

Select definitions

Nighttime hours – 11:00 p.m. to 7:00 a.m., local time.

Unnecessary noise – Any excessive or unusually loud sound or any sound which disturbs the peace and quiet of any neighborhood or which does annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of any person or causes damage to property or business.

Sec. 12-5006. UNLAWFUL NOISE.

In addition to any other violation of this Code, it *shall* be unlawful to emit any unreasonably loud, annoying, frightening, loud and disturbing or *unnecessary noise*. Specifically, it *shall* be unlawful to emit noise of such character, intensity or duration as to be detrimental to the life or health of any individual. (Ord. No. 1977-580, §3, 7-5-77)

Sec. 12-5007. PROHIBITED NOISES.

In addition to any other violations of this Code, the *following* acts are specifically declared to be unreasonably loud, annoying, frightening, loud and disturbing or *unnecessary noise*, the emission of which *shall* be unlawful. Such enumeration *shall* not be deemed to be exclusive:

- (a) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- (b) The use of any gong or siren upon any vehicle other than police, fire, ambulance or other emergency vehicles.
- (c) The playing of any radio, phonograph, amplifier, television, tape deck, tape recorder, or musical instrument in such a manner or with such volume during the *nighttime hours* as to annoy or disturb the quiet, comfort or repose of any *person* or *persons* in any dwelling, hotel, motel or other type of *residence*.
- (d) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.
- (e) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as warning of danger.
- (f) The discharge into the open air of the exhaust of any stationary internal combustion engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (g) The erection (including excavating), demolition, alteration or repair of any building or other structure in a residential or business district other than between the hours of 7:00 a.m. and 8:30 p.m., except by permit from the building inspector when, in his opinion, such work will not create objectionable noise; upon complaint *in writing* of the occupant of *property* near the location of the work, the building inspector *shall* immediately revoke the permit and the work *shall* be immediately discontinued. The building inspector *may* permit *emergency work* in the preservation of public health or safety at any time.

- (h) The creation of any excessive noise on any *street* adjacent to any school, institution of learning or court, while the same are in session, or within one hundred fifty (150) feet of any hospital, which unreasonably interferes with the work of such institution or which disturbs or unduly annoys patients in the hospital.
- (i) The creation of loud and excessive noise in connection with loading or unloading any vehicles or the opening and destruction of bales, boxes, crates and containers.
- (j) The shouting and crying of peddlers, barkers, hawkers or vendors which disturbs the quiet and peace of the neighborhood.
- (k) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.
- (l) The conducting, operating or maintaining of any garage or filling station, or the repair, rebuilding or testing of any motor vehicle in any residential district, so as to cause loud or offensive noises to be emitted therefrom during the *nighttime hours*.
- (m) The firing or discharging of firearms in the *streets* or elsewhere for the purpose of making noise or disturbance, except by permit from the Police Department.
- (n) The creation of excessive noise by the operation of an airplane over the *City* by stunting, diving or otherwise operating an airplane for the purpose of advertising or otherwise.
- (o) No *person shall* keep or maintain, or permit the keeping of, on any premise, owned, leased; occupied or controlled by such *person*, any animal or fowl otherwise permitted to be kept which, by habitual or frequent sound, cry, howling, barking, squawking, meowing or other noise, *shall* disturb the quiet, comfort or repose of any *person*.
- (p) The operation on public *property* or on public vehicular areas of any sound amplifier which is part of, or connected to, any radio, stereo receiver, compact disc player, cassette tape player, or other similar device when operated in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle in which it is located is prohibited and is a violation of this section. The provisions of this section *shall* apply neither in the secondary fire district as described in §5-2034 of this Code nor on publicly owned sanitary landfill property.

(Ord. No. 1977-580, §3, 7-5-77; Ord. No. 1980-508, §13, 10-21-80; Ord. No. 1999-538, §1, 4-6-99; Ord. No. 2005-785, §2, 3-1-05)

Sec. 13-3017. NUISANCE PARTY.

(a) Definition.

A nuisance party is a party or other social gathering conducted in the *City* and which, by reason of the conduct of those *persons* in attendance, results in any one (1) or more of the *following* conditions or occurrences: unlawful public possession or consumption of alcohol, unlawful drunken and disruptive conduct; public urination or defecation; the unlawful sale, furnishing, or consumption of alcoholic beverages; the unlawful deposit of trash or litter on public or private *property*; the unlawful destruction of public or private *property*; the generation of pedestrian or vehicular traffic caused by those invited to or allowed to attend which obstructs the free flow of residential traffic or interferes with the ability to provide emergency services; excessive, unnecessary or unusually loud noise which disturbs the repose of the neighborhood; public disturbances, brawls, fights or quarrels; or any other activity resulting in conditions that annoy, injure or endanger the safety, health, comfort or repose of the neighboring residents, or results in any obscene conduct, or results in any immoral exhibition or indecent exposure

by *persons* at the gathering.

(b) Any *person* being the *owner*, occupant, tenant, or otherwise having any possessory control of any degree of any premises who either sponsors, conducts, hosts, invites, suffers, permits, or continues to allow a gathering to continue which is or becomes a nuisance as described in subsection (a) above is in violation of this section and *may* be punished by any of the criminal or civil enforcement penalties available to municipalities. Any person who remains in attendance at a nuisance party after being directed by an officer to leave is also in violation of this section.

(c) This section *shall* not apply to gathering held at locations holding valid entertainment center permits or any other gathering authorized by this Code.

(d) Civil penalties: Any *person* violating any of the provisions of this section *shall* be subject to a civil penalty of one hundred dollars (\$100.00). The Police Department is authorized to issue civil penalty citations to enforce this Section. Each calendar day on which a continuing violation occurs *shall* constitute a separate violation under this subsection. For each subsequent violation occurring within twelve (12) months of any other violation, the violator *shall* be subject to a civil penalty of three hundred dollars (\$300.00) per violation. If a *person* fails to pay any civil penalty within thirty (30) days after it is assessed, the *City* *may* recover the penalty, together with all costs allowed by law, by filing a civil action in the General Court of Justice in the nature of a suit to collect a debt.

(e) Appeal of civil penalties: Any *person* issued a civil penalty under the provisions of this section *may* appeal by filing an appeal in writing with the Police Department within ten (10) calendar days after the civil penalty is issued. The *written* appeal *shall* state all reasons that the civil penalty was wrongly applied and *shall* include all supporting documentation that the appellant contends supports the appeal. If a *person* files a written appeal within the time provided in this section, the penalty being appealed *shall* be stayed pending the decision of the Chief or arbitrator. Unless the Chief of Police, or the delegate of the Chief of Police, decides to allow the requested relief based on the appeal request, the Chief of Police *shall* send each appeal request to arbitration. The Chief of Police *shall* select an arbitrator other than an employee of the *City* of Raleigh. The arbitration *shall* be conducted, to the extent practicable, in accordance with the Supreme Court Rules for Court-Ordered Arbitration in North Carolina. The arbitrator *shall* be paid a fee equal to the maximum fee specified in such Rules. The arbitrator *shall* issue a *written* determination, within a reasonable time, stating whether the disputed civil penalty will be approved without change or modified or reversed.

All decisions of the Chief of Police and arbitrator *shall* be served on the petitioner.

(f) Injunctive and other equitable relief: This section *may* be enforced by injunction or any appropriate equitable remedy. The institution of an action for injunctive or equitable relief *shall* not relieve any party to such proceeding from any civil or criminal penalty prescribed for violations of this section.

(g) Criminal penalties: Any *person* who violates any provision of this section *shall* be deemed guilty of a misdemeanor punishable by imprisonment not to exceed thirty (30) days or by fine not to exceed five hundred dollars (\$500.00). Each day of a continuing violation *shall* constitute a separate violation under this subsection.

(h) This section *may* be enforced by any one, all, or a combination of the remedies set out herein.

(Ord. No. 2000-848, §1, 7-18-00; Ord. No. 2008-415A, §1, 6-17-08; Ord. No. 2009-583, §1, 5-19-09, eff. 7-1-09)