

**ORDINANCE #96-2:**

**AN ORDINANCE ADDING TO THE PINEHURST MUNICIPAL CODE, CHAPTER XI, A SECTION REGULATING UNREASONABLY LOUD, DISTURBING SOUND LEVELS IN THE VILLAGE OF PINEHURST, NORTH CAROLINA.**

**THAT WHEREAS,** North Carolina General Statute Article III, Section 15-66 states it shall be unlawful for any person to create or assist in creating any unreasonably loud and disturbing noise in cities; and

**WHEREAS,** the Village's Municipal Code has been amended from time to time as circumstances and the best interests of the Community have required; and

**WHEREAS,** it is the further purpose of this ordinance to promote the health, safety, morals and general welfare of the citizens of the Village of Pinehurst to control unreasonably loud, disturbing sound levels within the village limits; and

**WHEREAS,** the Village Council has determined that it is in the best interest of the citizens of Pinehurst to add Section 11-2 to Chapter XI of the Pinehurst Municipal Code;

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Village Council of the Village of Pinehurst, North Carolina in special session assembled this the 22nd day of January, 1996 as follows:

**SECTION 1.** That Chapter XI, Section 11-2, of the Pinehurst Municipal Code is hereby amended to read as follows:

**11-2 REGULATING UNREASONABLY LOUD, DISTURBING SOUND LEVELS**

**11-2.1** It shall be unlawful for any person, firm or corporation to create or assist in creating any unreasonably loud, disturbing sound levels in the Village of Pinehurst, taking into consideration volume, duration, frequency and other characteristics of the sound.

**11-2.2** The following activities, among others, are hereby declared to be unreasonably loud, disturbing sound levels, but said enumeration shall not be deemed to be exclusive:

The playing of any musical instrument or electronic sound amplification equipment in such manner or with such volume, particularly during hours between 11:00 p.m. and 7:00 a.m., such that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity.

The keeping of any animal or bird which makes frequent or long continued sounds, such that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity.

The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or in such manner as to create unreasonably loud, disturbing sounds.

The operating of any business adjacent to any residential area so as to cause unreasonably loud, disturbing sounds.

The creation of unreasonably loud, disturbing sound levels adjacent to any school, educational facility, church or court during their normal operating hours, or within one hundred and fifty feet of any hospital, which a reasonably prudent person would recognize as likely to unreasonably

interfere with the working of such institutions, provided signs are displayed indicating that such area is a school, educational facility, church, court or hospital.

The erection (including excavation), demolition, alteration or repair of any building in any district other than between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Saturday, at any time on a Sunday or holiday, except in the case of urgent necessity in the interest of public safety, and then only under the direction, and prior approval of an appropriate Village official from the Zoning and Inspections Department.

The use of any electronic sound amplification equipment for advertising, paging or solicitation purposes, except with an appropriate permit.

**11-2.3** Persons wishing to engage in activities prohibited by this ordinance may do so when a specific permit is approved by the Village of Pinehurst. Applications shall be submitted on forms supplied by the Village. The permit shall not be unreasonably withheld, and may contain appropriate conditions, including maximum decibel levels, designed to minimize the disruptive impact. Permits for such activities significantly for religious or political purposes shall be granted, subject only to reasonable time, place and manner restrictions. Permits issued under this section may specify that the permission granted will continue for a stated period or until revoked after actual notice. Persons shall not be held in violation of this ordinance when acting in conformity with permit conditions, but any permit may be revoked if it is determined that the authorized activity has resulted in generation of unreasonably loud, disturbing sound levels, or significant complaints from residents.

In case an application is denied, a permit is approved with conditions unacceptable to the application, or a permit is revoked, the applicant or permit holder shall be entitled to a prompt, informal hearing with the Assistant Village Manager or his designee, upon submission of a written request. Any person aggrieved by a matter regulated by this ordinance may submit to the Village Manager written comments, including requests for appropriate relief.

**11-2.4** Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, will be punished by a fine not to exceed fifty dollars (\$50.00) or imprisoned not to exceed thirty (30) days. Each day such violation continues shall constitute a separate offense.

**11-2.5 Severability.**

If any chapter, section, subsection or paragraph of this Code shall be declared to be unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section, subsection or paragraph shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining chapters, sections, subsections or paragraphs of this Code.

**SECTION 2.** All laws and ordinances or sections thereof in conflict with this ordinance are hereby repealed.

**SECTION 3.** That this ordinance shall be and remain in full force and effect from and after the date of its adoption.

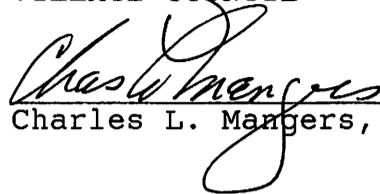
Adopted this 22nd day of January, 1996.

(Municipal Seal)

VILLAGE OF PINEHURST  
VILLAGE COUNCIL

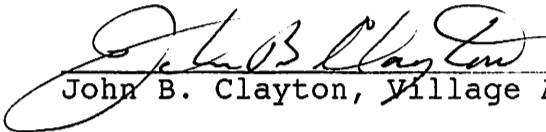
Attest:

By:

  
Charles L. Mangers, Mayor

  
Mary H. McGraw, Village Clerk

Approved as to form:

  
John B. Clayton, Village Attorney