

**AN ORDINANCE TO AMEND ARTICLE VI. STOPPING, STANDING AND PARKING” OF CHAPTER 70 “TRAFFIC AND VEHICLES” OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN**

THAT WHEREAS, the Fire Department of the City of New Bern recommends that certain amendments be made to Article VI. “Stopping, Standing and Parking” of Chapter 70 “Traffic and Vehicles” of the Code of Ordinances of the City of New Bern; and

WHEREAS, the Board of Alderman of the City of New Bern deems it advisable and in the public interest to effect said revisions to Article VI. “Stopping, Standing and Parking” of Chapter 70 “Traffic and Vehicles” of the Code of Ordinances of the City of New Bern.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

SECTION 1. That Article VI. “Stopping, Standing and Parking” of Chapter 70 “Traffic and Vehicles” of the Code of Ordinances of the City of New Bern be and the same is hereby amended by adding Division 4. “Fire Lanes and Fire Apparatus Access Roads” as follows:

**“DIVISION 4. – FIRE LANES AND FIRE APPARATUS ACCESS ROADS**

**Sec. 70-290. Definitions.**

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

*Fire apparatus access road* and *Fire lane* shall have such meaning as defined in the most recent edition of the North Carolina Fire Prevention Code, specifically including appendix D, as adopted and published by the North Carolina Building Code Council, as the same may be amended from time to time.

**Sec. 70-291. Establishment of fire lanes on private property.**

The city’s fire code official shall establish fire lanes (also referred to as “fire apparatus access roads”) on private property as required and specified by the North Carolina Fire Prevention Code, as the same may be amended from time to time.

**Sec. 70-292. Establishment of fire lanes on public right-of-ways.**

The board of aldermen may establish fire lanes (also referred to as “fire apparatus access roads”) on public right-of-ways, for the protection of life, safety, and property. All such fire lanes on public right-of-ways shall be identified and designated in this chapter.

**Sec. 70-293. Fire lanes to be marked.**

Areas designated as fire lanes (or fire apparatus access roads) where parking is prohibited shall be clearly marked with yellow or another suitable color of paint with the words "No Parking - Fire Lane," and the boundaries, borders, or curbs shall be clearly visible. The person or legal entity in possession of the property on which a fire lane is marked or signed shall be responsible for installation and maintenance of the required signs or pavement markings.

**Sec. 70-294. Obstruction of fire lanes unlawful.**

It shall be unlawful for any person or persons to park or leave a motor vehicle or to place any other object, structure, or obstruction in a fire lane (or fire apparatus access road) which has been established and properly marked under the provisions of this division; provided, however, persons loading or unloading supplies or merchandise may park temporarily in a fire lane located in a shopping center or mall parking lot as long as the vehicle is not left unattended. It shall be lawful for governmental vehicles, including public transit vehicles, or nongovernmental emergency vehicles, including rescue squad vehicles, to stop, stand or travel within such fire lanes when required to do so in the performance of their official duties.

**Sec. 70-295. Conflict with North Carolina Fire Prevention Code.**

To the extent any provision of this division conflicts with the North Carolina Fire Prevention Code, the terms and requirements of the North Carolina Fire Prevention Code shall control."

**State Law reference** – G.S. 160A-301; G.S. 20-162; North Carolina Fire Prevention Code Chapter 5 and Appendix D.

SECTION 2. This ordinance shall be effective from and after the date of its adoption.

ADOPTED THIS 28<sup>th</sup> DAY OF NOVEMBER, 2017.

  
\_\_\_\_\_  
JEFFREY F. ODHAM, MAYOR PRO TEM

  
\_\_\_\_\_  
BRENDA E. BLANCO, CITY CLERK