

# TOWN OF CEDAR POINT



## **NUISANCES ORDINANCE**

**(INCLUDING NUISANCE, JUNKED VEHICLE,  
AND NOISE REGULATIONS)**

NOVEMBER 27, 2001

## **Chapter X. Nuisances**

### **Article I. Nuisances, in general**

#### **Section 10-1. Certain conditions declared nuisances.**

The existence of any of the following conditions on any lot within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

- (1) *Growth of weeds and grass.* The uncontrolled growth of noxious weeds or grass causing or threatening to cause a hazard detrimental to the public health or safety. This shall not include any identified vegetative buffer, woodland area, vacant property left in a natural state, or any property identified as being a Bona Fide Farm.
- (2) *Accumulations of animal or vegetable matter.* Any accumulation of animal or vegetable matter on a residential or commercial lot that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (3) *Accumulations of rubbish, etc.* Any accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, causing or threatening to cause the 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.
- (4) *Conditions violating health department rules.* Any condition detrimental to the public health which violates the rules and regulations of the county health department.
- (5) *Burned or partially burned buildings and structures.* Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the town building official can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.
- (6) *Storm or erosion damaged structures and resulting debris.* The existence of any of the following conditions associated with storm- or erosion-damaged structures or their resultant debris shall constitute a public nuisance.

- a. Damaged structure in danger of collapsing;
- b. Damaged structure or debris from damaged structures where it can reasonably be determined that there is a likelihood of personal or property injury;
- c. Any structure, regardless of condition, or any debris from damaged structure which is located in whole or in part in a public trust area or public land.

**Section 10-2. Investigation of complaints.**

The town planner, upon notice from any person of the existence of any of the conditions described above, shall cause to be made, by the appropriate county health department official or town official, such investigation as may be necessary to determine whether such conditions exist as to constitute a public nuisance as declared in this section.

**Section 10-3. Notice and order to abate on finding of existence.**

- (a) Upon a determination that conditions constituting a public nuisance exist, the town planner shall notify, in writing, the owner, occupant or person in possession of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within thirty (30) days from the receipt of such written notice. Receipt shall be deemed to occur on the third day after the date of the postmark if the notice is deposited in a United States Post Office.
- (b) Abatement of a public nuisance shall consist of taking whatever appropriate steps are reasonably necessary to remove the condition or conditions which result in the declaration of a public nuisance. Without limitation the town planner, in ordering the abatement of a public nuisance, may require the removal of debris, rubbish, accumulations of animal or vegetable matter, growth of weeds and grass, burned or partially burned buildings, the isolation of the condition to be abated so that access cannot be gained by persons or property which may be injured by the nuisance or such other steps which are reasonably necessary to abate the nuisance.
- (c) A property owner served with a notice of violation under this section shall be allowed to appeal said decision to the Cedar Point Board of Adjustment at their next regularly scheduled meeting. If the next regularly scheduled meeting falls outside of the thirty (30) day abatement period no action shall be taken by the Town to remedy the public nuisance until after the Board of Adjustment has reviewed the

issue. If the Board of Adjustment upholds the town planner's decision, the property owner shall be allotted an additional fourteen (14) days to abate the identified public nuisance.

**Section 10-4. Abatement by town--Generally.**

- (a) If any person, having been ordered to abate a public nuisance, fails, neglects or refuses to abate or remove the condition constituting the nuisance within thirty (30) days from receipt of the order, the town planner shall cause such condition to be removed or otherwise remedied by having employees of the town or independent contractors go upon such premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the town manager.
- (b) Any person who has been ordered to abate a public nuisance may, within the time allowed by this chapter, request the town in writing to remove such condition, the cost of which shall be paid by the person making such request.
- (c) In the event a local contractor cannot be obtained after a reasonable effort, the town board of commissioners shall be authorized to obtain the services of a contractor outside the immediate local area, and the costs thereof shall be deemed to be reasonable.

**Section 10-5. Same--Costs.**

The actual cost incurred by the town in removing or otherwise remedying a public nuisance shall be charged to the owner of such lot or parcel of land; and it shall be the duty of the tax collector 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 thirty (30) days from the mailing thereof. If such costs charged in accordance with this section are not paid as herein stated, the costs shall be a lien upon the land or premises where the nuisance arose and shall be collected as unpaid taxes.

**Section 10-6. Exemptions.**

These proposed nuisance regulations are not designed or intended to affect or be enforceable against any legally created and recognized Bona Fide Farm as defined within the Town of Cedar Point Zoning Ordinance.

**Section 10-7 through 10-24 Reserved.**

## **ARTICLE II. ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES**

### **Section 10-25. Intent.**

It shall be the intent of this article to promote and enhance the aesthetic appearance of the town and to protect the property values throughout the town. It is further the intent of this article to promote and enhance the attractiveness of the Town of Cedar Point thoroughfares and residential streets, which present public visibility to visitors and to passersby of the Town of Cedar Point by controlling and regulating abandoned and junked vehicles. It is further the intent of this article to protect the general public health, safety, and welfare of all residents from the location of abandoned, nuisance, or junked motor vehicles within the Town of Cedar Point.

### **Section 10-26. Definitions.**

For the purposes of this article, certain words and terms are defined as herein indicated:

*Abandoned vehicle:* As authorized and defined in section 160A-303 of the General Statutes, an abandoned motor vehicle is a motor vehicle which:

- (1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
- (2) Is left on a public street or highway for longer than seven (7) days; or
- (3) Is left on property owned or operated by the Town of Cedar Point for longer than twenty-four (24) hours; or
- (4) Is left on private property without the consent of the owner, occupant or lessee thereof, for longer than two (2) hours.

*Authorizing official:* The Town Planner, or their designee, is designated to authorize the removal of vehicles under the provisions of this article.

*Junked motor vehicle:* As authorized and defined in section 160A-303.2 of the General Statutes, the term "junked motor vehicle" means a vehicle that does not display a current license plate upon that vehicle and that:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or

- (3) Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00).

*Motor vehicle or vehicle:* All machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

*Nuisance vehicle:* A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, and including a vehicle found to be:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
- (2) A point of heavy growth of weeds or other noxious vegetation; or
- (3) A point of collection of pools or ponds of water; or
- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor; or
- (5) One which has areas of confinement, such as trunks, hoods, etc., which cannot be operated from inside the area of confinement; or
- (6) One so situated or located that there is a danger of it falling or turning over; or
- (7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; or
- (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass.

**Section 10-27. Administration.**

The Planning Department for the Town of Cedar Point shall be responsible for the administration and enforcement of this article.

**Section 10-28. Abandoned vehicle unlawful; removal authorized.**

- (a) Upon investigation, proper authorizing officials of the town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.
- (b) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned as the term is defined herein.

**Section 10-29. Nuisance vehicle unlawful; removal authorized.**

- (a) Upon investigation, the proper authorizing official of the town may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the vehicle removed.
- (b) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

**Section 10-30. Junked motor vehicle regulated; removal authorized.**

- (a) Upon investigation, the town planner may order the removal of a junked motor vehicle as defined in this article after finding in writing that the public health and safety concerns of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing the public health and safety. The following, among other relevant factors, may be considered:
  - (1) Protection of property values; or
  - (2) Preservation of the character and integrity of the community

Provided, however, no vehicle that is used on a regular basis for business or personal use shall be removed or disposed of pursuant to this subparagraph (a).

- (b) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon

which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

**Section 10-31. Removal of abandoned, nuisance or junked motor vehicles; pre-towing notice requirements; appeals.**

- (a) Except as set forth in this section, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by certified mail. Reasonable diligence shall include notification to the registered owner of the vehicle at his last known address according to the latest registration certificate or certificate of title on file with the State Department of Motor Vehicles; notice to the owner of real property as recorded in the Carteret County Registry of Deeds; notice to the owner, lessee or occupant as contained in the records of the town. The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to which mailed, and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the town on a specific date (no sooner than seven (7) days after the notice is affixed). The notice shall state that the vehicle will be removed by the town on specified date, no sooner than seven (7) days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.
- (b) Appeals. The registered owner or person entitled to possessing a vehicle which has been determined to be an abandoned vehicle on private property, nuisance vehicle or junked motor vehicle who has received a notice pursuant to this section that the vehicle will be removed may appeal the determination. In the case of notice for removal of a junked motor vehicle where the determination has been made that the public health and safety benefits of removing the

vehicle outweigh the burdens on the private property owner, in accordance with this section, the registered owner or person entitled to possession of the junked motor vehicle may appeal that determination. Any appeal shall be made within ten (10) days upon receipt of the notice for removal of the vehicle. All appeals shall be made to the board of commissioners in writing. Appeals held pursuant to this section shall be conducted by the board of commissioners within forty-five (45) days after the receipt of a request for a hearing, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

**Section 10-32. Exceptions to prior notice requirement.**

Circumstances justifying the removal of vehicles without prior notice include:

- (1) *Vehicles abandoned on the public streets.* For vehicles left on the public streets and highways, the police department or town manager hereby determines that immediate removal of such vehicles may be warranted when they are:
  - a. Obstructing traffic; or
  - b. Parking in violation of an ordinance prohibiting or restricting parking; or
  - c. Parked in a no-stopping or standing zone; or
  - d. Parked in loading zones; or
  - e. Parked in bus zones.
- (2) *Nuisance vehicles and abandoned vehicles on private property.* These vehicles may be removed without giving prior notice in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, or vehicles causing damage to public or private property.
- (3) *Vehicles left on private property.* A vehicle may be removed that has been left on private property without the

consent of the owner, occupant or lessee thereof for longer than two (2) hours and the owner, occupant or lessee has complied with this article, or in those circumstances where there is a finding of a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the authorized official in the appropriate daily records.

**Section 10-33. Removal of vehicles; post-towing notice requirements.**

- (a) Any abandoned, nuisance or junked vehicle which has been ordered removed may, as directed by the proper authorizing official of the town, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the town. Whenever such a vehicle is removed, the authorizing town official shall immediately notify the last known registered owner of the vehicle, such notice to include the following:
  - (1) The description of the removed vehicle;
  - (2) The location where the vehicle is stored; and
  - (3) The violation with which the owner is charged, if any; and
  - (4) The procedure the owner must follow to redeem the vehicle; and
  - (5) The procedure the owner must follow to request a probable cause hearing on the removal.
- (b) The town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth above, shall also be mailed to the registered owner's last known address, unless the notice is waived in writing by the vehicle owner or his agent.
- (c) If the vehicle is registered in North Carolina, notice shall be given within twenty-four (24) hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within seventy-two (72) hours of the removal of the vehicle.

- (d) Whenever an abandoned, nuisance or junked motor vehicle is removed and such vehicle has no valid registration or registration plates, the authorizing town official shall make reasonable efforts, including checking the vehicle identification number to determine the last known registered owner of the vehicle and to notify him of the information set forth above.

**Section 10-34. Right to probable cause hearing before sale or final disposition of vehicle.**

After the removal of an abandoned vehicle, nuisance vehicle or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in accordance with the provisions of article 7A of chapter 20 of the North Carolina General Statutes, as amended.

**Section 10-35. Redemption of vehicle during proceedings.**

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of the removed vehicle. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this article.

**Section 10-36. Sale and disposition of unclaimed vehicle.**

Any abandoned, nuisance or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such vehicle shall be carried out in accordance with article 1 of chapter 44A of the North Carolina General Statutes.

**Section 10-37. Conditions on removal of vehicles from private property.**

Except as provided in this section, as a general policy, the town will not remove a vehicle from private property if the owner, occupant or lessee of such property could have the vehicle removed under applicable state laws. In no case will a vehicle be removed by the town from private property without a written request of the owner, occupant or lessee, except in those

cases where a vehicle is a nuisance vehicle or is a junked motor vehicle which has been ordered removed by the town pursuant to this section. The town shall require any person requesting the removal of an abandoned, nuisance or junked motor vehicle from private property to indemnify the town against any loss, expense or liability incurred because of the removal, storage, or sale thereof.

**Section 10-38. Protection against criminal or civil liability.**

Any person who removes a vehicle pursuant to this article shall not be held liable for damages for the removal of the vehicle to the owner, lienholder or other person legally entitled to the possession of the vehicle removed; however, any person who intentionally or negligently damages a vehicle in the removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the removal of such vehicle, may be held liable for damages.

**Section 10-39. Exceptions.**

Nothing in this article shall apply to any vehicle:

- (1) Which is located in a bone fide "automobile graveyard" or "junkyard" as defined in section 136-143, et seq. and sections 160A-303.1 and 160A-303.2 of the General Statutes;
- (2) Which is in an enclosed building;
- (3) Which is on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise; or
- (4) Which is in an appropriate storage place or depository maintained in a lawful place and manner by the town.
- (5) Which is commonly utilized in the normal course of operation of a legally created and recognized Bona Fide Farm as defined within the Town of Cedar Point Zoning Ordinance.

**Section 10-40. Unlawful removal of impounded vehicle.**

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the town any vehicle which has been impounded pursuant to the provisions of this Code unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

**Sections 10-41 through 10-64 Reserved.**

**ARTICLE III. NOISE.**

**State law reference(s)**--Municipal authority to regulate noise, G.S. 160A-184.

**Section 10-65. Unnecessary noise.**

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

**Section 10-66. Noises expressly prohibited.**

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article, but this enumeration shall not be deemed to be exclusive, namely:

- 1) The sounding of any horn or signal device or any device on 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; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.
- 2) The use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle.
- 3) The use or operation of any piano, manual or automatic, phonograph, radio, television, loudspeaker, or any other instrument, or sound-amplifying device so loudly as to disturb persons in the vicinity thereof, or in such a manner as renders the same a public nuisance; provided, however, that upon application to the chief of police, permits may be granted to responsible

organizations to produce programs in music, speeches or general entertainment.

- 4) The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity.
- 5) 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, or in such manner as to cause squealing, or screeching of tires, or in such manner as to cause the tires to propel rock, sand or gravel.
- 6) 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 a warning of danger.
- 7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noise therefrom.
- 8) The use of any mechanical device operated by compressed air unless the noise created is effectively muffled and reduced.
- 9) The erection (including excavation), demolition, alteration or repair of 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 public safety and then only with a permit from the building inspector, which permit may be renewed for a period of three (3) days or less while the emergency continues.
- 10) The creation of any excessive noise on any day of worship on any street adjacent to any church, provided conspicuous signs are displayed in such streets adjacent to churches indicating that the same is a church street.
- 11) 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 working of such institution; provided, conspicuous signs are displayed in such streets indicating that the same is a school, court or hospital street.

- 12) The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.
- 13) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof.
- 14) The shouting and crying of peddlers, barkers, hawkers, and vendors which disturbs the quiet and peace of the neighborhood.
- 15) 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.
- 16) The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes; provided, however, that such use by any governmental unit for a public purpose shall be excepted from the prohibitions of this article.
- 17) The conducting, operating or maintaining of any garage or service station so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.
- 18) The firing or discharging of a gun, 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 chief of police.

**Section 10-67. Exceptions.**

The following noises are exempt from these provisions:

- (1) Sound emanating from scheduled outdoor athletic events conducted or sponsored by the town or a recognized local organization responsible for sponsoring such events such as the Carteret County Recreational Department.
- (2) Construction operations from 7:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on weekends for which building permits have been issued or construction operations not requiring permits; providing all equipment is operated in accord with the manufacturer's specifications and with all standard equipment manufacturer's mufflers and noise-reducing equipment in use and in properly operating condition.

- (3) Noise of safety signals, warning devices, emergency pressure relief valves, and all church bells, For purpose of this subsection, the term "church bells" shall not include electronic devices or artificial sound reproduction systems intended to sound like church bells.
- (4) Noise resulting from any authorized emergency vehicle.
- (5) Unamplified and amplified sound at street fairs and or other community events conducted or sponsored by the town or a recognized local organization responsible for sponsoring such events.
- (6) All noises coming from the normal operations of properly equipped aircraft (not including scale model aircraft).
- (7) Lawn mowers and other similar motorized landscaping equipment used between the daylight hours 7:00 a.m. and 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on weekends when operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and in proper operating condition.
- (8) Noise coming from the normal operation of governmental solid waste pickup and disposal vehicles.
- (9) Noise emanating from activities associated with 'Emergency' work defined as any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.
- (10) Any noise associated with the normal activities of a legally recognized and operational Bona Fide Farm as defined by the Town of Cedar Point Zoning Ordinance.

**Section 10-68. Off-road vehicles.**

- (a) It shall be unlawful for any person to operate or cause to be operated a recreational or off-road motor vehicle individually, in a group, or in an organized racing event, on public or private property in such a manner that the sound level creates a identified nuisance as described within this article. Determination of noise emanating from off-road vehicles being a nuisance shall be made after said noise is adjusted to a distance of thirty (30) feet from the path of the vehicle when operated on public space, or at the boundary of private property when operated on private property.

- (b) This subsection shall apply to all recreational vehicles, whether or not duly licensed or registered including, but not limited to, commercial or noncommercial racing vehicles, motorcycles, go-carts, amphibious craft and dune buggies.
- (c) Use of such vehicles off-road except for emergency purposes and except to attain access from private property to public rights-of-way, shall be completely prohibited between the hours of 11:00 p.m. and 7:00 a.m.

**Section 10-69. Soliciting business.**

It shall be unlawful in the town for any person to make any noise upon a public street or in such proximity thereto as to be distinctly and loudly audible upon such street by any kind of crying, calling or shouting or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument or other device for the purpose of attracting attention or of inviting patronage of any persons to any business whatsoever.

**Section 10-70. Complaint procedure.**

If any person shall have reasonable grounds for believing that the provisions of this article are being violated, he may make a report thereof to the Town. The Town planner, or another duly appointed representative, shall investigate. If such investigation reveals, in fact, a violation of this article, a written notice of the complaint shall be made and delivered to the violator.

**Section 10-71. Penalties.**

Any person violating the provisions of this article shall be subject to a civil penalty in the amount of fifty dollars (\$50.00) per occurrence which shall be paid within five (5) days after the violator has been cited for violation of this article. In the event the offender does not pay the penalty within the prescribed time, the town may bring a civil action to recover said penalty, together with the cost of court. Additionally, any violation of this article shall constitute a misdemeanor which shall be punishable as provided by G.S. 14-4. Each violation shall constitute a separate offense.