



Wilmington Police Department

Directive: 5.22 Noise complaints

CALEA Standards:



I. Purpose

The purpose of this directive is to establish guidelines for investigating, documenting, and enforcing noise complaints by personnel of the Wilmington Police Department.

II. Procedures

A. DEPARTMENT RESPONSIBILITIES

1. The Wilmington Police Department shall purchase and maintain a sound level meter.
2. Only departmental personnel trained in the use of the sound level meter shall be authorized to use the device.
3. The sound level meters shall be serviced, calibrated and operated as recommended by the manufacturer.

B. OFFICER'S RESPONSIBILITIES

1. Officers shall familiarize themselves with Chapter 6, Article II, Sections 6-26 through 6-32 (Noise Control), of the Code of Ordinances of the City of Wilmington.
2. Officers recognizing violations or responding to complaints of possible noise ordinance violations will investigate and take the appropriate action in accordance to **Chapter 6, Article II of the City of Wilmington's Code of Ordinances.**
3. The Officer shall research the address and violator's name through CAD to determine the appropriate enforcement action. The following are enforcement options:
 - a. **No action** (The noise meets an exception found in the City Noise Ordinance)
 - b. **Written warning (civil)**
This option should be utilized for first time offenders. The Officer will check the appropriate block on the civil citation.
 - c. **\$250.00 fine (civil)**
This option should be utilized for second offenses that occur within one year of the initial offense.

d. Criminal Citation

This option should be utilized for third offenses that occur within one year of the initial offense. In addition to the criminal citation issued to the resident, a \$500.00 civil fine should also be issued to the property owner.

e. Arrest (criminal)

This option should be utilized for fourth offenses that occur within one year of the initial offense or in aggravated situations where the violator refuses compliance. **Note: Verbal warnings or releasing the violator on a criminal citation are not options for the fourth or subsequent offenses.**

The above listed enforcement options should be progressive unless Officers encounter aggravated circumstances. In this case the Officers may use any option that they feel will gain compliance.

4. If the violation is mobile (loud music from vehicle, group of pedestrians walking in residential area) Officers have the discretion to issue a verbal warning, criminal warning citation, or criminal citation in every case.
5. The Officer shall make every attempt to identify complaining witnesses and list them on the citation to ensure court attendance and a successful prosecution. For criminal violations, the charging Officer will complete a preliminary report documenting personal observations and witness/complainant statements for successful prosecution.
6. Upon taking the appropriate enforcement action, the Officer will ensure that the call disposition is noted on CAD for record keeping purposes. The Officer shall be responsible for keeping accurate notes regarding the incident to ensure successful prosecution in either civil or criminal court.
7. Both civil and criminal citations will be filled out completely to include an OCA number, time, tract, and district. Officers shall also include the violator's race, sex, and date of birth.
8. After supervisory approval, the civil or criminal paperwork will be submitted to Records for data entry. Officers are to turn in both the white and canary copies of the civil citations.

C. SUPERVISOR'S RESPONSIBILITIES

1. The responsible supervisor shall review the Officer's paperwork for completeness and to ensure probable cause exists.
2. The supervisor shall approve and forward the paperwork to the Records Unit in a timely manner.
3. The supervisor will provide a copy of all second and subsequent violations involving real property to the appropriate Area District Lieutenant, who will then forward the property information to the City Attorney's Office for assistance in verifying property owners.

D. RECORDS SECTION RESPONSIBILITIES

1. The Records Unit shall be responsible for receiving the civil and criminal citations and arrest slips that relate to noise violations.
2. The assigned clerk will enter the data in a timely manner and forward the civil citations to the Finance Department for collection purposes.
3. The Records Unit shall be responsible for stocking criminal citation books to be made available to the Officers. Patrol Division Admin Support Specialist will stock civil books for the Officers.

**Wilmington Police Department
Notice of Noise Violation**

The Wilmington Police Department is giving notice that you the **resident** are in violation of Wilmington City Code, Noise Violation 6-27. Violation of a municipal ordinance may be a criminal misdemeanor under State Law, NC General Statutes 14-4. If the condition/activity continues, each time a complaint is received from a citizen and/or a Wilmington Police Officer; it will constitute a separate violation for which additional penalties may be assessed. The order of violation will be as follows:

1st Offense: Written warning/civil citation of violation to Resident.

2nd Offense: Civil Citation and fine of \$250.00 to Resident and notice given to Property Owner.

3rd Offense: Criminal Citation for Resident and a \$500.00 civil fine to the Property Owner. (If you are the Property Owner and Resident you can be charged with both Criminal and Civil penalties).

4th Offense: Criminal Misdemeanor Arrest.

You as the resident of said address **are responsible** for any and all Violations pertaining to Federal, State and Local Laws. You as the resident are responsible for any and all activity on said property, including all individuals on or at the property.

If you have any questions please use the City of Wilmington Website to look at the City Ordinance. <http://www.wilmingtonnc.gov/>