

ORDINANCE #08-09:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 10.2.1.3 SR-18(c) (5). (SWIMMING POOL FENCES)

THAT WHEREAS, the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance on the 24th day of May, 2005, for the purpose of regulating planning and development in the Village of Pinehurst and the extraterritorial area over which it has jurisdiction; and

WHEREAS, said Ordinance may be amended from time to time as circumstances and the best interests of the community have required; and

WHEREAS, a Public Hearing was held at 1:00 p.m. on March 25, 2008 in the Assembly Hall of the Pinehurst Village Hall, Pinehurst, North Carolina after due notice in The Pilot, a newspaper in Southern Pines, North Carolina, with general circulation in the Village of Pinehurst, and its extraterritorial jurisdiction, for the purpose of considering proposed Pinehurst Development Ordinance text changes, at which time all interested citizens, residents and property owners in the Village of Pinehurst and its extraterritorial jurisdiction were given an opportunity to be heard as to whether they favored or opposed the proposed text amendments; and

WHEREAS, the Planning and Zoning Board has recommended that the Village Council amend Sections 10.2.1.3 SR 18(C) (5) of the Pinehurst Development Ordinance; and

WHEREAS, the Village Council of the Village of Pinehurst on December 18, 2007 adopted the North Carolina Residential Code 2007 (effective January 1, 2008) as included in Ordinance 07-48 which adopted the North Carolina State Building Codes; and

WHEREAS, the above-referenced North Carolina Residential Code 2007, which takes primacy over any local regulations, contains more restrictive regulations than the ones contained in section 10.2.1.3 SR 18(c) (5) of the Pinehurst Development Ordinance; and

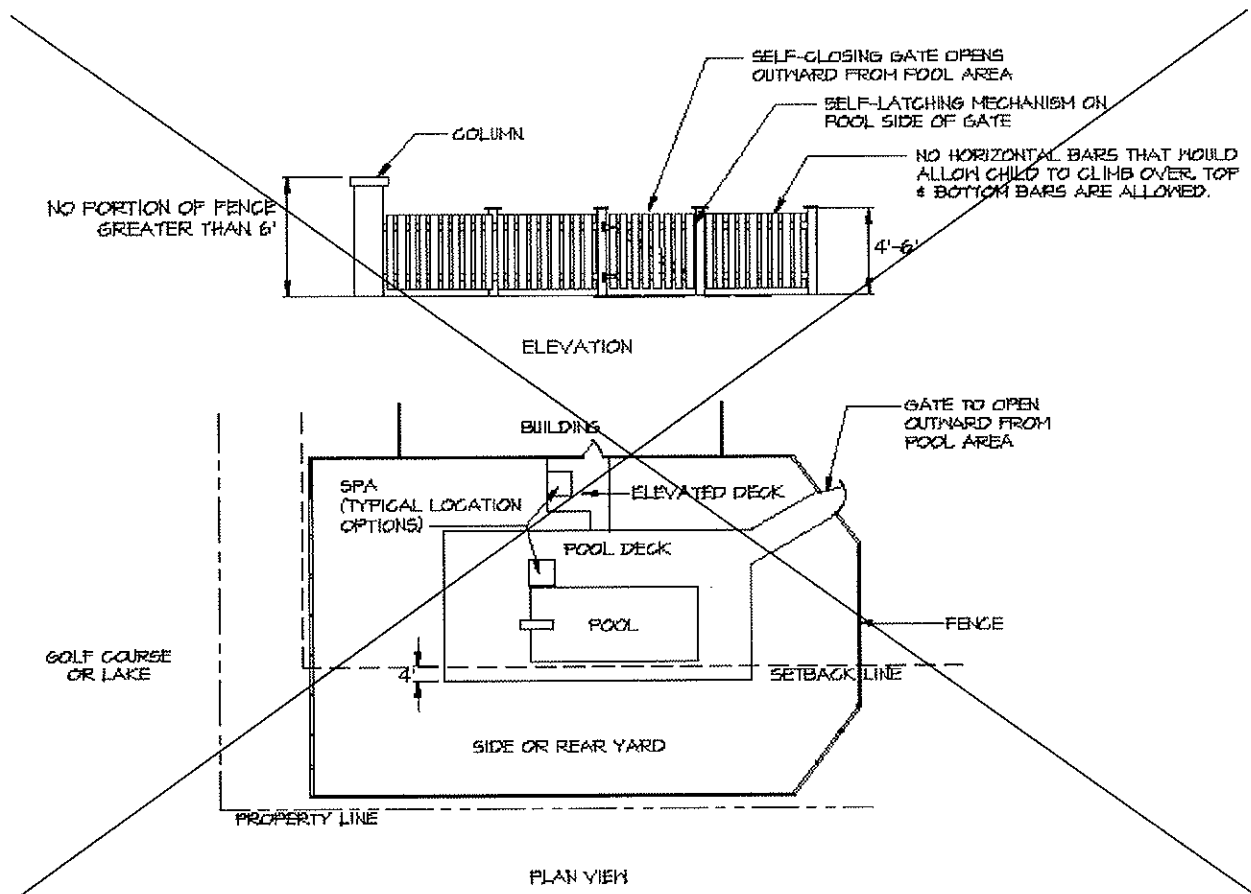
WHEREAS, the Village Council, after considering all of the facts and circumstances surrounding the proposed amendments in the text of the Pinehurst Development Ordinance, have determined that it is in the best interest of the Village of Pinehurst and the extraterritorial jurisdiction that the Development Ordinance be further amended, making the amendments as requested;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in regular session assembled on the 25th day of March, 2008, as follows:

SECTION 1. That the Pinehurst Development Ordinance of the Village of Pinehurst and its extraterritorial zoning jurisdiction be and the same hereby is amended by making the following text amendment to Section 10.2.1.3 SR 18(c) (5):

- (5) **(Reserved)** ~~Swimming pools shall be protected by a fence or equal enclosure, a minimum of four (4) feet in height and not more than six (6) feet in height, and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking. The release mechanism of which must be located on the poolside of the gate and placed so that a young child cannot reach it over the top or through any opening or gap. Such gate shall open outward from the pool area. A wall of a dwelling may serve as part of the barrier. This barrier may not be located in a way that allows any permanent structure, equipment, or similar object to be used for climbing the barrier. The fence may not have any gaps, opening, indentations, protrusions, or structural components that allow a young child (6 or younger) to crawl under, squeeze through, or climb over the barrier. Fence material shall be as specified in 18(j) below;~~

(NOTE: Drawing below is also to be deleted.)



SECTION 2. 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 3. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 25th day of March, 2008.

(Municipal Seal)



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: *Lorraine A. Tweed*
Lorraine A. Tweed, Mayor Pro-Tem

Attest:

Linda S. Brown
Linda S. Brown, Village Clerk

Approved as to Form:

[Signature]
Michael J. Newman, Village Attorney