

ORDINANCE #24-18:

AN ORDINANCE AMENDING CHAPTER 92 OF THE VILLAGE OF PINEHURST MUNICIPAL CODE REGARDING THE REGULATION OF SOUND LEVELS AND LIGHT POLLUTION IN RESIDENTIAL NEIGHBORHOODS.

WHEREAS, the Village Council of the Village of Pinehurst adopted an ordinance dated October 20, 1980, establishing and implementing certain authorized police powers for the purpose of prescribing regulations governing conditions detrimental to the health, safety, and welfare of its citizens; and

WHEREAS, on September 13, 2011, the Village Council of the Village of Pinehurst adopted Ordinance 11-25 which established the general ordinances of the Village of Pinehurst as revised, amended, restated, codified, and compiled in book form and declared that these shall constitute the "Village of Pinehurst, North Carolina Municipal Code"; and

WHEREAS, the Municipal Code will be subsequently amended from time to time as conditions warrant; and

WHEREAS, the Village of Pinehurst is committed to preserving the quality of life for its residents by managing and mitigating excessive noise that disrupts the peace and tranquility of the community. It is necessary to establish specific noise regulations to prevent disturbances and ensure a harmonious living environment; and

WHEREAS, the Village of Pinehurst aims to enhance the quality of life for its residents by managing residential lighting to prevent excessive glare and light pollution. It is necessary to set specific limits on residential lighting to protect the tranquility of our community and the enjoyment of private properties; and

WHEREAS, the Village Council has determined that it is in the best interest of the citizens of Pinehurst to amend Chapter 92, Sections 92.16 and 92.18 in the Pinehurst Municipal Code to further promote and protect quality of life in Pinehurst's various residential neighborhoods.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in Regular Meeting assembled this 22nd day of October 2024 as follows:

SECTION 1. That the following amendment be made to Chapter 92. Chapter 92.16 be eliminated in its entirety and replaced with the following:

§ 92.16 REGULATING UNREASONABLY LOUD, DISTURBING SOUND LEVELS.

A. Definitions:

1. **Noise:** Any sound that is loud or disruptive enough to interfere with the normal activities of residents or to cause a disturbance.
2. **Nuisance Noise:** Noise that exceeds permissible levels as defined in this ordinance and that creates a disturbance or annoyance to neighboring properties.
3. **Decibel (dB):** A unit used to measure the intensity of sound.

B. General Noise Standards:

1. Permissible Noise Levels:

- a. Sustained noise levels exceeding 75 decibels (dB) during the hours of 7:00 AM to 10:00 PM and exceeding 60 decibels (dB) between 10:00 PM and 7:00 AM, as measured from any nearby residential property are subject to violation. Sustained is defined as a continuous measurement over the threshold for at least ten seconds, or at least 15 instances of measurements over the threshold in a 60-second period.
- b. Construction or maintenance activities are permissible between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Saturday, excluding holidays. This restriction shall not pertain to the following:
 - i. On Sundays and holidays, home maintenance and improvement tasks may be performed by home occupants with or without unpaid/uncontracted assistance, between the hours of 10:00 a.m. and 7:00 p.m. using power and hand tools that are generally available for retail sale from home improvement and hardware stores as long as said work does not produce noise that a reasonably prudent person would recognize as likely to unreasonably disturb persons on adjacent property or in the vicinity.
 - ii. Upon receipt of prior written approval from the Village Planning and Inspections Department, any construction, demolition, alteration or repair not otherwise allowed by this restriction may be performed. This provision is intended to accommodate work that is in the best interests of the village as a whole, as well as work contracted or paid for by a home occupant that must be done on a Sunday or holiday for valid reasons.
- c. For the use of any automobile, motorcycle or other vehicle, permissible sustained noise levels exceeding 80 decibels (dB) at 25 feet from the vehicle, or in a manner as to create unreasonably loud, disturbing sounds are subject to violation.

C. Exceptions:

1. Emergency Exceptions:

- a. Noise resulting from emergency activities, including but not limited to police, fire, and medical emergency operations, is exempt from the provisions of this ordinance.
- b. Stand-by power generators in operation during periods of utility power outages and test periods.
- c. Emergency repairs to dwellings or structures that are needed to protect health or property.

- 2. Permits for Special Events:** Public or private events requiring noise levels above the permitted limits must obtain a special event permit from the Village. The application must include a detailed noise management plan and a schedule of the event. Permits may be issued with specific conditions to mitigate potential disturbances.

3. **Other Exceptions:** Property owners may request an exception from the noise level limits by submitting a written request to the Village Manager. The application must include a detailed explanation for the variance and any proposed measures to mitigate potential nuisance impacts.

D. Enforcement and Compliance:

1. **Inspection and Complaint Process:** Anyone wishing to file a noise complaint should call the Police Department's Non-Emergency Dispatch, which will assess and document the issue.
2. **Penalties:** Please see § 92.99 for penalties.

SECTION 2. That the following additional amendment be made to Chapter 92. Chapter 92.18 be eliminated in its entirety and replaced with the following:

§ 92.18 REGULATING LIGHT POLLUTION IN RESIDENTIAL NEIGHBORHOODS

A. Definitions:

1. **Residential Lighting:** Any lighting installed for single-family residential purposes, including security lights, landscape lighting, decorative lights, and outdoor fixtures.
2. **Foot-Candles:** A measure of light intensity falling on a surface area.
3. **Nuisance Lighting:** Lighting that creates excessive glare or light trespass, interfering with the quality of life of neighboring properties.
4. **Light Trespass:** Light that spills over from one property to another, creating discomfort or interference with the use and enjoyment of the neighboring property.
5. **Glare:** Excessive brightness that causes visual discomfort or impairs vision.

B. Lighting Standards:

1. **Foot-Candle Measurements:** The intensity of lighting onto an adjacent single family residential property shall not exceed 2.0 foot-candles above ambient lighting. This measurement shall be taken on the property line, not at the source of the lighting. Ambient lighting levels shall be assessed by eliminating any light spillage from the potential violating light source or by shielding the measuring instrument from the spillage light to obtain the most accurate ambient light reading possible.
2. **Exceptions:**
 - a. **Security Lighting.** Security lighting must be motion-activated by a motion sensor and aimed or shielded in such a manner as to prevent glare and light trespass. The light shall only go on when activated and go off within five minutes of activation. Motion sensor activated lighting shall not be triggered by any movement or activity located off the property on which the light is located.
 - b. Property owners may apply for an exception by submitting a request to the Village Manager. The request must include reasons for the exception and proposed measures to mitigate potential nuisance effects.

C. Compliance and Enforcement:

- 1. Inspection and Complaints:** Anyone wishing to file a residential lighting complaint should call the Police Department's Non-Emergency Dispatch, which will assess and document the issue.
- 2. Notice of Violation:** Property owners found in violation of this ordinance will receive a written notice detailing the nature of the violation and a specified deadline for compliance. The property owner must remedy the violation within the timeframe given.
- 3. Penalties:** Please refer to § 92.99 which states violators are subject to penalty under § 10.99.

SECTION 3. That the following additional amendment be made to Chapter 92. Chapter 92.99 be amended as follows:

§ 92.99 PENALTY.

(A) All provisions of § 92.16 will be enforced by the Chief of Police and the Police Department's assigned officers.

(B) Any person, or business entity (business entity includes but is not limited to a sole proprietorship, limited partnership, limited liability company, and corporation) violating any of the provisions of § 92.16(B) or failing or neglecting or refusing to comply with the same, shall be issued a notice of civil infraction subject to a maximum penalty of \$500 and/or shall be guilty of a Class 3 misdemeanor and subject to a fine of \$100 or imprisonment not to exceed 30 days. Civil penalties will start at \$100 for the first infraction within a 24-month period, and will escalate by \$100 for each subsequent infraction within a 24-month period up to the maximum of \$500. For penalty purposes each violation recorded and subsequently abated on any distinct enforcement officer visit shall constitute a separate offense (See G.S. § 14-4(a) and § 160A-175).

(C) In cases where violations of § 92.16(B) are committed by a person or persons under contract (rental or otherwise) with the legal owner of the property on which the violation occurs and the legal owner of the property is not present during the offense, the owner is subject to civil penalty under § 92.99(B). This provision does not prevent additional penalty enforcement against the person or persons under contract or other code violators on the property (See G.S. § 14-4(a) and § 160A-175).

(D) In all other cases under Chapter 92, violators are subject to penalty, under § 10.99.

SECTION 4. If any provision of this ordinance is found to be invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

SECTION 5. This ordinance shall take effect on upon adoption and all residential lighting must comply with its provisions within 90 days.

SECTION 6. That all ordinances or sections thereof in conflict herewith are hereby repealed and declared null and void from and after the date of adoption of this ordinance.

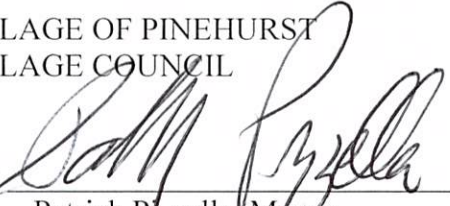
SECTION 7. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 22nd day of October 2024.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

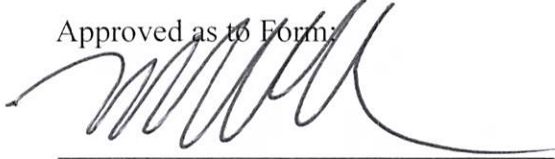
By:


Patrick Pizzella, Mayor

Attest:


Shannon Konstantinou, Village Clerk

Approved as to Form:


Michael J. Newman, Village Attorney