

ORDINANCE NO. (2025) 703

AN ORDINANCE TO REVISE THE APPEAL PROCESS FOR CIVIL PENALTIES ISSUED FOR NOISE ORDINANCE VIOLATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 12-5011(a)(3) of the Raleigh City Code is hereby amended to add the underlined language where noted below and to delete the language shown as stricken through:

“(3) 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~~ City Manager’s Office 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 and recordings that the appellant contends supports the appeal. The City Manager or the Manager's designee will obtain materials from the City officials involved in issuing the civil penalty, consider all materials, and issue a final decision. ~~If a person files a~~ A timely written appeal ~~within the time provided in this section,~~ stays the civil penalty being appealed ~~shall be stayed pending the Manager’s or the designee’s 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.”~~

Section 2. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 3. This ordinance and the repeal contained herein does not affect the rights and duties that matured or penalties that were incurred and proceedings that were begun before the effective date of the ordinance.

Section 4. The amendment of section 12-5011(a)(3) contained in this ordinance shall apply to appeals of civil penalties submitted on or after adoption of this ordinance. Appeals of civil penalties submitted prior to adoption of this ordinance shall proceed under the appeal provision in effect at the time of the appeal. Provisions repealed by this ordinance shall remain in force for this limited purpose only.

Section 5. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 7. This ordinance shall become effective as set out herein upon its adoption.

Adopted: January 7, 2025

Effective: January 7, 2025

Distribution: Management Team

This ordinance prepared by the Raleigh City Attorney's Office