the provisions of Article II, *Nuisances*, under Chapter 26, *Environment*, which declares certain conditions that may exist on any lot or parcel of land within the city's corporate limits to be dangerous and prejudicial to the public health and safety of its inhabitants and constitute a public nuisance. This article also addresses abandoned vehicles.

Section 30-48. *Penalty for violation of the fire prevention code or any provision of articles I and II of this chapter*: Provides the penalty for the violation of any of the provisions of Article I. *In*

*General*, and Article II. *Fire Prevention Code*, of Chapter 30. *Fire Prevention and Protection*. Article I imposes restrictions regarding interference with fire fighters and fire apparatus, and makes it unlawful to congregate at fire scenes in a manner that interferes with the activities of the fire department, to obstruct fire hydrants, to give or aid anyone in giving false fire alarms or to molest any fire alarm, fire-detection or fire-extinguishing system. Article II. *Fire Prevention Code*, sets out the fire prevention code for the City of New Bern.

Section 39-14. *In rem action by the code enforcement officer*: Restricts any person from occupying, or knowingly allowing the occupancy of a nonresidential building or structure that has been found to be unfit for any use under Chapter 39. *Nonresidential Building or Structure Code*.

Section 46-1. *Loitering for purpose of drug-related activities*: Makes it unlawful for any person to loiter in a public place for the purpose of carrying on drug-related activities.

Section 46-5. *Consumption and possession of malt beverages, unfortified wine, and alcoholic beverages in public places*: Prohibits the sale and consumption of alcoholic beverages on any public street, road, highway, sidewalk, right-of-way, alley, park, facility or other property owned or occupied by the city except as authorized by a public assembly alcohol permit or sidewalk café permit, excluding any real property owned by the city that is subject to a lease or encroachment agreement.

Section 46-10. *Public solicitation and begging regulated*: Imposes restrictions on soliciting, begging, or asking for money or other things of value, and soliciting or otherwise offering the sale of goods or services.

Section 54-420. Provides the penalty for any public official or employee who knowingly, willfully, and with malice permits any person to have access to information contained in a personnel file, except as permitted under Article XII. *Personnel Records and Reports* of Chapter 54. *Personnel*.

Section 62-6. *Prohibited dispositions of refuse; littering*: Prohibits littering, and the disposition of refuse, as therein described, into any catch basin or manhole, on any premise or vacant property, or any street, alley, highway, footway, sidewalk, park or other public place or space located within in the city, and prohibits the burning of leaves and other refuse on city streets and sidewalks.

Section 66-41. *Penalty*: Provides the penalty for the violation of any of the provisions of Article II. *Driveway Construction* of Chapter 66. *Streets, Sidewalks and Other Public Places*, which provides the requirements for the installation of any driveway from a public street to adjoining property that must cross a curb, public sidewalk, or drainage pipe to be laid in a roadside ditch.

Section 74-130.10. *Application, violation, enforcement, penalties*: Provides the penalty for any person who uses water in violation of a restriction or ban imposed on the use of water during a mandatory conservation period, a period of water shortage emergency, or in violation of a water rationing policy, as may be determined by the city manager pursuant to Section 74-130.1. *Water*

*shortage policy* of Division 4. *Water Shortage Response Program* of Article III. *City Water and Sewerage Systems*, or who interferes with any action undertaken or ordered pursuant to Section 74-130.10 and policies adopted thereunder.

Chapter 82, *Vehicles for hire*: Imposes restrictions and requirements for the operation of vehicles for hire within the city.