

Sec. 12-5011. - PENALTIES FOR VIOLATION OF NOISE RESTRICTIONS.

(a) Civil Penalties:

(1) Any *person* violating any of the provisions of §§12-5001 through [12-5009](#) shall be subject to a civil penalty of one hundred dollars (\$100.00). 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. The Police Department is authorized to issue civil penalty citations to enforce this section.

(2) 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.

(b) Injunctive and Equitable Relief:

As an additional remedy, this chapter may be enforced, either before or after the institution of any other action or proceeding authorized by this subsection, by an action for injunctive relief to restrain the violation. The action shall be brought in the appropriate division of the General Court of Justice. The institution of an action for injunctive relief shall not relieve any party to such proceeding from any civil or criminal penalty prescribed for violations of this chapter. This chapter may also be enforced through any appropriate equitable remedy.

(c) Criminal Penalties:

Any *person* who violates any provision of this chapter 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.

(d) [Enforcement:]

This chapter may be enforced by any one, all, or a combination of the remedies set out herein.

(Ord. No. 1977-580, §3, 7-5-77; Ord. No. 1978-773, §4, 4-18-78; Ord. No. 1995-763, §1, 11-8-95; Ord. No. 2009-583, §2, 5-19-09, eff. 7-1-09)

Cross reference: Violations of this Code, [§14-1005](#)

State law reference: Violations of municipal ordinances, enforcement alternatives, *G.S.* 160A-175.