

ORDINANCE #14-02:

AN ORDINANCE AMENDING THE PINEHURST MUNICIPAL CODE ELIMINATING THE BOND REQUIREMENT FOR NEW CONSTRUCTION.

THAT, 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 adopted 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, in recent years individual builders are no longer constructing the large volume of homes that the fund was originally intended to cover. Because of the changing condition of a finite number of infill lots remaining in our jurisdiction the fund is no longer viable.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 14th day of January, 2014, as follows:

SECTION 1. That Section 150 Building Regulations of the Village of Pinehurst, North Carolina Municipal Code is hereby amended as follows:

~~BOND REQUIREMENTS~~ FOR NEW CONSTRUCTION

§ 150.60 ~~AGREEMENT.~~ STANDARDS FOR CONSTRUCTION.

~~—(A) Every property owner, builder, developer, contractor or any other licensed person who undertakes to build and construct a dwelling unit, or any non-residential structure in the zoning jurisdiction of the village will be required to enter into an agreement with the village and to provide a financial instrument in the amount of at least 10% of the estimated cost of the construction for which a building permit is being applied for. This agreement is to guarantee all of the following standards for construction shall be met:~~

(~~±~~**A**) A dumpster at least ten cubic yards in size shall be located on all new construction sites unless a suitable alternative means of collecting and disposing of construction debris is approved by the Chief Building Inspector. Dumpsters shall be located on private property and shall be painted in dark brown, dark blue, dark burgundy, dark green, black or other muted color approved by the Village Planner. Signage on dumpsters shall be

limited to the identification of the dumpster manufacturer or the contractor's business name and phone number. The total surface area allowed for the signage shall not exceed four square feet in total surface area;

(2B) Building supplies, including bricks and lumber (with the exception of large trusses), must be stacked and covered nights, weekends and anytime work is not in progress;

(3C) On-site building materials are limited to those required for completion of remaining construction; for example:

(a1) Quantities of concrete block shall not be on-site after completion of foundation;

(b2) Surplus bricks, sand and mortar mix shall not be retained on-site after completion of masonry work; and

(e3) At no time shall a building site be used as storage for vehicles and equipment not being used for current construction activities;

(4D) Permit boxes shall be located on-site with approved plan and current permit at time inspection is requested;

(5E) Portable toilets, construction driveways and silt fences shall be installed on-site prior to the commencement of any work;

(6F) The property shall be landscaped in accordance with the plan approved by and filed with the village;

(7G) The drainage installed properly handles the flow of water in conformance with the General Statutes and stormwater run-off does not adversely impact adjacent properties; and

(8H) In the event a house under construction is abandoned by the contractor prior to the completion, the house and lot will be cleaned and cleared of debris from construction and other sources, and the house will be secured in a manner which will help to prevent vandalism, trespassing and vagrancy.

(BI) In the event that any of the above listed items are not within the scope of work which the owner has awarded to the builder, then the owner shall be responsible. ~~for the agreement and surety related to the work.~~

(1986 Code, § 9-4.1) (Ord. 88-17, passed 11-21-1988; Ord. 88-18, passed 12-19-1988; Ord. 89-32, passed 11-20-1989; Ord. 90-08, passed 02-19-1990; Ord. 95-19, passed 06-19-1995; Ord. 05-37, passed 12-20-2005)

SECTION 2. That Section 150 Building Regulations of the Village of Pinehurst, North Carolina Municipal Code is hereby amended by deleting in its entirety the following sections pertaining to the Bond Requirement for New Construction:

- Section 150.61 Term of agreement
- Section 150.62 Release of agreement
- Section 150.63 Noncompliance
- Section 150.64 Applicability
- Section 150.65 Pinehurst Residential Assurance Fund
- Section 150.66 Severability
- Appendix: Application for Participation in Residential Assurance Fund

SECTION 2. That all local ordinances in conflict herewith are hereby repealed and declared null and void from and after the date of adoption of this ordinance.

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

This Ordinance adopted this 14th day of January, 2014.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: Nancy Roy Florillo
Nancy Roy Florillo, Mayor

Attest:

Lauren M. Craig
Lauren M. Craig, Village Clerk

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney