

**ORDINANCE #13-46:**

**AN ORDINANCE AMENDING SECTION 92.16 TO THE PINEHURST MUNICIPAL CODE AS IT PERTAINS TO REGULATING UNREASONABLY LOUD, DISTURBING SOUND LEVELS.**

**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

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Village Council of the Village of Pinehurst, North Carolina in work session assembled this 12<sup>th</sup> day of November, 2013, as follows:

**SECTION 1.** That Section 92.16, Regulating Unreasonably Loud, Disturbing Sound Levels, is amended:

Chapter 92: Nuisances; Environmental Protection

Pollutants and Noise Control

**§92.16 REGULATING UNREASONABLY LOUD, DISTURBING SOUNDS LEVELS.**

(B) Prohibited activities. The following activities, among others, are hereby declared to be unreasonably loud, disturbing sound levels, but the enumeration shall not be deemed to be exclusive:

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

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

(3) The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or in a manner as to create unreasonably loud, disturbing sounds;

(4) The operating of any business adjacent to any residential area so as to cause unreasonably loud, disturbing sounds;

(5) The creation of unreasonably loud, disturbing sound levels adjacent to any school, educational facility, church or court during their normal operating hours, or within 150 feet of any hospital, which a reasonably prudent person would recognize as likely to unreasonably interfere with the working of the institutions, provided signs are displayed indicating that the area is a school, educational facility, church, court or hospital;

(6) 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 Planning and Inspections Department;

**(7) The operation of power equipment including but not limited to lawn and garden maintenance equipment, generators and landscaping construction and maintenance equipment between the hours of 8:00 pm and 7:00 am.**

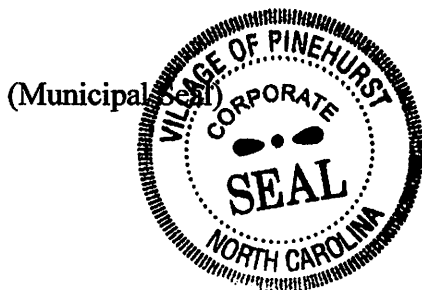
(78) The use of any electronic sound amplification equipment for advertising, paging or solicitation purposes, except with an appropriate permit; and

(89) The conduct of, or participation in any recreational activity in a residential district in the village which creates sound levels a reasonably prudent person would recognize as likely to unreasonably disturb persons on adjacent property or in the vicinity, particularly between the hours of 10:00 p.m. and 7:00 a.m.

**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 12th day of November, 2013.



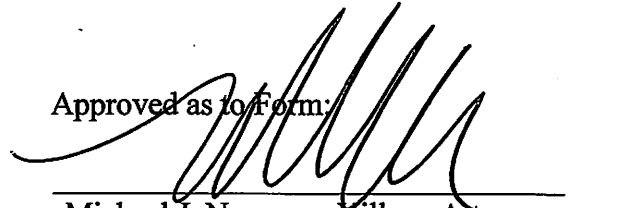
VILLAGE OF PINEHURST  
VILLAGE COUNCIL

By: Nancy R. Florillo  
Nancy R. Florillo, Mayor

Attest:

Lauren M. Craig  
Lauren M. Craig, Village Clerk

Approved as to Form:

  
Michael J. Newman, Village Attorney