Section

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***Statutory reference:***

 *Regulation of noise, see G.S. § 160A-184*

 ***PUBLIC NUISANCES***

**§ 96.01 ENFORCEMENT.**

 The enforcement of §§ 96.01 through 96.11 shall be under the supervision of the Chief of Police.

(Ord. passed 12-12-90)

**§ 96.02 HINDERING THE CHIEF OF POLICE.**

 It shall be unlawful for any person to hinder, obstruct, or delay the Chief of Police or his designee in the lawful discharge of their duties as described herein.

(Ord. passed 12-12-90)

**§ 96.03 RIGHT OF ENTRY.**

 The Chief of Police or his designee shall have the right to enter at any reasonable time any premises for the purpose of making the inspections or investigations as required by this subchapter.

(Ord. passed 12-12-90)

**§ 96.04 PROPERTY TO BE KEPT CLEAN OR**

**FREE.**

 (A) Every person owning or occupying any premises within the corporate limits of the town shall keep the premises clean. The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance.

 (B) The uncontrolled growth of noxious weeds and grasses to a height in excess of 8 inches causing or threatening to cause a hazard detrimental to the public health or safety. Provided, however, that bona fide farming crops as well as food and flower gardens while maintained for such purposes are exempt from the provisions of this subchapter. (Ord. rev. 8-19-14)

 (C) Any accumulation of rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

 (D) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitance therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

 (E) The open storage of any abandoned ice box, refrigerator, stove, glass, building material, building rubbish, or similar items which is or may be dangerous or prejudicial to the public health.

 (F) Any condition detrimental to the public health which violates the rules and regulations of the Wayne County Health Department. (Ord. passed 12-12-90)

**§ 96.05 INVESTIGATION OF PUBLIC NUISANCES.**

 The Chief of Police, upon notice from any person of the possible existence of any of the conditions described in § 96.04 of this chapter, shall conduct or cause to be made by the appropriate County Health Department official such investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared in § 96.04 of this chapter.

(Ord. passed 12-12-90)

**§ 96.071 NOTICE TO ABATE.**

(A)General. Whenever it shall come to the attention of the Chief of Police or other authorized town officer or representative, that there exists on any lot or parcel of land in the town, any of the conditions enumerated in this article, the officer or inspector shall forthwith give the owner, occupant, and/or person having the lot under his control notice thereof to abate or remove the conditions or otherwise comply with the town code. Such notice shall be deemed sufficient if given (1) by personal service of written notice or (2) service by first class mail to such person, owner and/or occupant at his/her last known address and posting of the offending property. The person so served shall have seven (7) days from the date of service in which to remedy the same or the town shall cause the same to be remedied, unless an appeal for relief in writing is made within this time period to the Town Administrator. In the event an officer or inspector determines that a nuisance is an immediate detriment to human safety or welfare, the officer or inspector may take appropriate action to summarily abate the condition without notice.

 (B) Chronic violators defined. A chronic violator is a person who owns property whereupon, in the previous calendar year, the town gave notice of violation in accordance with paragraph A, above, at least three (3) times regarding any provision of this chapter.

 (C) Annual notice of chronic violators. The Chief of Police may annually notify a chronic violator of this chapter in advance of further violation that, if the violator’s property is found to be in violation of the chapter, the town shall, without further notice in the calendar year in which said notice is given, take action to remedy the violation, and unpaid taxes. The initial annual notice shall be served by registered or certified mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected.

(Ord. passed 8-19-14)

**§ 96.08 FAILURE TO COMPLY OR TO ABATE.**

 If the owner, having been ordered to abate a public nuisance, fails, neglects, or refuses to abate or remove the condition constituting the nuisance within 7 days from receipt of the order, the Chief of Police shall cause the condition to be removed or otherwise remedied by either having employees of the town or persons under contract with the town go upon the premises and remove or otherwise abate the nuisance under the supervision of any officer or employee designated by the Chief of Police. Any person who has been ordered to abate a public nuisance may within the time allowed by this chapter request the Chief of Police, in writing, to remove such condition, with the cost of the abatement plus a $50 administrative fee to be paid by the person making the request. (Ord. passed 12-12-90) (Ord. rev. 8-19-19)

**§ 96.09 COSTS OF ABATEMENT.**

 The actual cost incurred by the town in removing or otherwise remedying a public nuisance, a $50 administrative fee, and civil penalties shall be charged by the town to the owner of such lot or parcel of land, and it shall be the duty of the Chief of Police to mail a statement of such charges to the owner or other person in possession of such premises with instructions that such charges are due and payable within 30 days from the receipt thereof. An administrative fee of one hundred dollars ($100.00) for second and subsequent notice of violations of the Nuisance Ordinance provisions occurring within twelve (12) months of the first such notice of violation shall be assessed.(Ord. passed 12-12-90) (Ord. rev. 8-19-14)

**§ 96.10 FAILURE TO PAY COSTS OF ABATEMENT.**

 In the event charges for the removal or abatement of a public nuisance are not made within 30 days after the mailing of a statement of charges as provided for in § 96.09 hereof, the Chief of Police shall cause such charges to become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes as provided in G.S. § 160A-193. (Ord. passed 12-12-90)

**§ 96.11 CRIMINAL PROSECUTION.**

 The procedures set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances and this chapter shall not prevent the town from proceeding in a criminal action against any person, firm, or corporation violating the provisions of this ordinance as provided in G.S. § 14-4. (Ord. passed 12-12-90)

***NOISE***

**§ 96.15 UNNECESSARY NOISE.**

 (A) It shall be unlawful for any person, firm, or corporation to create or assist in creating, permit, continue, or permit the continuance of any unreasonably loud, disturbing and unnecessary noise in the town. Noise of such character, intensity, and duration as to be detrimental to the life or health of any individual is prohibited.

 (B) The acts set forth in this chapter are declared to be loud, disturbing, and unnecessary noise in violation of this chapter, but this enumeration shall not be deemed to be exclusive.

('85 Code, § 97.01) Penalty, see § 10.99

**§ 96.16 BLOWING HORNS.**

 No person shall sound any horn or signal device or any device of any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended. No person shall create by means of any such signal device any unreasonably loud or harsh sound or sound the device for an unnecessary and unreasonable period of time. ('85 Code, § 97.02) Penalty, see § 10.99

**§ 96.17 GONGS OR SIREN.**

 No person shall use any gong or siren upon any vehicle, other than police, fire or other emergency vehicle which disturbs the quiet or repose of any person in the vicinity thereof.

('85 Code, § 97.03) Penalty, see § 10.99

**§ 96.18 MUSICAL INSTRUMENTS.**

 No person shall use or operate any piano, manual or automatic, phonograph, radio, loud speaker, or any other instrument or sound amplifying devices so loudly as to disturb persons in the vicinity thereof, or in a manner as to constitute a public nuisance. However, upon application to the Mayor, permits may be granted to responsible organizations to produce programs in music, speeches, or general entertainment provided, the music machines and public address systems shall not be operated later than 11:00 p.m. on Monday through Friday, and 1:00 a.m. on Sunday morning during daylight saving time. After which the time shall return to 12:00 midnight Saturday and shall be operated only between the hours of 1:00 p.m. and 10:00 p.m. on Sunday.

('85 Code, § 97.04) (Ord. passed 8-6-64; Am. Ord. passed 8-7-77) Penalty, see § 10.99

**§ 96.19 USE OF VEHICLE.**

 No person shall use any automobile, motorcycle, or other vehicle so out of repair, so loaded or in a manner as to create loud or unnecessary grating, grinding, rattling or other noise.

('85 Code, § 97.06) Penalty, see § 10.99

**§ 96.20 BLOWING WHISTLES.**

 No person shall blow any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger. ('85 Code, § 97.07) Penalty, see § 10.99

**§ 96.21 EXHAUST DISCHARGE.**

 No person shall discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom. ('85 Code, § 97.08) Penalty, see § 10.99

**§ 96.22 DEVICES USING COMPRESSED AIR.**

 No person shall use any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced. ('85 Code, § 97.09) Penalty, see § 10.99

**§ 96.23 EXCESSIVE NOISES NEAR CHURCHES.**

 No person shall create any excessive noise on Sunday on any street adjacent to any church, provided, conspicuous signs are displayed in the streets adjacent to churches indicating that the same is a church street. ('85 Code, § 97.10) Penalty, see § 10.99

**§ 96.24 EXCESSIVE NOISES NEAR PUBLIC**

**INSTITUTIONS.**

 No person shall create any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, or within 150 feet of any hospital, which unreasonably interferes with the working of the institution, provided, conspicuous signs are displayed in the streets indicating that the same is a school, court, or hospital street. ('85 Code, § 97.11) Penalty, see § 10.99

**§ 96.25 BUILDING OPERATIONS.**

 No person shall erect (including excavation), demolish, alter, or repair any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in the case of urgent necessity in the interest of the public safety and then only with a permit from the town clerk, which permit may be renewed for a period of three days or less while the emergency continues. ('85 Code, § 97.12) Penalty, see § 10.99

**§ 96.26 SOUNDING BELLS.**

 No person shall sound any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof. ('85 Code, § 97.13) Penalty, see § 10.99

**§ 96.27 LOADING AND UNLOADING OPERATIONS.**

 No person shall create loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

('85 Code, § 97.14) Penalty, see § 10.99

**§ 96.28 NOISES TO ATTRACT ATTENTION.**

 No person shall use any drum, loud speaker, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, sale, or display of merchandise.

('85 Code, § 97.16) Penalty, see § 10.99

**§ 96.29 LOUD SPEAKERS OR AMPLIFIERS ON VEHICLES.**

 No person shall use any mechanical loud speakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes except where specific license is received from the Board of Aldermen. ('85 Code, § 97.17) Penalty, see § 10.99

**§ 96.30 GARAGES AND FILLING STATION OPERATIONS.**

 No person shall conduct, operate, or maintain any garage or filling station in any residential district so as to cause loud or offensive noises to be emitted there-from between the hours of 11:00 p.m. and 7:00 a.m. ('85 Code, § 97.18) Penalty, see § 10.99

**§ 96.31 COMBUSTIBLE SUBSTANCES.**

 No person shall fire or discharge squibs, crackers, gunpowder, or other combustible substance in the streets or elsewhere for the purpose of making noise or disturbance, except by permit from the Board of Aldermen. ('85 Code, § 97.19) Penalty, see § 10.99

**§ 96.32 LOUD NOISES CREATED BY STEAM.**

 No person shall operate any apparatus through the use of steam which is permitted to be ejected from a building, resulting in a horizontal course of escape and producing a sudden or loud noise, and creating the noise as will frighten, or is likely to frighten, or causes a disturbance.

('85 Code, § 97.20) Penalty, see § 10.99