

## **New Bern Parks and Recreation DEFENSE AGAINST ENCROACHMENT PROCEDURES**

The Director of Parks and Recreation shall consult with the City Attorney and Zoning Administrator regarding the matter.

In the event of an encroachment on the property boundary of any City Park property or green space by and adjacent landowner, the following procedures shall apply.

Major Encroachment - Any issue that will take longer than 30 days to mitigate once a 30-day notice has been issued. These encroachments include but are not limited to situations where long-term damage or alteration of public property occurs.

Minor Encroachment - Any item that can be mitigated within a 30-day written notice. Minor encroachments do not pose a long-term risk for damage or alteration to park property.

Examples of major and minor encroachments include the following:

- A neighbor extends their landscaping onto adjoining park land.
- A neighbor dumps yard debris (leaves, limbs, garden waste) onto adjoining park land.
- Neighbors build a treehouse or other structure on park land.
- A neighbor parks their RV or boat on park land not designated for this purpose.
- A neighbor builds a trail or bridge from their property to adjoining park land.
- A neighbor stores play/sports equipment on park land.
- A neighbor erects a structure (sidewalk, fence, building.) on park land.
- A neighbor removes landscaping (plants, shrubs, trees) or structures from park land.

To help prevent encroachment, Parks and Recreation shall:

- Identify property boundaries of all park property.
- Periodically review GIS records and aerials for encroachment.
- Conduct periodic walking boundary inspections for potential encroachment.
- Conduct a walking survey of all reported encroachments.

### 7.3 – Defense Against Encroachment Procedures

Once an encroachment has been identified, the following shall occur:

1. Upon notification or discovery, the issue shall be brought to the attention of the Director of Parks and Recreation.
2. The Director shall assign the appropriate Superintendent to verify and photograph the encroachment.
3. The Director or their designee shall meet in person with the property owner to discuss the encroachment. A follow up letter providing a 30-day abatement notice will be issued. A copy of the notice shall be sent to the City Attorney and Zoning Administrator.
4. If the property owner has not responded within the 30-day period, the Zoning Administrator, may issue fines in accordance with City Ordinance.
5. If the property owner continues to fail to comply with the Zoning Administrator, the City Attorney shall be consulted for the appropriate legal action.
6. All communications with property owners, along with staff survey notes and photographs, will be filed for future reference.

Approved – June 10, 2018



Foster Hughes, CPRE  
Director of Parks and Recreation