

**ORDINANCE #05-22:**

**AN ORDINANCE AMENDING CHAPTER XI OF THE PINEHURST MUNICIPAL CODE, 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 amend Section 11-2 of 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 work session assembled this the 23<sup>rd</sup> day of August, 2005 as follows:

**SECTION 1.** That Chapter XI, Section 11-2.1 Unlawful Sound Levels, is hereby amended to read as follows: 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, time of day and other characteristics of the sound, unless specifically authorized by the Village of Pinehurst (see 11-2.3).

**SECTION 2.** That Chapter XI, Section 11-2.2 Prohibited Activities, is hereby amended by adding the following text amendments to Section 11-2.2 (a listing of activities, among others, declared to be unreasonably loud, creating disturbing sound levels, said enumeration deemed not to be exclusive):

The playing of any musical instrument or electronic sound amplification equipment in such manner or with such volume, ~~particularly between hours~~ between ~~11:00p.m. and 7:00 a.m.~~, such 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.

The conduct of, or participation in any recreational athletic activity in a residential district in the Village of Pinehurst, 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. that can be heard off of the premises on which the activity is occurring, between the hours of 7:00 pm and 8:30 am during the period of October 1 through March 31, and between the hours of 8:30 pm and 8:30 am, during the period of April 1 through September 30.

**SECTION 3.** All laws and ordinances or sections thereof in conflict with this ordinance are hereby repealed.

**SECTION 4.** That this ordinance shall be and remain in full force and effect from and after the date of its adoption.

THIS ORDINANCE adopted this 23<sup>rd</sup> day of August, 2005.


(Municipal Seal)

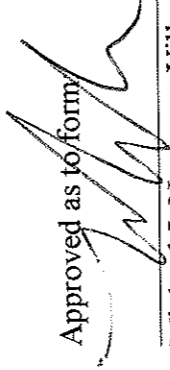


VILLAGE OF PINEHURST  
VILLAGE COUNCIL

Attest:

  
Linda S. Brown, Village Clerk

  
By: Steven J. Smith, Mayor

Approved as to form  
  
Michael J. Newman, Village Attorney