

## • **CHAPTER 32: STATE OF EMERGENCY**

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### **§ 32.01 DEFINITION.**

A "state of emergency" shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe or similar public emergency, or any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives, safety or property.

(1986 Code, § 14A-1.1) (Ord. 87-29, passed 10-19-1987)

### **§ 32.02 PROCLAMATION BY MAYOR; GENERAL AUTHORITY.**

(A) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the village, or threatening damage to or destruction of property, the Mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of a state of emergency, and, in order to more effectively protect the lives and property of the people within the village to place in effect any or all of the restrictions hereinafter authorized, including the authority to define and impose a curfew.

(1986 Code, § 14A-1.2)

(B) The Mayor is hereby authorized and empowered to limit by the proclamation the application of all or any part of a restriction to any area specifically designated or described within the corporate limits of the village and to specific hours of the day or night; and to exempt from all or any part of the restrictions of law enforcement officers, firefighters and other public employees, doctors, nurses, employees of hospitals and other medical facilities; military personnel whether state or federal; on-duty employees of public utilities; public transportation companies and newspaper, magazine, radio broadcasting and television broadcasting corporations operated for profit and other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people within the village.

(1986 Code, § 14A-1.3)

(Ord. 87-29, passed 10-19-1987)

### **§ 32.03 IMPOSITION OF RESTRICTIONS DURING EMERGENCY.**

During the existence of a proclaimed state of emergency, the Mayor may impose by proclamation any or all of the following restrictions:

(A) Prohibit or regulate the possession, off one's own premises, of explosives, firearms, ammunition or dangerous weapons of any kind and prohibit the purchase, sale, transfer or other disposition thereof;

(B) Prohibit or regulate the buying or selling of beer, wine or intoxicating beverages of any kind and their possession or consumption off one's own premises;

(C) Prohibit or regulate any demonstration, parade, march, vigil or participation therein from taking place on any of the public ways or upon any public property;

(D) Prohibit or regulate the sale of gasoline, kerosene, naphtha or any other explosive or inflammable fluids or substances;

(E) Prohibit or regulate travel upon any public street, alley or roadway or upon any other public property except by those in search of medical assistance, food or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof; or

(F) Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment and any other places of public assembly.

(1986 Code, § 14A-1.4) (Ord. 87-29, passed 10-19-1987)

#### **§ 32.04 AMENDMENT OF PROCLAMATION.**

Any proclamation may be extended, altered or repealed in any particular aspect during the continued or threatened existence of a state of emergency by the issuance of a subsequent proclamation.

(1986 Code, § 14A-1.5) (Ord. 87-29, passed 10-19-1987)

#### **§ 32.05 SUCCESSION TO MAYOR'S AUTHORITY.**

(A) In the absence of the Mayor during an emergency situation, the following persons are authorized to act in his or her stead in the following order according to their availability:

- (1) Mayor Pro Tempore;
- (2) Treasurer;
- (3) Remaining Council member with greatest seniority; and
- (4) Remaining Council member.

(B) If the Mayor or a member higher on the list becomes available during the pendency of an emergency situation, the person acting in his or her stead shall relinquish the authority granted by this section to the Mayor or a member higher on the list.

(1986 Code, § 14A-1.6) (Ord. 87-29, passed 10-19-1987)

#### **§ 32.06 VIOLATIONS.**

(A) During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this chapter.

(B) Violations of any provision of any restriction imposed hereunder shall be a **misdemeanor** and punishable as provided by § [10.99](#).

## • CHAPTER 50: SOLID WASTE

[http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/pinehurst\\_nc/villageofpinehurstnorthcarolinamunicipal?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:pinehurst\\_nc](http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/pinehurst_nc/villageofpinehurstnorthcarolinamunicipal?f=templates$fn=default.htm$3.0$vid=amlegal:pinehurst_nc)

### § 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BUILDING MATERIALS.** Solid waste resulting from construction, remodeling, repair or demolition operations on pavement, buildings or other structures, but not including land clearing or yard waste.

**BULKY ITEMS.** Discarded solid waste items including furniture, carpet, bedding, scrap tires and other items too large to place in garbage cans but not including white goods, yard waste or building materials.

**CURBSIDE.** The space in the grass strip between the street and sidewalk, where those strips exist, or that space immediately adjacent to that portion of the street right-of-way normally used by vehicles.

**DUMPSTER.** A metal container of not less than four cubic yards used to contain solid waste and serviced using a rear-loading truck.

**GARBAGE.** Solid waste including animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, paper, cardboard, wood, glass, crockery and similar materials, but not including body waste, yard waste, white goods, bulky items, building materials, medical waste, hazardous waste or recyclable material.

**HAZARDOUS WASTE.** A solid waste, or combination of solid wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitation reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

**MEDICAL WASTE.** Any solid waste which is generated in the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biological, but does not include any hazardous waste or those substances excluded from the definition of solid waste.

**SOLID WASTE.** Any garbage, yard waste, bulky items and other material that is either discarded or is being accumulated or stored prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, from community activities and from household uses.

**SPECIAL WASTE.** Solid waste that can require special handling and management, whole tires, used oil, lead-acid batteries and medical waste.

**VILLAGE.** The village or a person, firm or corporation, which, by contractual arrangement with the village, provides solid waste collection services for residences and commercial establishments.

**WHITE GOODS.** Inoperative and discarded residential, metal refrigerators, ranges, water heaters, freezers and other similar domestic large appliances.

**YARD WASTE.** Solid waste consisting solely of vegetative matter resulting from landscaping maintenance including but not limited to shrubbery and tree trimmings, lawn clippings, yard raking, leaves, pine cones, pine straw and Christmas trees.

(1986 Code, § 12-2.1) (Ord. 04-43, passed 11-30-2004)

#### **§ 50.02 CERTAIN WASTES NOT COLLECTED BY VILLAGE.**

(A) Unless otherwise provided in this chapter, the village will not collect medical waste, building materials, special waste, hazardous waste, human and animal waste and dead animals weighing greater than 100 pounds. No person shall place any of the aforementioned items in any container or receptacle intended for collection by the village.

(B) The removal of building materials, stumps, logs and materials resulting from the clearing of vacant land shall be the responsibility of the owner of the property or his or her contractor, builder or other agent.

(C) The village will not collect and remove solid waste generated by nonresidential properties in the corporate limits of the village. The removal of solid waste from nonresidential properties shall be the responsibility of the owner of the property, tenant or other agent. The manner and frequency of storing, collecting and removing solid waste from nonresidential properties in the village shall be subject to the regulations in this chapter.

(1986 Code, § 12-2.2) (Ord. 04-43, passed 11-30-2004) Penalty, see § [50.99](#)

#### **§ 50.03 CONTAINERS REQUIRED.**

(A) All commercial and other nonresidential properties shall provide themselves with a dumpster or other appropriate garbage receptacle. Garbage collection service for those establishments shall not be provided by the village.

(B) Any apartment complex or condominium complex shall provide itself with an appropriately sized dumpster or dumpsters for garbage collection or be provided with an appropriate number of village-owned household trash and/or recycling receptacles, as determined by the Public Services Director, to be placed in common collection areas. Common collection area placement(s) within the complex must be approved in advance by the Public Services Director. For the purpose of this section, a **COMPLEX** shall be defined as any development having ten or more units. The village will provide collection service for all complexes within the village.

(C) All garbage receptacles shall be kept reasonably clean by the homeowner or tenant by the use of effective cleaners and disinfectants.

(D) The village provides residential receptacles for solid waste services and requires the use of those receptacles by the homeowner or tenant to which they are provided. All solid waste

materials must fit within the appropriate cart, which shall be securely covered. No materials are permitted outside a curbside cart unless specifically allowed under a temporary order by the Public Services Director. Damage to the village provided receptacle outside of normal wear and tear can be assessed to the property owner up to the full replacement cost of a new container.

(1986 Code, § 12-2.3) (Ord. 04-43, passed 11-30-2004; Ord. 08-41, passed 12-16-2008; Ord. 14-01, passed 01-14-2014; Ord. 18-01, passed 1-23-2018)

#### **§ 50.04 PREPARATION REQUIREMENTS; SPECIAL PREPARATION.**

(A) Residential garbage shall be prepared in accordance with the provisions of this section. In order to comply with the preparation requirements, no person shall place in any garbage receptacle to be collected by the village any of the following:

- (1) White goods;
- (2) Bulky items;
- (3) Building materials;
- (4) Special waste;
- (5) Hazardous waste;
- (6) Medical waste; or
- (7) Dead animals.

(B) Residential garbage shall be wrapped, bagged or enclosed in paper or plastic material. All excess liquid shall be drained before the garbage is placed in a container. Animal waste in small quantities may be deposited with residential garbage only if it is separately bagged in a leak-proof, plastic bag prior to being placed inside the residential garbage bag. Each bag or parcel of garbage shall not exceed 50 pounds in total weight.

(C) Dead animals less than 100 pounds shall be collected on a call basis. Placement for collection shall be within ten feet of the traveled portion of the street and shall be placed no earlier than two hours before the scheduled pickup time.

(1986 Code, § 12-2.4)

(D) No person shall dispose of or discard any dangerous trash items such as broken glass, light bulbs, sharp pieces of metal and fluorescent tubes unless they are securely wrapped to prevent injury to the collection personnel. Merely placing these items in paper or plastic bags shall not be considered adequate protection.

(1986 Code, § 12-2.5) (Ord. 04-43, passed 11-30-2004) Penalty, see § [50.99](#)

#### **§ 50.05 FREQUENCY OF COLLECTION AND REMOVAL.**

(A) No garbage that has become decayed or that shall otherwise be a menace to health or cleanliness shall be allowed to remain in any dwelling house, hotel, café, restaurant, lunch stand, fruit stand, meat market, store or other building, on any premises, for a longer time than shall be reasonably necessary to remove and deposit it in a can provided in accordance with this section.

(B) For residential properties, including apartment and condominium complexes, located in the village, village employees or contractors acting on behalf of the village shall provide household trash and recycling collection and removal services once per week, except for holidays or when inclement weather conditions prevent the provision of this service, pursuant to schedule prepared and maintained by the Public Services Department of the village. For residential properties served by village personnel, yard debris collection and removal service shall be provided once per week. Village-provided trash, recycling, and yard debris receptacles must be placed curbside/roadside/back alley prior to 7:00 a.m. on the day of pickup or no earlier than 5:00 p.m. prior to the collection day and must be removed from curbside/roadside/back alley by the end of the day of pickup. This provision does not apply to apartment and condominium complexes with common collection areas. For residential properties on major thoroughfares, as determined by the Public Services Director, trash, recycling, and yard debris receptacles must adhere to the same time restrictions above; however, they shall be placed for collection purposes in the driveway, as opposed to curbside, in such a manner as to be clearly visible from the road in which the driveway enters and/or exits. Trash, recycling, and yard debris receptacles shall be stored between scheduled pickups either within a completely enclosed substantial structure such as a house, garage, shed or be stored behind the principal structure's building lines extended for all sides of the structure that directly face a street and be no more than five feet from the principal structure itself (exception: if a home is served by back alley collection or is an apartment or condominium complex then this requirement may not apply).

(C) The owner, tenant or other agent of nonresidential property in the village shall be responsible for arranging for the collection and removal of solid waste from those premises. All solid waste shall at all times be maintained in securely covered garbage receptacles or dumpsters, and the owner, tenant or other agent of nonresidential property is responsible for providing for disposal of the solid waste at least once per week. The Public Services Director is authorized to require service in addition to the once per week minimum, if, in the opinion of the Public Services Director, either the condition of the solid waste, the proximity of the nonresidential property to residential properties, the location of the garbage receptacles or dumpsters, or seasonal factors dictate. Failure to abide by the direction of the Public Services Director shall subject the property owner, tenant or other agent to the enforcement procedures, including penalties, described in but not limited to § [50.99](#).

(1986 Code, § 12-2.6) (Ord. 04-43, passed 11-30-2004; Ord. 08-41, passed 12-16-2008; Ord. 09-02, passed 01-27-2009; Ord. 14-01, passed 01-14-2014; Ord. 15-01, passed 1-27-2015)  
Penalty, see § [50.99](#)

## **§ 50.06 USE OF PUBLIC RECEPTACLES.**

(A) It is the declared policy of the village that public receptacles are there for the convenience of the public who use the streets so that they may deposit items of garbage therein rather than litter the streets of the village. The public receptacles are not for the purpose of dumping large quantities of garbage.

(B) It shall be unlawful for any person residing outside the corporate limits of the village to bring quantities of garbage, accumulated outside of the village and deposit them in any receptacle to be collected by the village along the streets or elsewhere within the corporate limits of the village.

(1986 Code, § 12-2.7) (Ord. 04-43, passed 11-30-2004) Penalty, see § [50.99](#)

#### **§ 50.09 PLACING SOLID WASTE IN RECYCLING CONTAINERS PROHIBITED.**

No person shall put, place, or deposit any solid waste except those items designated by the Public Services Director as recyclable materials in recycling containers. Solid waste materials shall be accumulated and placed in receptacles and at locations as required in this section.

(1986 Code, § 12-2.10) (Ord. 04-43, passed 11-30-2004) Penalty, see § [50.99](#)

#### **§ 50.10 YARD WASTE COLLECTION.**

(A) Shrubbery trimmings, tree trimmings, lawn clippings, sticks, pinecones, yard rakings and the like shall only be collected when deposited loose and un-bagged in the proper receptacle and placed curbside as provided in this division. No material or receptacle shall be placed in any street, gutter, canal or ditch where it would prevent or divert the flow of stormwater or interfere in any way with any storm drainage system or interfere with public use of any street.

(B) Tree limbs shall not be more than four feet in length or six inches in diameter. If tree limbs do not fit in cart with cover secure, they shall be placed adjacent to and spaced three feet from container with tree limbs securely tied in bundles not more than 18 inches in diameter and four feet in length.

(C) No material such as trees, shrubbery or underbrush resulting from the clearing of vacant land will be picked up by the village or agents of the village.

(D) Collection of yard debris shall occur once a week on a regular schedule as designated by the Public Services Director, unless holidays or inclement weather prevent the provision of this service. In the event of holidays, the collection of yard debris shall occur on the next business day unless inclement weather prevents the provision of this service.

(1986 Code, § 12-2.11) (Ord. 04-43, passed 11-30-2004; Ord. 09-02, passed 01-27-2009; Ord. 15-01, passed 1-27-2015) Penalty, see § [50.99](#)

#### **§ 50.11 WHITE GOODS COLLECTION.**

(A) White goods will be collected on a call basis. Placement for collection shall be curbside and shall be no earlier than 24 hours before the scheduled pick-up time.

(B) The village shall not be responsible for collecting more than three cubic yards of white goods from any one location during any one collection cycle.

(1986 Code, § 12-2.12) (Ord. 04-43, passed 11-30-2004) Penalty, see § [50.99](#)

#### **§ 50.99 PENALTY.**

(A) It shall be unlawful for any person, firm or corporation to violate any provision of this chapter. Any person, firm or corporation violating this chapter shall subject the offender to a civil penalty in the amount of \$50. Each day's continuing violation shall be a separate and distinct offense. The Village Manager or his or her designee shall notify either by telephone or letter the person, firm or corporation in violation, describing the offense, the section violated, the corrective action necessary and a reasonable time period for compliance. If the violation is not corrected within the required time, the Village Manager or his or her designee shall have the



authority to issue a civil citation, on forms developed for that purpose, imposing the herein above-stated civil penalty of \$50 for each separate offense. If corrective action is not taken or the penalty paid, the Village Manager shall forward the matter to the Village Attorney for further legal action. Such action could include, but not be limited to civil action, criminal prosecution and injunction as allowed by this section and state law.

(B) In addition to or in lieu of any remedies authorized above, violations of this section may be prosecuted as a misdemeanor or infraction in accordance with G.S. § 160A-175.

## • CHAPTER 70: GENERAL PROVISIONS

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### § 70.01 DEFINITIONS.

Whenever any words and phrases are used in this title, the meaning respectively ascribed to them by reference to sections of the North Carolina General Statutes, shall be deemed to apply to the words and phrases as used herein.

(1986 Code, § 7-1)

### § 70.02 OFFICIAL TIME STANDARD AND STATUTORY AUTHORITY.

(A) *Time standard.* Whenever certain hours are named in this title, they shall mean either Eastern Standard Time or Eastern Daylight Saving Time as may be in current use in the village.

(B) *Statutory authority.* Pursuant to authority contained in G.S. §§ 160A-296, 160A-300 and 160A-301 and for the purpose of prescribing regulations governing conditions hazardous to life and property or detrimental to the safety or welfare of its citizens, there is hereby adopted and made applicable within the corporate limits of the village from and after the effective date hereof the following traffic regulations.

(1986 Code, § 7-2) (Ord. passed 10-20-1980)

### § 70.03 ENFORCEMENT OF TRAFFIC REGULATIONS.

When signs are properly installed, these traffic regulations are enforceable by the duly constituted law enforcement officers of the village.

(1986 Code, § 7-8) (Ord. passed 10-20-1980)

### § 70.04 INSTALLATION OF SIGNS.

The Village Council and the Village Manager, with advice and consent of the Village Council, shall have and are hereby granted authority to erect stop signs, yield right-of-way signs, speed limit signs, street directional signs, stopping, standing and parking signs, traffic signal control devices and other signs and devices as may be deemed necessary by them to properly regulate and control traffic and the use of streets by motor vehicles in the village.



(1986 Code, § 7-9) (Ord. passed 10-20-1980; Ord. 88-02, passed 01-18-1988; Ord. 16-14, passed 9-27-2016)

#### **§ 70.05 EMERGENCY REGULATIONS.**

The Village Council and the Chief of Police, with the advice and consent of the Village Council, may, during periods of emergency or other need, prohibit, regulate, divert, control and limit pedestrian or vehicular traffic upon the public streets, sidewalks, alleys and bridges of the village.

(1986 Code, § 7-10) (Ord. passed 10-20-1980)

#### **§ 70.06 APPROVALS FROM THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.**

Any change in traffic regulations upon a street within the State Primary Road System requires approval from both the local government and the North Carolina Department of Transportation.

(1986 Code, § 7-12) (Ord. passed 09-17-1984)

### **CHILD HELMET SAFETY**

#### **§ 70.20 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BICYCLE.*** A human-powered vehicle with two wheels in tandem designed to transport, by the action of pedaling, one or more persons seated on one or more saddle seats on its frame. This term also includes a human-powered vehicle, designed to transport by the action of pedaling which has more than two wheels where the vehicle is used on a public roadway, public bicycle path or other public right-of-way, but does not include tricycle.

***ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.*** A self-balancing non-tandem two-wheeled device, designed to transport one person, with a propulsion system that limits maximum speed of the device to 15 mph or less.

***OPERATOR.*** A person who travels on a bicycle seated on a saddle seat from which that person is intended to and can pedal the bicycle.

***OTHER PUBLIC RIGHTS-OF-WAY.*** Any right-of-way other than a public roadway or public bicycle path that is under the jurisdiction and control of the village and is designed for use and used by vehicular and/or pedestrian traffic.

***PASSENGER.*** A person who travels on a bicycle in any manner except as an operator.

***PROTECTIVE HELMET.*** A piece of headgear that meets or exceeds the impact standards for protective helmets set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation.

***PUBLIC BICYCLE PATH.*** A right-of-way under the jurisdiction and control of the village for use primarily by bicycles and pedestrians.

**RESTRAINING SEAT.** A seat separate from the saddle seat of the operator of the bicycle that is fastened securely to the frame of the bicycle and is adequately equipped to restrain the passenger in the seat and protect the passenger from the moving parts of the bicycle.

**SCOOTER.** A foot-operated or auxiliary-powered vehicle consisting of a narrow footboard mounted between two wheels tandem with an upright steering handle attached to the front wheel.

**SKATE.** A shoe, or frame fitting over a shoe, with either a blade or four small rollers or wheels, designed for skating on a hard surface.

**SKATEBOARD.** A flat, short, narrow board mounted on four roller-skate wheels, ridden in a standing position.

**TRICYCLE.** A three-wheeled, human-powered vehicle designed for use as a toy by a single child under the age of six years, the seat of which is no more than two feet from ground level.

(1986 Code, § 7-16.1) (Ord. 01-10, passed 05-22-2001; Ord. 09-13, passed 05-12-2009)

#### **§ 70.21 REQUIREMENTS FOR HELMET AND RESTRAINING SEAT USE.**

With regard to any bicycle, scooter, inline or roller skates, electric personal assistive mobility device or skateboard used on a public roadway, public bicycle path or other public right-of-way:

(A) Any person under the age of 16 operating a bicycle, roller blades, inline or roller skates, skateboard, electric personal assistive mobility device or scooter on village property (including parks and greenways) shall wear a helmet of good fit, with the chin strap fastened securely under the chin, and:

(B) It shall be unlawful to rent or lease any bicycle or electric personal assistive mobility device to or for the use of any person under the age of 16 unless:

(1) The rental or lease includes a protective bicycle helmet of good fit, and the person intends to wear the helmet, as required by division (A) above, at all times while operating an electric personal assistive mobility device or bicycle or being a passenger on the bicycle.

(2) A person who is in the business of renting bicycles or electric personal assistive mobility devices shall post or make available to a person renting a bicycle or electric personal assistive mobility device a written notice explaining the provisions of this section and shall provide an appropriate helmet to an operator or passenger who is under 16 years of age. A reasonable fee may be charged for the helmet rental.

(1986 Code, § 7-16.2) (Ord. 01-10, passed 05-22-2001; Ord. 09-13, passed 05-12-2009)

### **MOTOR VEHICLES IN RESIDENTIALLY ZONED DISTRICTS**

#### **§ 70.35 STORAGE OF UNLICENSED VEHICLES.**

Unlicensed vehicles must be stored in a fully enclosed, permanent structure at all times.

(1986 Code, § 7-19.1) (Ord. 09-32, passed 10-13-2009) Penalty, see § [70.99](#)

#### **§ 70.36 DISPLAY OF VEHICLES FOR SALE; LOCATION.**

(A) No more than one licensed motor vehicle may be displayed for sale or trade on the premises at any time and display of a given vehicle for sale or trade shall not be for a period exceeding 30 days.

(B) During a 12-month period commencing January 1 and ending December 31 of each year, no more than two licensed motor vehicles shall be displayed for sale or trade on the premises. Further, no more than two sales or trades of licensed motor vehicles displayed for sale on the premises shall occur within the same 12-month period.

(C) No licensed motor vehicle, if not registered to the occupant of the premises or immediate family member of the occupant as the record title owner of the vehicle, may be displayed upon the premises for sale or trade.

(D) A licensed motor vehicle displayed for sale or trade on the premises as provided herein may be located in the setback but not within the street right-of-way. The vehicle must also be located on an improved surface meant for a driveway use.

(1986 Code, § 7-19.2)

(E) Vehicles for sale shall not be located on vacant parcels and shall only be located on the same parcel as the primary residence in which the vehicle's owner resides.

(1986 Code, § 7-19.3)

(Ord. 09-32, passed 10-13-2009) Penalty, see § [70.99](#)

#### **§ 70.37 SALE OF MOTOR VEHICLE TO COMPLY WITH OTHER REGULATIONS.**

All instances of the outside sale of motor vehicles must be in compliance with [Chapter 90](#), Abandoned, Nuisance and Junked Motor Vehicles.

(1986 Code, § 7-19.4) (Ord. 09-32, passed 10-13-2009)

#### **§ 70.38 REGISTRATION OF VEHICLES FOR SALE.**

Prior to displaying a vehicle for sale or trade, the vehicle owner must register the sale of the vehicle with the Planning and Inspections Department of the village.

(1986 Code, § 7-19.5) (Ord. 09-32, passed 10-13-2009)

#### **§ 70.39 ADMINISTRATION AND ENFORCEMENT.**

The Chief of Police and the Zoning Enforcement Officer shall be responsible for the administration and enforcement of this subchapter. The Chief of Police shall be responsible for the administration and enforcement of this subchapter for situations on public streets and highways within the village and on property owned by the village. The Zoning Enforcement Officer shall be responsible for the administration and enforcement of this subchapter for situations on private property.

(1986 Code, § 7-19.6) (Ord. 09-32, passed 10-13-2009)

#### **§ 70.99 PENALTY.**

(A) (1) Any person, firm or corporation who shall violate the provisions of this title for which no specific penalty is otherwise provided, shall be issued a citation by a properly constituted law enforcement officer of the village, specifying the violation, and the violator shall be permitted to deposit with the Village Clerk or his or her designee the sum of \$5 within five days of the issuance of the citation, which sum shall be forfeited to the village in lieu of any fine or other penalty.

(2) In the event the violator should fail to deposit that sum within the five-day period following the issuance of the citation, then the proper authorities of the village shall have the right to have a warrant issued for the violator charging the specific violation, and, if convicted of the violation shall be guilty of a misdemeanor, and may be fined not more than \$50 or imprisoned for a term not exceeding 30 days.

(1986 Code, § 7-11) (Ord. passed 10-20-1980; Ord. passed 03-16-1981)

(B) (1) Except as provided in division (B)(2) of this section, any person violating any requirement set forth in § [70.21](#) shall be held responsible for an infraction and may pay a civil fine of up to \$10, inclusive of all penalty assessments and court costs as set forth in G.S. § 14-4(b).

(2) In the case of a first conviction of § [70.21](#), the court may waive the fine upon receipt of satisfactory proof that the person responsible for the infraction has purchased or otherwise obtained, as appropriate, a protective bicycle helmet or a restraining seat, and uses and intends to use it whenever required under § [70.21](#).

(1986 Code, § 7-16.3) (Ord. 01-10, passed 05-22-2001)

(C) Violations of the terms of §§ [70.35](#) through [70.39](#) shall subject the violator to the penalties and remedies, either criminal or civil or both, as set forth in § [10.99](#).

## • CHAPTER 93: FIRE PREVENTION

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### FIRE PREVENTION CODE

#### § 93.01 ADOPTED BY REFERENCE.

Pursuant to authority contained in G.S. § 160A-76(b) and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, there is hereby adopted by reference Volume Five of the North Carolina Building Code, known as Fire Prevention, as the Fire Prevention Code of the village. The adoption of Volume Five includes all of its currently recognized Chapters and Amendments, and any and all subsequent changes to those chapters, including Appendix B - 2002 Fire Code, as required by law or as deemed necessary and approved by the Village Council. The same as if set forth herein verbatim; and the same is hereby made applicable within the corporate limits of the village from and after the effective date hereof. Copies of this Fire Prevention Code shall be on file in the Office of the Village Clerk and the Fire Chief.

(1986 Code, § 10-1.1) (Ord. 99-02, passed 02-15-1999; Ord. 04-35, passed 09-10-2004)

### **§ 93.02 ENFORCEMENT.**

It shall be the duty of the Fire Chief, or other person as may be designated with the advice and consent of the Village Council, to administer and enforce the provisions of the code within the village. This duty of the Fire Chief or other designated official shall be in addition to those duties prescribed in G.S. § 160A-293.

(1986 Code, § 10-1.2) (Ord. 99-02, passed 02-15-1999)

### **§ 93.03 PERMIT REQUIREMENTS.**

No person shall commence or proceed with the installation, extension or alteration of any fire protection system or maintain, store or handle hazardous materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with those activities without first securing from the Fire Official any or all permits required by Volume Five of the State Building Code. Permits shall only be issued, upon approval of the Fire Official, after a review of all plans and specifications or a complete inspection of an existing building has been completed to insure compliance with the State Building Code.

(1986 Code, § 10-1.3) (Ord. 99-02, passed 02-15-1999) Penalty, see § [93.99](#)

### **§ 93.04 CERTIFICATE OF COMPLIANCE.**

In all cases where laws or regulations exist that are enforceable by the Fire Official, approval must first be obtained from the Fire Official before the owner of a building is issued a certificate of compliance or occupancy.

(1986 Code, § 10-1.4) (Ord. 99-02, passed 02-15-1999) Penalty, see § [93.99](#)

### **§ 93.05 RIGHT OF APPEAL.**

Whenever the Chief of the Fire Department or designated representative shall disapprove an application or refuse to grant a license or permit applied for under the Fire Prevention Code, or when it is claimed that the provision of the Fire Prevention Code does not apply, or that the true intent and meaning of the Fire Prevention Code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision to the State Commission of Insurance or designated representative, by filing a written notice with the Commission of Insurance and with the local inspection department within a period of ten days after the order, decision or determination. Further appeals may be taken to the State Building Code Council or to the courts, as provided by law.

(1986 Code, § 10-1.5) (Ord. 99-02, passed 02-15-1999)

### **§ 93.06 COPIES AVAILABLE FOR USE OF PUBLIC.**

Copies of the Fire Prevention Code adopted by this chapter shall be available for the use of any interested person at the Fire Station, the office of the Village Clerk and the Given Memorial Library, during their respective regular office hours.

(1986 Code, § 10-1.7) (Ord. 99-02, passed 02-15-1999)

## **FIRE LIMITS**

### **§ 93.20 ESTABLISHMENT.**

Pursuant to authority contained in G.S. §§ 160A-435 and 160A-436 and for the purpose of prescribing regulations governing conditions detrimental to the safety and welfare of its citizens, there is hereby adopted and made applicable within the corporate limits of the village from and after the effective date hereof the following:

The boundary of the Primary Fire Limits, is as shown on Exhibit "A," which is on file in the office of the Village Clerk, and shall be measured from the center line of each street, road, square or alley to the front, rear or sides of the above stated lots. Where one or more lot lines do not abut with any street, road, square or alley, the Primary Fire Limits shall run in agreement with the true property line of the lots.

(1986 Code, § 10-2.1) (Ord. passed 02-16-1981)

### **§ 93.21 RESTRICTIONS.**

Within the Primary Fire Limits of the village, as established and defined by § [93.20](#), no frame or wooden building or structure or addition thereto shall hereafter be erected, altered, repaired or moved (either into the limits or from one place to another within the limits) except upon permit of the Village Building Inspector approved by the Commissioner of Insurance.

(1986 Code, § 10-2.2) (Ord. passed 02-16-1981) Penalty, see § [93.99](#)

### **§ 93.99 PENALTY.**

(A) Any person who violates any provision of this chapter for which no specific penalty is otherwise provided shall be subject to the penalty provided in § [10.99](#).

(B) Any person who shall violate any of the provisions of the Fire Prevention Code adopted by this chapter or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with an order as affirmed or modified by the Chief of the Fire Department or designated representative, or by a court of competent jurisdiction, within the time fixed therein, shall, severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor, and upon conviction, be punished by a fine of not more than \$50 for each violation or imprisonment for not more than 30 days for each violation. Each 30 days that the violation continues shall constitute a separate and distinct offense.

(C) Violations of occupancy limits established pursuant to the State Building Code shall be a misdemeanor subject to a \$100 fine for the first offense, a \$250 fine for the second offense and a \$500 fine and up to 30 days imprisonment for a third offense. Any occupancy violation incurred after one year shall constitute a first offense. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all persons shall be required to correct or remedy violations or defects within a reasonable time.

(D) The imposition of a penalty for a violation shall not be held to prevent the enforced removal of prohibited conditions.

(1986 Code, § 10-1.6) (Ord. 99-02, passed 02-15-1999)

## • CHAPTER 94: PARKS AND RECREATION

[http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/pinehurst\\_nc/village\\_of\\_pinehurst\\_north\\_carolina\\_municipal?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:pinehurst\\_nc](http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/pinehurst_nc/village_of_pinehurst_north_carolina_municipal?f=templates$fn=default.htm$3.0$vid=amlegal:pinehurst_nc)

### GENERAL PROVISIONS

#### § 94.01 PUBLIC PARK DEFINED.

*PUBLIC PARK* is defined as any open space or building owned by the village which can be used for recreation purposes and includes, but is not limited to, park land, playgrounds, ballfields, walking trails, greenway trails, picnic shelters, fieldhouses, recreation buildings and the like.

(1986 Code, § 14-1.1) (Ord. 00-03, passed 02-22-2000; Ord. 05-10, passed 04-26-2005)

#### § 94.02 HOURS OF OPERATION.

Pursuant to authority contained in G.S. Chapter 160A and Section 174(a), all public parks are hereby closed to all persons between the hours of 10:30 p.m. and 8:00 a.m., unless a different schedule is specifically permitted in writing by the Parks and Recreation Director for a special event or program. (Exception: All playground areas close at dusk unless otherwise posted.) This section does not apply to the Pinehurst Harness Track.

(1986 Code, § 14-1.2) (Ord. 97-03, passed 01-21-1997; Ord. 00-03, passed 02-22-2000) Penalty, see § [94.99](#)

### REGULATED OR PROHIBITED ACTIVITY

#### § 94.14 TEMPORARY EVENTS.

(A) Any person, firm or corporation is hereby required to secure a temporary event permit for events meeting one or more of the following criteria:

(1) Major civic and cultural events, grand openings, and ground breaking ceremonies that impact village resources (i.e. police, fire, and public services);

(2) Athletic events, including those which utilize village property, public streets or rights-of-way;

(3) Parades, fairs, festivals;

(4) Other temporary events of community-wide significance.

(B) The Parks and Recreation Department shall issue a temporary event permit only upon finding that the temporary event satisfies the following requirements:

(1) If the property is undeveloped, it contains sufficient open space to support the temporary use;



(2) If the property is developed, it contains an area that is not actively used which would support the proposed temporary use without encroaching into or creating a negative impact on existing buffers, open space, landscaping, traffic movements, or parking space availability;

(3) Tents and other temporary structures will be located so as to not interfere with the normal operations of any permanent use located on the property;

(4) Off-street parking is adequate to accommodate the proposed temporary event;

(5) Where the temporary event will occupy an existing parking area, the number of parking spaces left available will be no less than the minimum required in the Village of Pinehurst Codes and Ordinances for the principal, permanent use of the property;

(6) Restroom facilities are provided;

(7) A plan for the disposal of solid waste generated as a result of the temporary event will be implemented and all trash and recycling receptacles will be promptly serviced and removed if temporary;

(8) A plan for security and safety will be implemented on and around the site of the event, including sufficient staffing, provision for pedestrian safety and traffic routing;

(9) A plan for public health and safety on, around, and outside the site of the event will be implemented, including a showing that the event will not likely cause interference with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided throughout the village and will not likely cause unreasonable or unwarranted disruption to vehicular or pedestrian traffic;

(10) All inspections and permits required by applicable construction codes have been met and approved by the Planning and Inspections and the Fire Department;

(11) The temporary event meets all other applicable requirements of the Village of Pinehurst Codes and Ordinances.

(Ord. 13-16, passed 4-23-13) Penalty, see § [94.99](#)

#### **§ 94.15 ALCOHOLIC BEVERAGES PROHIBITED ON PREMISES.**

(A) The possession or consumption of alcoholic beverages is prohibited in village parks, unless otherwise permitted as set forth in a signed agreement approved by the village.

(B) For purposes of this section, **ALCOHOLIC BEVERAGES** shall mean any beverage containing at least 0.5% alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor and mixed beverages.

(1986 Code, § 14-1.3) (Ord. 99-10, passed 05-17-1999; Ord. 00-03, passed 02-22-2000) Penalty, see § [94.99](#)

#### **§ 94.16 VEHICLES IN PARK.**

(A) It is unlawful for any person to drive or propel any motorized vehicle, mini-bike, motorcycle, golf cart or other vehicle in, over or through any public park except along and on park drives, designated parking areas, parkways or areas designated by the Parks and Recreation

Director. It shall be unlawful for any person to park or permit any vehicle to be parked in any public park, except on designated parking areas authorized by the Parks and Recreation Department. Village-owned vehicles and other vehicles with express permission of the Parks and Recreation Director are permitted for necessary maintenance and repairs.

(B) Persons having a mobility impairment who operate a motorized wheelchair or similar vehicle not exceeding 1,000 pounds gross weight in order to provide that person with the mobility of a pedestrian, are not subject to the restrictions of this section as applicable to motorized vehicles.

(1986 Code, § 14-1.4) (Ord. 00-03, passed 02-22-2000; Ord. 05-10, passed 04-26-2005) Penalty, see § [94.99](#)

#### **§ 94.17 DESTRUCTION OF PUBLIC PROPERTY.**

It shall be unlawful for any person to remove, destroy, mutilate or deface any structure, trees, plants, wall, fence, vehicle, picnic table or any other property in any public park.

(1986 Code, § 14-1.5) (Ord. 00-03, passed 02-22-2000) Penalty, see § [94.99](#)

#### **§ 94.18 ADVERTISING IN PARK REGULATED.**

It shall be unlawful for any person to place or erect any structure, sign, poster or advertising device of any kind whatsoever in any public park, or to attach any notice, sign, poster, wire, rod, chain or cord to any tree, shrub, fence or structure within any public park, unless authorized in writing by the Parks and Recreation Director.

(1986 Code, § 14-1.7) (Ord. 00-03, passed 02-22-2000) Penalty, see § [94.99](#)

#### **§ 94.19 PEDDLING, BEGGING AND SOLICITING.**

It shall be unlawful for any person to engage in soliciting, peddling or begging of any description in any public park.

(1986 Code, § 14-1.8) (Ord. 00-03, passed 02-22-2000) Penalty, see § [94.99](#)

#### **§ 94.20 GAMBLING.**

It shall be unlawful for any person to conduct or carry on any game of chance in any public park at which any money, property or thing of value is wagered.

(1986 Code, § 14-1.9) (Ord. 00-03, passed 02-22-2000) Penalty, see § [94.99](#)

#### **§ 94.21 DEPOSITING TRASH.**

No person shall be permitted to deposit, dump, throw, lay, place or cause to be deposited any trash, paper, garbage, plant clippings or leaves that are brought in for the purpose of disposal.

(1986 Code, § 14-1.10) (Ord. 00-03, passed 02-22-2000) Penalty, see § [94.99](#)

#### **§ 94.22 EXCAVATIONS.**

It shall be unlawful for any person to make an excavation in any public park for any non-maintenance purpose without written authorization from the Parks and Recreation Director.

(1986 Code, § 14-1.11) (Ord. 00-03, passed 02-22-2000) Penalty, see § [94.99](#)

#### **§ 94.23 MOLESTING ANIMALS.**

It shall be unlawful for any person to trap, catch, wound, kill, treat, attempt to trap, catch, wound, kill, treat or cause to be injured any bird or other kind of animal in or on any public park. Undesired, unsafe or dangerous animals, as designated by the Parks and Recreation Director, may be removed in an appropriate manner as deemed necessary by the Parks and Recreation Director.

(1986 Code, § 14-1.13) (Ord. 00-03, passed 02-22-2000) Penalty, see § [94.99](#)

#### **§ 94.24 COMMERCIAL OPERATIONS.**

No person shall, in any public park, sell or offer for sale, hire, lease or let out, any object or merchandise, property, privilege, service or any other thing or engage in any business or erect any building, booth, tent, stall or any other structure whatsoever without written authorization from the Parks and Recreation Director.

(1986 Code, § 14-1.14) (Ord. 00-03, passed 02-22-2000) Penalty, see § [94.99](#)

#### **§ 94.25 HITTING GOLF BALLS.**

It shall be unlawful to hit golf balls in any public park unless an area is designated in writing for that purpose by the Parks and Recreation Director or is associated with a village sponsored activity. This section does not apply to the Pinehurst Harness Track.

(1986 Code, § 14-1.15) (Ord. 00-03, passed 02-22-2000) Penalty, see § [94.99](#)

#### **§ 94.26 USE OF TOBACCO PRODUCTS.**

(A) It shall be unlawful for any person to use tobacco products on village park facilities. For the purposes of this section, "park facilities" include the following properties:

- (1) Cannon Park, a 15 acre property located at 90 Woods Road;
- (2) Rassie Wicker Park, a 103 acre property located at 10 Rassie Wicker Drive;
- (3) West Pinehurst Park, a 67 acre property at 861 Chicken Plant Road; and
- (4) All portions of the Pinehurst Greenway System.

(B) The 111 acre Pinehurst Harness Track facility at 200 Beulah Hill Road South is exempt from the prohibition on the use of tobacco products.

(Ord. 12-25, passed 7-24-2012) Penalty, see § [94.99](#)

#### **§ 94.99 PENALTY.**

Any person, firm or corporation violating any of the provisions of this chapter, or failing or neglecting or refusing to comply with same, shall be guilty of a misdemeanor and shall be subject to any one, all or combination of remedies authorized under § [10.99](#) of this code.

(1986 Code, § 14-1.16) (Ord. 00-03, passed 02-22-2000)

## • CHAPTER 95: STREETS AND SIDEWALKS

[http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/pinehurst\\_nc/villageofpinehurstnorthcarolinamunicipal?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:pinehurst\\_nc](http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/pinehurst_nc/villageofpinehurstnorthcarolinamunicipal?f=templates$fn=default.htm$3.0$vid=amlegal:pinehurst_nc)

### GENERAL PROVISIONS

#### § 95.001 OBSTRUCTIONS.

Pursuant to the authority contained in G.S. § 160A-296(a)(2), no person, firm or corporation shall cause, or allow any public street, sidewalk, alley, bridge or the right-of-way therefor, within the corporate limits of the village to be closed for travel or unnecessarily obstructed.

(1986 Code, § 3-3.1) (Ord. 86-26, passed 11-17-1986) Penalty, see § [95.999](#)

#### § 95.002 USE OF SKATEBOARDS, SCOOTERS, TOY VEHICLES AND THE LIKE.

No person shall ride in, on or operate any skateboard, inline skates, motor scooters, scooters, toy vehicles or any other similar devices in or upon any sidewalk or other pedestrian facility located in the Village Commercial District where signs, approved by the Village Council, are posted prohibiting those activities.

(1986 Code, § 3-3.2) (Ord. 04-11, passed 02-24-2004) Penalty, see § [95.999](#)

#### § 95.003 USE OF EMINENT DOMAIN IN PRIVATE GATED COMMUNITIES.

Notwithstanding the village's powers of eminent domain as set forth in G.S. § 40A-3(b)(1), the village shall not acquire by condemnation any property in a private, gated community located within the village's municipal borders for the purpose of opening, widening, extending or improving roads, streets, alleys, and sidewalks or acquiring rights-of-way for streets, sidewalks and highways.

(Ord. 10-11, passed 03-17-2010)

### ROAD NAME AND ADDRESSING POLICY

#### § 95.015 EXISTING ROADS.

(A) Identifying street markers will be located and maintained at each intersection throughout the municipal limits of the village unless otherwise stated in this chapter or in the Pinehurst Development Ordinance.

(B) Established road names of private and public streets within the village corporate limits shall not be changed by any method except those outlined in this subchapter.

(C) The term **ROAD** shall include all other roadway designations ("drive," "court," "street" and the like).

(1986 Code, § 12-3.1) (Ord. 01-19, passed 10-09-2001; Ord. 09-05, passed 02-24-2009)

#### **§ 95.016 NEW ROADS.**

(A) All new road names must receive approval from the Village Planning Director.

(B) No new road shall be named in a manner that duplicates or is phonetically similar to the name of an existing road in Moore County. The proposed name will be checked for duplicity and similarity with all existing and approved street names for developments within the county and all other municipalities within the county. Duplicate road names will not be accepted, regardless of the road suffix/type (i.e., "street," "place," "court" and the like.)

(C) New roads in a subdivision shall have the road names and proposed street addresses approved by the Planning Director when created through the minor or major subdivision process as part of the preliminary plat. At least two road names shall be included for each proposed new road.

(D) Developers creating new roads will reimburse the village for the cost of purchasing and installing the new signs.

(E) Developers desiring to use a type of sign on private roads, other than the type used by the village for public roads, shall purchase, install and maintain the signs. The style and design of the sign must be approved by the Village Planning Director.

(F) Proposed road name and type shall be no longer than 18 characters, including spaces.

(G) Where a new road extends or continues an existing street, the name of the existing street shall be used for the new street.

(H) Approved street names shall be included in the final plat submitted for recordation.

(1986 Code, § 12-3.2) (Ord. 01-19, passed 10-09-2001; Ord. 09-05, passed 02-24-2009) Penalty, see § [95.020](#)

#### **§ 95.017 RENAMING OF EXISTING ROADS.**

(A) Persons desiring to have an existing road renamed must petition the Planning and Inspections Department.

(B) A petition containing the signatures of 75% of the property owners addressed from or that may potentially be addressed from the road shall be returned to the Planning and Inspections Department. In cases where property is owned by more than one person, all persons in whose name the property is titled must sign the petition. The village has a petition form that may be used for this purpose.

(C) Fees associated with the road name as indicated on the current Pinehurst Fees and Charges Schedule are required at submittal.

(D) After receiving all required forms and fees, the Planning and Inspections Department will forward a recommendation to the Village Manager for consideration by the Village Council.

(E) The Village Clerk shall prepare a resolution implementing the requested road name change. The resolution must be approved by the Village Council for the name change to become effective.

(F) In the event that the Council denies the name change, the petitioner will receive a refund of the cost of the road sign(s) required at the time of filing the petition.

(G) There shall be a public hearing if a petition is submitted for a road name change on a public road. If the road is a private road, a public hearing will not be required. Notice of the public hearing will be published in a newspaper having general circulation at least ten days prior to the hearing.

(H) If a minor change in a street name is requested with 100% of the property owners addressed off of the street or vacant lots potentially to be addressed off the street in the future is submitted and meets the criteria of § [95.016](#), the Village Manager has the authority to approve of this change without a public hearing or approval by Village Council.

(I) The Village Council may initiate a road name change without a petition.

(1986 Code, § 12-3.3) (Ord. 01-19, passed 10-09-2001; Ord. 09-05, passed 02-24-2009) Penalty, see § [95.020](#)

#### **§ 95.018 STREET ADDRESSES; NUMBERING OF BUILDINGS.**

(A) All residential and nonresidential buildings shall have a physical address assigned to the property.

(B) Properties shall be addressed in a manner of sequence that will enable emergency services to locate the property promptly. For example, properties will be assigned addresses numbered in multiples of five, with odd-numbered addresses on one side of a street and even-numbered addresses on the other side of the street. This format will be used in all circumstances when possible, however modifications will be allowed (such as using numbers other than multiples of five) as long as the general sequence remains the same and its is possible for emergency services to locate a property in a prompt manner, in the opinion of the Village Manager, after consultation with the Police Chief and Fire Chief.

(C) All residential and commercial properties shall post the address numbers in a conspicuous location as to provide good visibility from the road to which the property address is assigned to. All numbers shall be a contrasting color to the background material in which they are posted and easily readable from the fronting road by a person with normal vision (corrected if necessary).

(D) The Village Planning Director or designated representative is authorized to reassign new property numbers to existing structures and empty lots if it can be demonstrably shown that a different and more effective numbering system would better meet the needs of emergency services.

(E) An address change may only be made if the present assigned address is incorrect, creation of new lots necessitates a change, or it could hinder the provision of emergency services.

(F) The Village Planning Director or designee will notify Moore County and the US Postal Service of this change.

(1986 Code, § 12-3.4) (Ord. 01-19, passed 10-09-2001; Ord. 09-05, passed 02-24-2009)

#### **§ 95.019 ENFORCEMENT.**

(A) No certificate of occupancy will be issued until an official address has been assigned to the structure and is properly displayed on the structure.

(B) Owners of existing structures which do not meet the requirements of this section will be notified by certified mail of their correct address. If the structure is occupied by someone other than the owner, it is the owner's responsibility to notify the occupant.

(C) The property owners will have 30 days from the date of delivery of certified mail to make all corrections to their address. If the owner does not comply with the requirements within 30 days from the date of delivery of certified mail, a warning letter will be sent stating that the village will not be held liable due to improper addressing or failure to properly display a physical address for any interruptions in emergency services of village services.

(D) It shall be a violation for any person, firm or other entity to remove, deface or destroy any road name sign. Further, it shall be unlawful for any person, firm or entity to construct a road name sign contrary to the provision of this subchapter.

(1986 Code, § 12-3.5) (Ord. 01-19, passed 10-09-2001; Ord. 09-05, passed 02-24-2009) Penalty, see § [95.020](#)

#### **§ 95.020 VIOLATIONS; COST OF REPLACEMENT OR REPAIR REQUIRED.**

If a person, firm or entity is found to be responsible for removing, defacing or destroying a road name sign, they will be responsible for the cost of replacing or repairing the lost or damaged road name sign and the Village Attorney is authorized and directed to institute a civil or criminal action to recover the costs if necessary. The decision to either replace or repair a damaged sign shall rest solely with the Public Services Director.

(1986 Code, § 12-3.6) (Ord. 01-19, passed 10-09-2001; Ord. 09-05, passed 02-24-2009)

### **EXCAVATIONS IN STREETS**

#### **§ 95.035 PERMIT, ENCROACHMENT AGREEMENT WITH VILLAGE REQUIRED.**

Any person, firm or corporation is hereby required to secure from the village a permit before cutting any pavement or sidewalk. Further, any person, firm or corporation desiring to utilize the right-of-way of the village for the placement above and below ground of any pipes, cables, wires, lines or other facilities must execute a right-of-way encroachment agreement with the village. All work in the right-of-way of the village performed pursuant to a street cut permit and right of way encroachment agreement must be performed in compliance with the village's standards for street cuts and right-of-way encroachments, general considerations.

(1986 Code, § 12-1.1) (Ord. passed 09-21-1981; Ord. 93-10, passed 03-15-1993) Penalty, see § [95.999](#)

#### **§ 95.036 CHARGES FOR CUTTING PAVEMENT.**

The Village Council shall annually adopt, by resolution, fees and charges for permit applications for the purpose of cutting the pavement or sidewalks.



(1986 Code, § 12-1.2) (Ord. passed 09-21-1981; Ord. 88-12, passed 08-15-1988)

#### **§ 95.037 PROTECTION OF OPENINGS.**

(A) Any person, firm or corporation cutting any pavement, road surface or sidewalk as above set out shall erect a barricade and display red flags in daylight and red lights at night until instructed to remove barricade and flags or lights by the Director of Public Services. In cutting any pavement or road surface, one traffic lane shall be left open at all times, duly protected by a flagperson or flagpersons as circumstances of public safety require.

(B) It is expressly understood and made a condition of the permit that the permittee accepts full responsibility for any damages resulting to any person, firm or corporation or any user of the street or right-of-way who might be injured as a result of the negligent action or inaction of the permittee; and will hold harmless the village for any resultant damage or liability.

(C) Any person, firm or corporation who damages, or who contracts with another person, firm or corporation that damages or causes to be damaged any pavement, road surface or sidewalk, shall be liable to the village for repair of the damage, or the cost of the repair at the square foot price for pavement enumerated in § [95.036](#). The failure to repair or pay the cost of the repair within 30 days of notice shall be sufficient cause for the Village Building Inspector to withhold a certificate of occupancy for any building, and for the Tax Collector to attach a lien against the property of the person, firm or corporation in the amount of the costs. Whether the repair of the damage shall be carried out by the Village Public Services Department or the person, firm or corporation responsible shall be decided by the Director of Public Services. If the damage constitutes a hazardous condition, the responsible person, firm or corporation shall protect the area as outlined in this section until final repairs can be made.

(1986 Code, § 12-1.3) (Ord. passed 09-21-1981; Ord. passed 07-16-1984)

#### **§ 95.038 RESURFACING TO BE MADE BY VILLAGE.**

Places as are above mentioned are to be resurfaced by the Public Services Department of the village.

(1986 Code, § 12-1.4) (Ord. passed 09-21-1981)

#### **§ 95.039 OPENINGS TO BE FILLED.**

All openings made in any street or sidewalk under the provisions herein contained shall immediately upon completion of the work be filled in and tamped and the surface thereof made flush with the adjacent surfaces.

(1986 Code, § 12-1.5) (Ord. passed 09-21-1981) Penalty, see § [95.999](#)

#### **§ 95.040 REMOVING BARRICADES FORBIDDEN.**

No person, other than an employee of the permittee or the village, shall remove, tear down or destroy any barricade which has been erected as described in § [95.037](#).

(1986 Code, § 12-1.6) (Ord. passed 09-21-1981) Penalty, see § [95.999](#)

### **PICKETING**

#### **§ 95.095 DEFINITIONS.**

The terms **PICKET**, **PICKETS** and **PICKETING** as used herein are deemed to include "demonstrators," persons participating in vigils and any action primarily promoting or objecting to a policy upon those portions of the public ways not used primarily for vehicular parking and moving traffic and not constituting a parade.

(1986 Code, § 7-15.1) (Ord. 87-24, passed 09-21-1987)

#### **§ 95.096 NOTICE OF INTENT.**

Peaceful picketing shall be permitted in the village provided the same is done under the following conditions.

(A) No picketing shall be conducted on the public ways of this village and no person shall participate in the same unless notice of intent to picket has been given to the Chief of Police or his or her designated representative, and unless a receipt of the notice has been issued.

(B) Notice of intent to picket shall be given in writing and shall contain the following information:

- (1) The name, if any, of the organization or group sponsoring or proposing to picket;
- (2) The location or locations in the village where the pickets propose to assemble and demonstrate;
- (3) The date on which the picketing is to occur;
- (4) The name and address of the person and organization giving notice of intent to picket;
- (5) Whether or not persons below the age of 18 years are expected to participate; and
- (6) The person or persons to be in charge of the activity and who will accompany it and carry any receipt of notice at all times.

(C) Upon the giving of notice of intent to picket, properly completed as hereinabove set out, the designated officer shall act upon the notice of intent to picket within five business days, after the receiving thereof and shall issue a receipt of notice. Notice shall be given by the holder of a receipt of notice to the Chief of Police or his or her designated representative immediately upon the cessation of the picketing for a period of 24 hours or more. Before resumption of picketing interrupted for any period, a new notice shall be given and a new receipt issued.

(1986 Code, § 7-15.2) (Ord. 87-24, passed 09-21-1987; Ord. 97-08, passed 04-21-1997)

#### **§ 95.097 STANDARDS OF CONDUCT FOR PICKETING ACTIVITIES.**

(A) Picketing shall be conducted only on portions of the public ways not used primarily for vehicular parking or moving traffic.

(B) Pickets may carry written or printed placards or signs not exceeding 24 inches in length and width promoting the objective for which picketing is done provided the words used would not tend to incite violence.

(C) Pickets must, if marching, march in single file, not abreast, and may not march closer together than 15 feet, except in passing one another. Pickets not marching shall remain at least 15 feet apart.

(D) If pickets promoting different objectives, causes, actions or policies desire to use a sidewalk that is already used for picketing, the Chief of Police or his or her designated agents shall allot a number of pickets promoting each objective to use the sidewalk on an equitable basis, proportionate to the number of objectives being promoted.

(E) Pickets shall be restricted to the use of the outermost half of the sidewalk or other public way nearest the street and shall not at any time nor in any way obstruct, interfere with, or block persons entering or exiting from vehicles; persons crossing streets or otherwise using the public way; the entrance or exit to any building or access to property abutting the street or sidewalk; or pedestrian or vehicular traffic.

(F) No person observing, engaging in or assisting in picketing shall bring to or allow to remain in the immediate area of picketing any vicious animal.

(G) It shall be unlawful for anyone to picket without filing a notice as required herein or without being issued a receipt of the notice.

(H) The provisions of this subchapter are mandatory and not merely directory, and failure to comply with the provisions of this subchapter are hereby declared to be unlawful and punishable as provided by law.

(1986 Code, § 7-15.3) (Ord. 87-24, passed 09-21-1987) Penalty, see § [95.999](#)

#### **§ 95.098 INTERFERENCE WITH PICKETS PROHIBITED; POLICE AUTHORITY.**

(A) It shall be unlawful for any person to physically interfere with pickets in the use of the sidewalk or to address profane, indecent, abusive or threatening language to or at those pickets which would lend to provoke the pickets or others to a breach of the peace.

(B) The police officers of the village may, in the event of the assemblage of persons in numbers as do tend to intimidate pickets pursuing their lawful objective through numbers alone or through use of inflammatory words, direct the dispersal of persons so assembled and may arrest any person who fails to absent himself or herself from the place of assemblage when so directed by the police.

(C) Whenever the free passage of any street or sidewalk in the village shall be obstructed by a crowd, whether or not the crowd assembles as a result of or in connection with picketing, the persons composing the crowd shall disperse or move on when directed to do so by a police officer. It shall be unlawful for any person to refuse to so disperse or move on when so directed by a police officer as herein provided.

(1986 Code, § 7-15.4) (Ord. 87-24, passed 09-21-1987) Penalty, see § [95.999](#)

#### **§ 95.099 PROHIBITION OF FIREARMS AND DANGEROUS WEAPONS.**

(A) It shall be unlawful for any person to possess on or about his or her person or vehicle any firearm or dangerous weapon of any kind, as defined below, whether exposed or concealed, while participating in any picketing.

(B) It shall be unlawful for any person present at any picketing or any person upon any street, sidewalk, alley or other public property within 500 feet of any picketing, to possess on or about

his or her person or vehicle any firearm or dangerous weapon of any kind, whether exposed or concealed.

(C) This restriction shall not apply to the following persons while acting lawfully and within the scope of their duties and authority:

- (1) Law enforcement officers;
- (2) Officers and soldiers of the armed forces, militia and National Guard;
- (3) Students of military science in an accredited program; or
- (4) Park rangers, animal control officers.

(1986 Code, § 7-15.5) (Ord. 87-24, passed 09-21-1987) Penalty, see § [95.999](#)

### **§ 95.999 PENALTY.**

(A) Any person, firm or corporation violating §§ [95.001](#) or [95.002](#) shall, upon conviction, be guilty of a misdemeanor or infraction and shall be fined not more than \$50, or imprisoned not more than 30 days. Any person, firm or corporation violating those sections may be cited for a civil penalty pursuant to § [10.99](#). Each calendar day an infraction continues shall be a separate and distinct offense, separately punishable as hereinabove provided.

(B) Any person, firm or corporation who shall violate, fail, neglect or refuse to comply with any provision of §§ [95.035](#) through [95.040](#) shall, upon conviction, be guilty of a misdemeanor and may be fined not more than \$50 or imprisoned for not more than 30 days. Each day any person remains in violation of this section shall constitute a separate violation.

(1986 Code, §§ 3-3.3, 12-1.7) (Ord. passed 09-21-1981; Ord. 86-26, passed 11-17-1986; Ord. 87-24, passed 09-21-1987; Ord. 04-11, passed 02-24-2004)

## **• CHAPTER 110: PEDDLING AND SOLICITING ON PRIVATE PROPERTY**

[http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/pinehurst\\_nc/villageofpinehurstnorthcarolinamunicipal?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:pinehurst\\_nc](http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/pinehurst_nc/villageofpinehurstnorthcarolinamunicipal?f=templates$fn=default.htm$3.0$vid=amlegal:pinehurst_nc)

### **§ 110.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

#### ***CANVASSER or SOLICITOR.***

(1) An itinerant vendor of merchandise who shall go from door-to-door or place-to-place, selling, causing to be sold, offering for sale or taking orders for present or future delivery of merchandise, products or services of any description whatsoever, including but not limited to magazines, periodicals, books and orders or contracts for home improvements or alterations.

(2) A person who makes or conducts surveys for research purposes, analyses, opinion polls, rating data and any similar work which, by nature, involves door-to-door or place-to-place activity.

(3) A person who goes from door-to-door or place-to-place for the purpose of soliciting contributions, donations or any other thing of value for any person or organization.

(4) A person who goes from door-to-door or place-to-place for the purpose of distributing circulars or other printed or electronic media.

**CANVASSING** or **SOLICITING**. The act of going from door-to-door or place-to-place for the purpose of:

(1) Sale, distribution, advertising, promoting, demonstrating and/or vending of merchandise, products, services or materials or taking orders for present or future delivery of merchandise, products, services or materials, of any description whatever, including but not limited to magazines, periodicals, books and orders or contracts for home improvements or alterations;

(2) Making or conducting surveys for research purposes, analyses, opinion polls, rating data and any similar work, which, by nature, involves door-to-door or place-to-place activity;

(3) Soliciting contributions, donations or any other thing of value for any person or organization; or

(4) Distributing circulars, advertisements, brochures or other similar printed matter.

**PERSON**. Any individual, firm, partnership, association, group of persons or corporation.

(1986 Code, § 3-8.1) (Ord. 09-15, passed 05-26-2009)

## **§ 110.02 PURPOSE OF REGULATIONS.**

The purposes of this chapter are:

(A) Deterring the use of soliciting, vending and canvassing to gain access to home for commercial purposes;

(B) Maintaining quiet and privacy for residents of the village;

(C) Discouraging unethical and dishonest business practices;

(D) For the general protection, health and welfare of the residents of the village; and

(E) To preserve a record to identify names and addresses of all canvassers, vendors and solicitors.

(1986 Code, § 3-8.2) (Ord. 09-15, passed 05-26-2009)

## **§ 110.03 PERMIT REQUIRED.**

No person, except as provided herein, shall canvass, solicit or sell food, beverages, services or merchandise or engage in any act of canvassing or soliciting in any public or quasi-public place, door-to-door or place-to-place, within the village, without first having obtained a permit therefor in accordance with the provisions of this chapter.

(1986 Code, § 3-8.3) (Ord. 09-15, passed 05-26-2009) Penalty, see § [110.99](#)

#### **§ 110.04 APPLICATION FOR PERMIT.**

(A) Applicants for permits shall be made upon forms provided by the Village Clerk, who shall file a duplicate copy with the Police Department, containing the following information:

- (1) The name, date of birth, age and physical description of the applicant;
- (2) The complete permanent home and local address of applicant;
- (3) The name and address of the organization or person for whom canvassing, vending or soliciting is being made;
- (4) A description of the nature of the business or activity and the goods, services or wares to be sold;
- (5) Two recent photographs of the applicant, which shall be approximately two and one-half by two and one-half inches in size, showing the head and shoulders of the applicant in a clear and distinguishing manner;
- (6) The days and dates upon which the canvassing or soliciting is to take place;
- (7) A statement as to whether or not the applicant has been convicted of a crime, misdemeanor or disorderly persons offense and, if so, the details thereof;
- (8) The make, model, year, color and license plate number of each vehicle used by the applicant during the period of canvassing, vending or soliciting within the village and copies of the applicant's driver's license, registration and insurance certificate;
- (9) A list of current canvassing, vending or soliciting permits received from other municipalities; and
- (10) A statement as to whether or not the applicant has been denied a canvassing, vending or soliciting permit during the past year.

(B) A separate application shall be filed for each individual soliciting or canvassing within the village.

(1986 Code, § 3-8.4) (Ord. 09-15, passed 05-26-2009)

#### **§ 110.05 PERMIT FEES.**

The Village Council shall annually adopt, by resolution, fees and charges for peddling and soliciting permit applications.

(1986 Code, § 3-8.5) (Ord. 09-15, passed 05-26-2009)

#### **§ 110.06 INVESTIGATION OF APPLICANT; DENIAL OR ISSUANCE OF PERMIT.**

(A) Upon receipt of a duplicate application, the Police Department shall cause an investigation to be made of the applicant's business or moral character for the protection of the public safety and welfare. In the event that the investigation should reveal any of the following, the Chief of Police shall deny a permit to the applicant:

(1) Conviction of any crime or misdemeanor involving arson and/or other burnings, assault and battery, breaking and entering, bribery and corruption, burglary, embezzlement, conspiracy, conversion and misappropriation of funds, extortion or threats, forgery and counterfeiting, frauds and cheats, indecency and obscenity, larceny, loan sharking, possession or use of a controlled dangerous substance, rape and carnal abuse, receiving stolen property and any other crimes against the person or crimes involving moral turpitude;

(2) Conviction or any misdemeanor or disorderly person's offenses, common thievery, burglary, pickpocketing, carrying weapons, conspiracy, unlawful soliciting, assault and battery, fraud and misrepresentation, possession or use of habit producing drugs, shoplifting and any other offense involving moral turpitude; and/or

(3) Business pursuits resulting in fraud, misappropriation of funds or similar activity.

(B) The above crimes, misdemeanors or disorderly person's offenses shall be deemed to be those as defined or equivalent to crimes and disorderly person's offenses defined by law in the State of North Carolina.

(C) In the event that the Chief of Police shall deny a permit to the applicant, he or she shall detail the reasons for the denial.

(D) In the event that the investigation should not disclose any of the above, a permit shall be issued forthwith by the Chief of Police, upon which shall be affixed one photograph of the applicant.

(1986 Code, § 3-8.6) (Ord. 09-15, passed 05-26-2009)

#### **§ 110.07 APPEALS.**

In the event that the Chief of Police shall deny any application for a permit, the applicant may appeal that decision within a period of ten days from the date of denial. The appeal shall be filed with the Village Clerk and shall be heard by the Village Manager within a period of seven days from the date it is filed. The Village Manager may affirm, modify or reverse the decision of the Chief of Police and shall indicate, in writing, the reason for its determination. The Village Manager shall apply the standards indicated hereinabove and shall relate his or her findings and conclusions to the objectives of this chapter. The Village Manager's determination shall be rendered forthwith and shall be final.

(1986 Code, § 3-8.7) (Ord. 09-15, passed 05-26-2009)

#### **§ 110.08 DISPLAY OF PERMIT.**

Each applicant, when canvassing or soliciting within the village, shall carry the permit at all times and shall exhibit the same to any citizen or police officer upon request.

(1986 Code, § 3-8.8) (Ord. 09-15, passed 05-26-2009) Penalty, see § [110.99](#)

#### **§ 110.09 REGULATION OF ACTIVITY; VIOLATIONS.**

(A) All permits issued pursuant to this chapter shall be for a term of one week (seven days) from date of issuance with no solicitation taking place on Sundays.



(B) Canvassing and soliciting shall be conducted between the hours of 9:00 a.m. and 5:00 p.m., Monday through Saturday.

(C) No canvasser or solicitor shall enter or attempt to enter the house or apartment of any resident of the village without an express invitation from the occupant thereof.

(D) No canvasser or solicitor shall conduct himself or herself in a manner as to become objectionable to or annoy any person while canvassing or soliciting.

(E) No canvasser or solicitor shall canvass or solicit upon premises where signs so located give adequate notice of the prohibition of those activities.

(1) The owner and/or occupant of premises identified in the village may obtain a sign, placard or sticker from the Village Clerk, which may be affixed to a front door, front window or front-facing wall of the premises, and giving notice that canvassing and soliciting is not permitted on the premises.

(2) All circulars, samples, merchandise or other printed or electronic media distributed by the canvasser or solicitor shall be handed to an occupant of the property or left in a secure location on the premises.

(1986 Code, § 3-8.9) (Ord. 09-15, passed 05-26-2009) Penalty, see § [110.99](#)

#### **§ 110.10 EXCEPTIONS; SPECIAL PERMITS.**

(A) The provisions of this section shall not apply to:

(1) Any person canvassing or soliciting for a political candidate, organization or program, including the solicitation of donations or contributions for any political, candidate, organization or program; or

(2) Any nonprofit, religious, charitable, recreational, civic or veteran's organization, service club or volunteer fire or first aid company desiring to solicit or have solicited or canvassed in its name money, donations or financial assistance of any kind.

(B) Notwithstanding the foregoing, any person claiming the exemption set forth in division (A) of this section shall, prior to conduct of canvassing or soliciting within the village, file an application, in writing, with the Village Clerk, for a special permit. The application shall contain the following information:

(1) The name and address of the person or organization;

(2) The purpose for which the special permit is required;

(3) The names and addresses of the officers, directors or trustees of the organization;

(4) The period during which canvassing or soliciting is being carried on. Day and time limitations are the same as in § [110.09](#)(B); and

(5) The names and addresses of all canvassers or solicitors engaged or utilized by the applicant.

(C) The Village Clerk shall file a copy of all applications for a special permit with the Chief of Police.

(D) Upon being satisfied that the person or organization is bona fide, subject to the exemptions set forth herein and as represented in its application, the Village Clerk shall issue a special permit, without charge, for the period of time during which canvassing or soliciting is requested.

(E) Any person conducting solicitation or canvassing on private property subject to prior express permission of the property owner is exempt from all of the provisions of this chapter.

(1986 Code, § 3-8.10) (Ord. 09-15, passed 05-26-2009)

### **§ 110.11 REVOCATION OF PERMIT.**

(A) Permits issued under this chapter may be revoked by the Chief of Police, after written notice outlining reasons, for any of the following causes:

- (1) Misrepresentation or false material statement contained in the application;
- (2) Misrepresentation or false material statement contained in the course of carrying on activities regulated herein;
- (3) Conviction of any crime, misdemeanor or disorderly person's offense or engaging in business activity that would have precluded issuance of a permit as set forth hereinabove; and/or
- (4) Conducting canvassing or soliciting in an unlawful manner in violation of the provisions of this chapter or in any manner as to cause a breach of the peace or to constitute a menace to safety or general welfare of the public.

(B) Any person whose permit has been revoked shall have the right of appeal, subject to the procedure and standards as set forth in § [110.07](#).

(1986 Code, § 3-8.11) (Ord. 09-15, passed 05-26-2009)

### **§ 110.99 PENALTY.**

Any person who violates any provision of this chapter, upon conviction thereof, shall be punished by a fine not exceeding \$500 or by imprisonment for a term not exceeding 90 days or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(1986 Code, § 3-8.9) (Ord. 09-15, passed 05-26-2009)

## **• CHAPTER 111: MOBILE VENDORS**

[http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/pinehurst\\_nc/villageofpinehurstnorthcarolinamunicipal?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:pinehurst\\_nc](http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/pinehurst_nc/villageofpinehurstnorthcarolinamunicipal?f=templates$fn=default.htm$3.0$vid=amlegal:pinehurst_nc)

### **§ 111.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**MOBILE FOOD VENDOR.** A mobile vendor where primarily food items are sold to the general public.

**MOBILE VENDOR.** Any equipment, apparatus, trailer, vehicle, cart or other conveyance, other than a legally permitted vending machine, located outdoors, from which a vendor displays, sells, offers for sale, gives away, or offers to give away anything of value including any food, beverage, goods, wares, merchandise, or services that is not within a permanent permitted structure.

(Ord. 14-24, passed 5-27-2014; Ord. 16-13, passed 9-27-2016)

#### **§ 111.02 PURPOSE.**

The purposes of this chapter are:

- (A) Protect established uses that occupy permanent permitted structures;
- (B) Preserve the aesthetics of the Village;
- (C) Ensure public safety and the protection of public rights-of-way; and
- (D) To protect the public from any adverse effects of doing business with a transient entity.

((Ord. 14-24, passed 5-27-2014; Ord. 16-13, passed 9-27-2016)

#### **§ 111.03 PERMIT REQUIRED.**

No mobile vendor shall operate or establish use on public rights-of-way or private property including parking lots and vacant land within the Village unless such use is authorized as a temporary use through issuance of a permit in accordance with division (A) or (B), below:

(A) *Permit required.* Mobile food vendors may be permitted to operate on other than a temporary, event specific basis within the Hospital Development Zoning District and the Recreational Development Zoning District. To locate on a property in one of these zoning districts, the property must have a primary use. Such permitting must be pursuant to a request from the owner of the property where the mobile food vendors will be located. Requests for such a permit must be submitted to the Village of Pinehurst Planning and Inspections Department on standard Village forms, and permitting will be consistent with all requirements set forth in [Chapter 152](#).

(B) *Permit required.* Mobile vendors may operate on a temporary, event specific basis in all areas of the Village through issuance of a temporary event permit in accordance with [§ 94.14](#) and [Chapter 152](#) of the Pinehurst Municipal Code.

(Ord. 14-24, passed 5-27-2014; Ord. 16-13, passed 9-27-2016) Penalty, see § 111.99

#### **§ 111.99 PENALTY.**

Any person, firm or corporation violating any of the provisions of this chapter, or failing or neglecting or refusing to comply with same, shall be guilty of a misdemeanor and shall be subject to any one, all or combination of remedies authorized under [§ 10.99](#) of this code.

(Ord. 14-24, passed 5-27-2014; Ord. 16-13, passed 9-27-2016)

## • CHAPTER 130: GENERAL OFFENSES

[http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/pinehurst\\_nc/village\\_of\\_pinehurst\\_north\\_carolina\\_municipal?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:pinehurst\\_nc](http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/pinehurst_nc/village_of_pinehurst_north_carolina_municipal?f=templates$fn=default.htm$3.0$vid=amlegal:pinehurst_nc)

### § 130.01 DISCHARGE OF FIREARMS.

(A) Pursuant to authority contained in G.S. § 160A-189 and for the purpose of prescribing regulations governing conditions detrimental to the health, safety and welfare of its citizens, it shall be unlawful for any person to shoot or discharge within the corporate limits of the village any gun, pistol, rifle or other firearm. The provisions of this section, however, do not prohibit the discharge of firearms by any law enforcement officer in the discharge of his or her official duties, by any law enforcement officer during a course of instruction, or by any person in the lawful defense of persons or property. The provisions of this section, however, would allow the discharge of firearms for special events upon the approval of the Village Council. The Police Chief may impose special conditions on the discharge of firearms for the event if they are found to be in the best interest of the health, safety and welfare of persons and/or property. Information may be requested by the Police Chief in order to render this decision.

(B) Any village police officer is hereby authorized to seize and hold subject to court order any gun, pistol, rifle or other firearm which shall have been fired or discharged within the village in violation of this section.

(1986 Code, § 3-4) (Ord. 91-09, passed 05-20-1991; Ord. 09-33, passed 10-23-2009; Ord. 10-53, passed 10-27-2010; Am. Ord. 11-26, passed 9-13-2011) Penalty, see § [130.99](#)

### § 130.02 POSTING OF SIGNS PROHIBITING CARRYING OF CONCEALED WEAPONS.

(A) *Findings.* Chapter 398 of the 1995 Session Laws made changes to the laws governing concealed weapons by establishing a system that will allow private citizens to obtain permits to carry concealed handguns. This change will significantly increase the number of individuals who may legally carry concealed handguns. It is necessary to restrict the carrying of concealed handguns on certain village property in order to protect the health and safety of municipal employees and the community at large. G.S. § 14-415.23 authorizes municipalities to adopt ordinances to permit the posting of a prohibition against carrying a concealed handgun, in accordance with G.S. § 14-415.11(c), on local government buildings and their appurtenant premises. It is the intent of this section to direct the posting of municipal property so that, pursuant to G.S. § 14-415.11(c), the carrying of concealed handguns on the posted premises will constitute a violation of G.S. Chapter 14, Article 54B.

(1986 Code, § 3-7.1)

(B) *Posting of signs required.* The Village Manager is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within each building or portion of a building owned, leased as lessee, operated, occupied, managed or controlled by the village, as

well as the appurtenant premises to the buildings indicating that carrying a concealed handgun is prohibited therein.

(1986 Code, § 3-7.2)

(C) *Location of signs.* Signs on buildings shall be visibly posted on the exterior of each entrance by which the general public can access the building. The Village Manager shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises.

(1986 Code, § 3-7.3) (Ord. 95-32, passed 10-23-1995; Am. Ord. 12-29, passed 8-21-2012) Penalty, see § [130.99](#)

### **§ 130.03 SMOKING IN MUNICIPAL BUILDINGS AND VEHICLES.**

(A) *Definition.* As used in this section, the following definition shall apply, unless the context clearly indicates or requires a different meaning.

**SMOKING.** The inhaling, exhaling, burning, carrying or other use of a lighted pipe, cigar, cigarette or other combustible tobacco product of any kind.

(1986 Code, § 3-6.1)

(B) *Smoking regulated in municipal buildings.* It shall be unlawful for any person to smoke in any building or facility or portion of a building or facility now or hereafter owned, leased, operated, occupied, managed or controlled by the village, except in specially designated smoking areas. The Village Manager shall have the authority to designate smoking areas within each village building or facility. An area within any building or facility may be designated as a smoking area only if the ventilation of the area is sufficient, any adverse impact on the ventilation of the area is sufficient, any adverse impact on municipal employees and members of the public is minimal, and no fire or other safety hazard will be created by smoking in the area.

(1986 Code, § 3-6.2)

(C) *Smoking in municipal vehicles.* Smoking in village assigned vehicles is prohibited.

(1986 Code, § 3-6.3) (Ord. 93-30, passed 09-20-1993) Penalty, see § [130.99](#)

### **§ 130.04 SOLICITING IN PUBLIC PLACES.**

(A) *Definition.* As used in this section, the following definition shall apply, unless the context clearly indicates or requires a different meaning.

**BEGGING.** Soliciting or otherwise canvassing the public for contributions for the private gain of the solicitor or any other private person.

(1986 Code, § 3-5.1)

(B) *Begging in public places prohibited.* It shall be unlawful for any person to beg or solicit alms while in or on public streets, sidewalks or the right-of-way thereof, within the corporate limits of the village.

(1986 Code, § 3-5.2)

(C) *Soliciting business or employment.*

(1) *Business.* It shall be unlawful for any person to solicit or attempt to solicit business of any kind on the public streets, sidewalks or the right-of-way thereof, within the corporate limits of the village.

(2) *Employment.* Loitering for the purpose of seeking employment or the seeking thereof or the solicitation by any prospective employer of any person for hire within or upon any of the public streets, sidewalks or the right-of-way thereof, within the corporate limits of the village is declared to be a public nuisance and such practices are prohibited.

(1986 Code, § 3-5.3)

(Ord. 93-46, passed 11-15-1993) Penalty, see § [130.99](#)

**§ 130.05 ALCOHOLIC BEVERAGES.**

Notwithstanding the provisions of § [94.15](#) of the Village of Pinehurst, North Carolina Municipal Code (Alcoholic Beverages Prohibited on Premises):

(A) *Consumption of malt beverages and unfortified wine on the public streets and on property owned, occupied, or controlled by the village.* It shall be unlawful for any person who is not an occupant of a motor vehicle to consume malt beverages or unfortified wine on any public street in the village or on any other property owned, occupied, or controlled by the village.

(B) *Possession of open containers of malt beverages or unfortified wine on the public streets and on property owned, occupied, or controlled by the village.* It shall be unlawful for any person who is not an occupant of a motor vehicle on any public street and on property owned, occupied, or controlled by the village to possess an open container of malt beverage or unfortified wine.

(C) *Possession of malt beverages or unfortified wine on public streets, alleys, or village parking lots which are temporarily closed to regular traffic for special events.*

(1) It shall be unlawful for any person to possess any malt beverage or unfortified wine on any public streets, alleys, or village parking lots which are temporarily closed to regular traffic for special events.

(2) For purposes of this section, a special event shall include a street fair, concert, or other event for which a street, alley, or parking lot has been formally closed by an official action of the village or some other agency with proper authority.

(D) *Possession and consumption of malt beverages or unfortified wine at special events.*

(1) Notwithstanding the provisions of § [130.05](#)(A), (B) and (C) of this Code, the possession of malt beverages and unfortified wines, the possession of open containers of malt beverages and unfortified wines, and their consumption shall be lawful on any property owned, occupied, or controlled by the village when approved as part of a Temporary Special Use Permit approved by the Village Manager and Chief of Police and provided all other appropriate permits have been obtained as required by law.

(2) Notwithstanding the provisions of § [130.05](#)(A), (B) and (C) of this Code, the possession of malt beverages and unfortified wines, the possession of open containers of malt beverages and unfortified wines and their consumption shall be lawful on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events when approved as part of a Temporary Special Use Permit approved by the Village Manager and Chief of Police and provided all other appropriate permits have been obtained as required by law.

(Ord. 12-09, passed 02-28-2012)

### **§ 130.99 PENALTY.**

(A) Violation of any provision of this chapter, for which no specific penalty is otherwise provided, shall subject the offender to the provisions of § [10.99](#).

(B) Violation of § [130.03](#) shall constitute a misdemeanor punishable in accordance with G.S. § 14-4.

(1986 Code, § 3-6.4) (Ord. 93-30, passed 09-20-1993)

(C) Any person violating the provisions of § [130.04](#) shall, upon conviction, be guilty of a misdemeanor or infraction and shall, upon conviction, be fined not more than \$50, or imprisoned not more than 30 days. Any person violating § [130.04](#) may be cited for a civil penalty pursuant to § [10.99](#). Each calendar day the infraction continues shall be a separate and distinct offense, separately punishable as hereinabove provided.

(1986 Code, § 3-5.4) (Ord. 93-46, passed 11-15-1993)

## **• CHAPTER 150: BUILDING REGULATIONS**

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### **ADOPTION OF STATE CODES**

#### **§ 150.01 ADOPTION OF CODES BY REFERENCE.**

Pursuant to authority contained in the General Statutes and for the purpose of providing certain municipal standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures previously existing at the time of the adoption of this section or hereinafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and to regulate the equipment, maintenance, use and occupancy of all buildings and/or structures, there is hereby adopted (insofar as applicable) all volumes of the NC State Building Codes as authorized by G.S. § 143-138, as adopted and amended by the North Carolina Building Code Council.

(1986 Code, § 9-1.1) (Ord. passed 10-20-1980; Ord. 91-12, passed 06-17-1991; Ord. 95-03, passed 02-20-1995; Ord. 07-48, passed 12-18-2007)

#### **§ 150.02 COPIES AVAILABLE FOR PUBLIC INSPECTION.**



Copies of the North Carolina State Building Codes shall be available for the use of any interested person at the office of the Chief Building Inspector during regular office hours.

(1986 Code, § 9-1.2) (Ord. passed 10-20-1980; Ord. 95-03, passed 02-20-1995)

## **BUILDING INSPECTION DEPARTMENT; INSPECTIONS; UNSAFE BUILDINGS**

### **§ 150.15 CREATION.**

Pursuant to the authority contained in G.S. §§ 160A-411 and 160A-412, there is hereby created a Building Inspection Department for the village.

(A) The Building Inspection Department shall consist of a Building Inspector, who shall be the head of the Department, Electrical Inspector, Plumbing Inspector, Housing Inspector, Zoning Inspector, Heating and Air Conditioning Inspector, Fire Prevention Inspector or Deputy or Assistant Inspector or other titles as may generally be descriptive of the duties assigned.

(B) The same individual may hold the title and perform duties of one or more of the offices listed.

(C) The person or persons appointed to the Building Inspection Department shall be appointed by the Village Manager, subject to the qualifications set forth in G.S. § 160A-411.1.

(1986 Code, § 9-2.1) (Ord. passed 10-20-1980)

### **§ 150.16 DUTIES AND RESPONSIBILITIES.**

(A) The duties and responsibilities of the Inspection Department and of the inspectors therein shall be to enforce, within the territorial jurisdiction of the village, the state and local laws relating to:

- (1) The construction of buildings and other structures;
- (2) The installation of facilities such as plumbing systems, electrical systems, heating systems, refrigeration systems and air conditioning systems;
- (3) The maintenance of buildings and other structures in a safe, sanitary and healthful condition; and
- (4) Other matters that may be specified by the Village Council.

(B) These duties shall include the receipt of applications for permits and the issuance or denial of permits, the making of any necessary inspections, the issuance or denial of certificates of compliance, the issuance of orders to correct violations, cause to be brought a judicial action by appropriate authority against actual or threatened violations, the keeping of adequate records and any other action that may be required in order to adequately enforce those laws.

(1986 Code, § 9-2.2) (Ord. passed 10-20-1980)

### **§ 150.17 COUNCIL AUTHORITY AND FUNDING.**

The Village Council may appropriate, for the support of the Inspection Department, any funds that it deems necessary. It may provide for paying inspectors fixed salaries and/or it may

reimburse them for their services from part or all of the fees collected. It shall have power to establish a schedule of fees, from time to time, for its issuance of permits, inspections and other services of the Inspection Department and to publish same.

(1986 Code, § 9-2.3) (Ord. passed 10-20-1980)

#### **§ 150.18 CONFLICTS OF INTEREST.**

No member of the Inspection Department shall be financially interested in the furnishing of labor, material or appliances for the construction, alteration or maintenance of any building within the village's jurisdiction or any part or system thereof, or in the making of plans or specifications therefor, unless he or she is the owner of the building. No member of the Inspection Department shall engage in any work that is inconsistent with his or her duties or with the interest of the village.

(1986 Code, § 9-2.4) (Ord. passed 10-20-1980)

#### **§ 150.19 FAILURE TO PERFORM DUTIES.**

If any member of the Inspection Department shall willfully fail to perform the duties required of him or her by law or shall willfully improperly issue a permit, or shall give a certificate of compliance without first making the inspections required by law, he or she shall be guilty of a **misdemeanor** and subject to penalties provided in § [150.99](#).

(1986 Code, § 9-2.5) (Ord. passed 10-20-1980) Penalty, see § [150.99](#)

#### **§ 150.20 PERMIT REQUIREMENTS.**

(A) No person shall commence or proceed with:

(1) The construction, reconstruction, alteration, repair, removal or demolition of any building or structure;

(2) The installation, extension, alteration or general repair of any plumbing system;

(3) The installation, extension, alteration or general repair of any heating and cooling system; or

(4) The installation, extension, alteration or general repair of any electrical wiring, devices, appliances or equipment, without first securing from the Inspection Department any and all permits required by the State Building Code and other state and local laws applicable to the work.

(B) Any permit shall be in writing and shall contain a provision that the work done shall comply with the State Building Code and all other applicable state and local laws. No permit shall be issued unless the plans and specifications are identified by the name and address of the author thereof, and if the General Statutes of North Carolina require that plans for certain types of work be prepared only by a registered architect or a registered engineer, no permit shall be issued unless the plans and specifications bear the state seal of a registered architect or of a registered engineer. When any provision of the General Statutes of North Carolina or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for work shall be issued unless the work is to be performed by a duly licensed contractor. No

permit shall be issued to any person or corporation who has failed after notice to remedy defective work or to otherwise comply with the code of the village, the regulatory codes adopted therein, or the laws of the state.

(1) *Work without required permits.* If any person, firm or company starts work or construction prior to obtaining a permit required by the municipal code of the village, the State Building Code or State Statutes, a penalty of double the required fee shall be assessed and collected.

(2) *Permit fee paid when no work done.* The Chief Building Inspector may authorize the refunding of not more than 80% of the permit fee paid when no work has been done under a permit issued.

(3) *Permit fee erroneously paid or collected.* The Chief Building Inspector may authorize the refunding of any fee paid which was erroneously paid or collected due to administrative error by the Inspection Department.

(1986 Code, § 9-2.6) (Ord. passed 10-20-1980; Ord. 90-30, passed 10-15-1990) Penalty, see § [150.99](#)

#### **§ 150.21 TIME LIMITATIONS.**

Each permit issued by the Inspection Department shall automatically expire, without notice, two years after the date of issuance if the work authorized by the permit has not been commenced. If after commencement, the work is discontinued for a period of two years, the permit therefor shall immediately expire and the improvements removed from the premises at the owner's expense. In the event of his or her failure to effect this removal within 30 days, the village shall do so at the owner's expense. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured based on current codes.

(1986 Code, § 9-2.7) (Ord. passed 10-20-1980; Ord. 92-01, passed 01-20-1992)

#### **§ 150.22 CHANGES IN WORK.**

After a permit has been issued, no changes or deviations from the terms of the application, plans and specifications or the permit, except for changes or deviations clearly permissible under the State Building Code, shall be made until specific written approval of the proposed changes or deviations has been obtained from the Inspection Department.

(1986 Code, § 9-2.8) (Ord. passed 10-20-1980)

#### **§ 150.23 INSPECTION OF WORK IN PROGRESS.**

As the work pursuant to a permit progresses, village inspectors shall make as many inspections thereof as may be necessary to satisfy them that the work is being done according to the provisions of applicable state and local laws and of the terms of the permit. In exercising this power, members of the Inspection Department shall have the right to enter onto any premises within the jurisdiction of the department, at all reasonable hours, for the purposes of inspection or other enforcement action, upon presentation of proper credentials. It shall be the duty of the permit holder to call in inspections at the appropriate times.

(1986 Code, § 9-2.9) (Ord. passed 10-20-1980)

#### **§ 150.24 REVOCATION OF PERMIT.**

The appropriate inspector may revoke and require the return of any permit by notifying the permit holder in writing, stating the reason for the revocation. Any permit shall be revoked for any substantial departure from the approved application, plans or specifications, for refusal or failure to comply with the requirements of any applicable state and local laws or false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law, may also be revoked.

(1986 Code, § 9-2.10) (Ord. passed 10-20-1980)

#### **§ 150.25 CERTIFICATE OF COMPLIANCE.**

At the conclusion of all work done under a permit, the appropriate inspector shall make a final inspection, and if he or she finds that the completed work complies with all applicable state and local laws and with the terms of the permit, he or she shall issue a certificate of compliance. No new building or part thereof may be occupied, and no existing building that has been altered or moved may be occupied, until the Inspection Department has issued a certificate of compliance. A temporary certificate of compliance may be issued permitting occupancy for a stated period of a specified portion of the building that the inspector finds may safely be occupied prior to final completion of the entire building. Violation of this section shall constitute a **misdemeanor**, subject to penalties provided in § [150.99](#).

(1986 Code, § 9-2.11) (Ord. passed 10-20-1980) Penalty, see § [150.99](#)

#### **§ 150.26 PERIODIC INSPECTIONS.**

The Inspection Department shall make periodic inspection, subject to the direction of the Village Council, for unsafe, unsanitary or otherwise hazardous and unlawful condition in structures within its territorial jurisdiction. In addition, it shall make inspections when it has reason to believe that such conditions may exist in a particular structure. In exercising this power, members of the Department shall have a right to enter onto any premises within the jurisdiction of the Department for the purpose of inspection or other enforcement action, upon presentation of proper credentials.

(1986 Code, § 9-2.12) (Ord. passed 10-20-1980)

#### **§ 150.27 DEFECTS TO BE CORRECTED.**

When a local inspector finds any defects in a building or finds that the building has not been constructed in accordance with the applicable state and local laws, or that a building because of its condition is dangerous or contains fire hazardous conditions, it shall be his or her duty to notify the owner or occupant of the building, of its defects, hazardous conditions or failure to comply with the law. The owner or occupant shall each immediately remedy the defects, hazardous conditions or violations of the law in the property he or she owns.

(1986 Code, § 9-2.13) (Ord. passed 10-20-1980)

#### **§ 150.28 UNSAFE BUILDINGS CONDEMNED.**

Every building which shall appear to the inspectors to be especially dangerous to life because of its susceptibility to fire or because of bad conditions of walls, overloaded floors, defective

construction, decay, unsafe wiring or heating systems, inadequate means of egress or other causes shall be held to be unsafe and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of the building.

(G.S. § 160A-426(a)) (1986 Code, § 9-2.14) (Ord. passed 10-20-1980)

### **§ 150.29 REMOVAL OF NOTICE PROHIBITED.**

If any person shall remove any notice that has been affixed to any building or structure by the local inspector which states the dangerous character of the building or structure, he or she shall be guilty of a **misdemeanor** and subject to penalties provided under § [150.99](#).

(1986 Code, § 9-2.15) (Ord. passed 10-20-1980) Penalty, see § [150.99](#)

### **§ 150.30 FAILURE TO CORRECT; NOTICE OF HEARING.**

(A) If the owner of a building or a structure that has been condemned as unsafe, shall fail to take prompt corrective action, the village inspector shall give the owner written notice, by certified or registered mail, to his or her last known address or by personal service that:

(1) The building or structure is in a condition that appears to constitute a fire or safety hazard, or to be dangerous to life, health or other property;

(2) A hearing will be held before the inspector at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel, and to present arguments and evidence pertaining to the matter; and

(3) Following the hearing, the inspector may issue orders to repair, close, vacate or demolish the building or structure as appears appropriate.

(B) If the name or address of the owner cannot, after due diligence, be discovered, the notice shall be considered properly and adequately served, if a copy thereof is posted on the outside of the building or structure in question at least ten days prior to the hearing, and the notice of the hearing is published in a newspaper having general circulation in the village at least once, not later than one week prior to the hearing.

(1986 Code, § 9-2.16) (Ord. passed 10-20-1980)

### **§ 150.31 ORDER TO TAKE CORRECTIVE ACTION.**

If upon a hearing held pursuant to the notice prescribed in § [150.30](#), the inspector shall find that the building or structure is in a condition that constitutes a fire or safety hazard, or renders it dangerous to life, health or other property, he or she shall make an order in writing, directed to the owner of the building or structure, requiring the owner to remedy the defective conditions by repairing, closing, vacating or demolishing the building or structure, or taking other necessary steps within that period, not less than 60 days, as the inspector may prescribe, provided that where the inspector finds that there is eminent danger to life or other property, he or she may order that corrective action be taken in a lesser period as may be feasible.

(1986 Code, § 9-2.17) (Ord. passed 10-20-1980)

### **§ 150.32 APPEALS.**

Any owner who has received an order, under § [150.31](#), may appeal from the order to the Village Council by giving notice of appeal in writing to the inspector and to the Village Clerk within ten days following issuance of the order. In the absence of an appeal, the order of the inspector shall be final. The Village Council shall hear an appeal within a reasonable time and may affirm, modify and affirm or revoke the order.

(1986 Code, § 9-2.18) (Ord. passed 10-20-1980)

## **CONNECTION OF DRIVEWAYS**

### **§ 150.45 WRITTEN APPROVAL OF APPLICATION REQUIRED.**

Pursuant to authority contained in G.S. Chapter 160A, Article 15, § 307, no property owner or his or her agent shall make any driveway or similar connection to any street, road, or alley owned or maintained by the village within the corporate limits of the village, without the express, written approval of an application requesting the same from the Public Services Department.

(1986 Code, § 9-3.1) (Ord. No. 86-23, passed 09-15-1986) Penalty, see § [150.99](#)

### **§ 150.46 STANDARDS AND REQUIREMENTS FOR CONSTRUCTION.**

The Public Services Department shall have full authority to determine adequate standards and requirements to regulate the size, location, and manner of construction of driveway connections into any street or alley, and shall require that all connections be of an impervious material; unless in the opinion of the Public Services Director, the topography of a lot is such that runoff is either reversed or will not cause an erosion problem for either the village's right-of-way or nearby properties.

(1986 Code, § 9-3.2) (Ord. 86-23, passed 09-15-1986)

### **§ 150.47 APPLICATION FORM; FEE.**

The Public Services Department is hereby instructed, empowered, and directed to prepare an application form requesting the necessary information to conform with this section, and to assess a charge per driveway connection in accordance with the village's annually adopted fees and charges schedule.

(1986 Code, § 9-3.3) (Ord. 86-23, passed 09-15-1986)

## **REQUIREMENTS FOR NEW CONSTRUCTION**

### **§ 150.60 STANDARDS FOR CONSTRUCTION.**

(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;

(B) 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;

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

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

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

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

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

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

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

(G) 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

(H) 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.

(I) 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 .

(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; Ord. 14-02, passed 1-14-2014)

#### **§ 150.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is otherwise provided shall be subject to the provisions of § [10.99](#).

(B) Any person who shall be adjudged to have violated the State Building Code or this chapter shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not to exceed \$50 or imprisonment for not more than 30 days for each offense. Each day that the violation continues shall constitute a separate and distinct offense.

(C) (1) Any person, firm or corporation violating §§ [150.45](#) through [150.47](#) shall, upon conviction, be guilty of a misdemeanor or infraction and shall be fined not more than \$50, or imprisoned not more than 30 days. Each calendar day an infraction continues shall be a separate and distinct offense, separately punishable as hereinafter provided.

(2) Any person, firm or corporation violating §§ [150.45](#) through [150.47](#) may be cited for a civil penalty pursuant to provisions of G.S. § 160A-175 of \$50. Each calendar day the violation continues, shall be a separate and distinct offense, separately punishable as hereinabove



provided. The Compliance Officer shall notify either by telephone or letter, the person, firm or corporation in violation of the section, describing the offense, the corrective action necessary, and a reasonable time period for compliance with the section. If the violation is not corrected within the required time, the Compliance Officer shall have the authority to issue a civil citation, on forms developed for that purpose, imposing the hereinabove stated civil penalty of \$50 for each separate offense. If corrective action is not taken or the penalty paid, the Compliance Officer shall forward the matter to the Village Manager for further legal action. The action could include, but not be limited to, forced collection or criminal prosecution, as allowed by the General Statutes.

(1986 Code, §§ 9-2.19, 9-3.4) (Ord. passed 10-20-1980; Ord. 86-23, passed 9-15-1986)

## • CHAPTER 153: MINIMUM HOUSING STANDARDS

[http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/pinehurst\\_nc/villageofpinehurstnorthcarolinamunicipal?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:pinehurst\\_nc](http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/pinehurst_nc/villageofpinehurstnorthcarolinamunicipal?f=templates$fn=default.htm$3.0$vid=amlegal:pinehurst_nc)

### GENERAL PROVISIONS

#### § 153.01 FINDING; PURPOSE.

(A) Pursuant to G.S. § 160A-441, it is hereby declared that there exist within the jurisdiction of the village dwellings which are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents, and other calamities; lack of ventilation, light, and sanitary facilities and other conditions rendering such dwellings unsafe or unsanitary, dangerous, and detrimental to the health, safety, and morals, and otherwise inimical to the welfare of the residents of the village.

(B) In order to protect the health, safety and welfare of the residents within the jurisdiction of the village as authorized by G.S. Chapter 160A, Article 19, Part 6, it is the purpose of this chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. § 160A-444.

(Ord. 14-16, passed 4-8-2014)

#### § 153.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BASEMENT.*** A portion of a dwelling which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

***BUILDING INSPECTOR.*** The Building Inspector of the village or any building inspector for whose services the village has contracted or any authorized agent of the Inspector.

***CELLAR.*** A portion of a dwelling which is located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

***DETERIORATED.*** A dwelling that is unfit for human habitation but can be repaired, altered, or improved to comply with all of the minimum standards established by this chapter at a cost not in excess of 50% of its value, as determined by the finding or findings of the Inspector.

***DILAPIDATED.*** A dwelling that is unfit for human habitation and cannot be repaired, altered, or improved to comply with all of the minimum standards established by this chapter except at a cost in excess of 50% of its value, as determined by the finding or findings of the Inspector.

***DWELLING.*** Any building, structure, manufactured home, or mobile home or part thereof, used and occupied for human habitation or intended to be so used, and including any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured or mobile home as defined in G.S. § 143-145(7), which is used solely for a seasonal vacation purpose. The term shall include within its meaning the terms rooming house and rooming unit, as hereinafter defined.

***DWELLING UNIT.*** Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

***EXTERMINATION.*** The control and elimination of insects, rodents, or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, or trapping; or by any other recognized and legal pest elimination methods approved by the Inspector.

***GARBAGE.*** The organic waste resulting from the handling, preparation, cooking, and consumption of food.

***HABITABLE ROOM.*** A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers, or communicating corridors, closets, and storage spaces.

***INFESTATION.*** The presence, within or around a dwelling, of any insects, rodents, or other pests in such number as to constitute a menace to the health, safety, or welfare of the occupants or the public.

***MULTIPLE DWELLING.*** Any dwelling containing more than two dwelling units.

***NOXIOUS GROWTH.*** Any growth of weeds, grasses, or other plants or bushes that become or threaten to become a fire hazard or a harboring place for rats, mice, snakes, or other vermin or

otherwise pose a danger to the public health or safety. Uncontrolled plant growth (i.e. plants not intentionally planted in a garden, shrub bed, flower bed or similar area) that is at least eight (8) inches tall.

**OCCUPANT.** Any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of a dwelling, dwelling unit, or rooming unit.

**OPERATOR.** Any person who has charge, care, or control of a building, or part thereof in which dwelling units or rooming units are let.

**OWNER.** Any person who alone, jointly, or severally with others:

(1) Shall have title to any dwelling, dwelling unit, or rooming unit, with or without accompanying actual possession thereof; or

(2) Shall be a mortgagee of record for any dwelling, dwelling unit, or rooming unit; or

(3) Shall have charge, care, or control of any dwelling, dwelling unit, or rooming unit, as owner or agent of the actual owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the actual owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner.

**PARTY OR PARTIES IN INTEREST.** All persons who have interests of record in a dwelling, dwelling unit, or rooming unit and any persons who are in possession thereof.

**PERSON.** Any individual, corporation, firm, partnership, association, organization, or other legal entity.

**PLUMBING.** All of the following supplied facilities and equipment: gas pipe, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), sewage disposal pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

**PUBLIC AUTHORITY.** Any housing authority or any officer who is in charge of any department or branch of the government of the village or of the county or the state relating to health, fire, building regulations, or other activities concerning dwellings in the village.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

**RUBBISH.** Nonorganic waste materials. The term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, and dust.

**SUPPLIED.** Paid for, furnished, or provided by, or under the control of, the owner or operator.

**UNFIT FOR HUMAN HABITATION.** That conditions exist in a dwelling, dwelling unit, rooming house, or room unit which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this chapter.

**WASTES.** All useless, unwanted, or discarded materials and products, resulting from domestic, industrial, commercial or community activities.

**YARD WASTES.** Organic materials commonly consisting of leaves, pine straw, wheat straw, grass clippings, hedge clippings, dirt, rocks, yard and garden waste, branches, logs, twigs, and all vegetable matter resulting from landscaping or land clearing activities (i.e. stumps, trees, and the like).

Whenever the words **DWELLING, DWELLING UNIT, ROOMING UNIT**, and **PREMISES** are used in this chapter, they shall be construed as though they were followed by the words **OR ANY PART THEREOF**.

(Ord. 14-16, passed 4-8-2014)

### **§ 153.03 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.**

(A) *Public areas.* Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(B) *Cleanliness.* Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he or she occupies and controls.

(C) Every occupant of a dwelling or dwelling unit shall dispose of all his or her rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities. In all cases, the owner shall be responsible for the availability of rubbish and garbage storage facilities.

(D) Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.

(E) *Care of facilities, equipment, and structure.* No occupant shall willfully destroy, deface, or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit.

(Ord. 14-16, passed 4-8-2014) Penalty, see § [10.99](#)

### **MINIMUM STANDARDS FOR DWELLINGS AND DWELLING UNITS** **§ 153.15 COMPLIANCE REQUIRED.**

(A) Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of this subchapter.

(B) No person shall occupy as owner occupant, or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of this subchapter.

(Ord. 14-16, passed 4-8-2014) Penalty, see § [10.99](#)

### **§ 153.16 STRUCTURAL CONDITIONS.**

The following standards shall constitute the minimum standards for structural condition of a dwelling or dwelling unit:

(A) Walls or partitions or supporting members, sills, joists, rafters, or other structural members shall not list, lean, or buckle, and shall not be rotted, deteriorated, or damaged, and shall not have holes or cracks which might admit rodents.

(B) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.

(C) Foundations, foundation walls, piers, or other foundation supports shall not be deteriorated or damaged.

(D) Steps, stairs, landings, porches, or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.

(E) Adequate facilities for egress in case of fire or panic shall be provided.

(F) Interior walls and ceilings of all rooms, closets, and hallways shall be finished of suitable materials, which will, by use of reasonable household methods, promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.

(G) The roof, flashings, exterior walls, basement walls, floors, and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather and watertight.

(H) There shall be no chimneys or parts thereof which are defective, deteriorated, or in danger of falling, or in such condition or location as to constitute a fire hazard.

(I) There shall be no use of the ground for floors, or wood floors on the ground.

(Ord. 14-16, passed 4-8-2014)

### **§ 153.17 BASIC EQUIPMENT AND FACILITIES.**

(A) *Plumbing system.*

(1) Each dwelling unit shall be connected to a potable water supply and to a public sewer or other approved sewage disposal system.

(2) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub, or shower, water closet, and adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.

(3) All plumbing fixtures shall meet the standards of the most current edition of the State Plumbing Code and shall be maintained in a state of good repair and in good working order.

(4) All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

(B) *Heating system.* Every dwelling and dwelling unit shall have facilities for providing heat in accordance with the following:

(1) *Central and electrical heating systems.* Every central or electric heating system shall be of sufficient capacity to heat all habitable rooms, bathrooms, and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of 70° measured at a point three feet above the floor during ordinary winter conditions.

(2) *Other heating facilities.* Where a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, fires, gas vents, or other facilities to which heating appliances may be connected to heat all habitable rooms with a minimum temperature of 70° measured three feet above the floor during ordinary winter conditions.

(C) *Electrical system.*

(1) Every dwelling and dwelling unit shall be wired for electrical lights and convenience receptacles. Every habitable room shall contain at least two floor or wall type electric convenience receptacles, connected in such manner as determined by the most current edition of the State Electrical Code. There shall be installed in every bathroom, water closet room, laundry room, and furnace room at least one supplied ceiling or wall type electric light fixture. In the event wall or ceiling light fixtures are not provided in any habitable room, then each such habitable room shall contain at least three floor or wall type electric convenience receptacles.

(2) Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural daylight is not sufficient.

(3) All fixtures, receptacles, equipment, and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the most current edition of the State Electrical Code.

(Ord. 14-16, passed 4-8-2014)

**§ 153.18 VENTILATION.**

(A) *General.* Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 10% of the floor area of such room. Whenever walls or other portions of structures face a window or any room and such light obstructing structures are located less than five feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight type window in the top of such room, the total window area of such skylight shall equal at least 15% of the total floor area of such room.

(B) *Habitable rooms.*

(1) Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room.

(2) The total operable window area in every habitable room shall be equal to at least 45% of the minimum window area size or minimum skylight type window size as required, or shall have other approved, equivalent ventilation.

(C) *Bathrooms and water closet rooms.* Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

(Ord. 14-16, passed 4-8-2014)

## **§ 153.19 SPACE, USE AND LOCATION.**

(A) *Room sizes.*

(1) Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the most current edition of the State Residential Building Code.

(2) Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable area for each of the next three occupants, and at least 75 square feet of additional habitable floor area for each additional occupant.

(3) In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(B) *Ceiling height.* At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven feet and six inches.

(C) *Floor area calculation.* Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling unit may count for not more than 10% of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one-half feet shall not be considered as part of the floor area for the purpose of determining maximum permissible occupancy.

(D) *Cellar.* No cellar shall be used for living purposes.

(E) *Basements.* No basement shall be used for living purposes unless:

(1) The floor and walls are substantially watertight;

(2) The total window area, total operable window area, and ceiling height are equal to those required for habitable rooms; and

(3) The required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the window or windows face a stairwell, window well, or access way.

(Ord. 14-16, passed 4-8-2014) Penalty, see § [10.99](#)

## **§ 153.20 SAFE AND SANITARY MAINTENANCE.**

(A) *Exterior foundation, walls, and roofs.* Every foundation wall, exterior wall, and exterior roof shall be substantially weather tight and rodent proof; shall be kept in sound condition and



good repair; shall be capable of affording privacy; and shall be safe to use and capable of supporting the load which normal use would cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.

(B) *Interior floors, walls, and ceilings.* Every floor, interior wall, and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use would cause to be placed thereon.

(C) *Windows and doors.* Every window, exterior door, basement, or cellar door and hatchway shall be substantially weather tight, watertight, and rodent proof and shall be kept in sound working condition and good repair.

(D) *Stairs, porches, and appurtenances.* Every outside and inside stair, porch, and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use would cause to be placed thereon and shall be kept in sound condition and good repair.

(E) *Bathroom floors.* Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so that it will be reasonably impervious to water and will permit such floor to be easily kept in a clean and sanitary condition.

(F) *Supplied facilities.* Every supplied facility, piece of equipment, or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

(G) *Drainage.* Every yard shall be properly graded in order to obtain thorough drainage and to prevent the accumulation of stagnant water.

(H) *Noxious growth.* Every yard and all exterior property areas shall be kept free of noxious growth.

(I) *Egress.* Every dwelling unit shall be provided with adequate means of egress as required by the State Residential Building Code.

(Ord. 14-16, passed 4-8-2014) Penalty, see § [10.99](#)

## **§ 153.21 CONTROL OF INSECTS, RODENTS AND INFESTATIONS.**

(A) *Screens.* In every dwelling unit, for protection against mosquitoes, flies, and other insects, every door opening directly from a dwelling unit to outdoor space shall be equipped with screens and a self-closing device. Every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be equipped with screens.

(B) *Rodent control.* Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be equipped with screens or such other approved device as will effectively prevent their entrance.

(C) *Infestation.* Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested.

Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or reasonable insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

(D) *Rubbish storage and disposal.* Every dwelling and every dwelling unit shall be supplied with approved containers and covers for storage of rubbish as required by Village ordinances, and the owner, operator, or agent in control of such dwelling or dwelling unit shall be responsible for the removal of rubbish.

(E) *Garbage storage and disposal.* Every dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit, or an approved outside garbage can as required by village ordinances.

(F) *Waste disposal.* Except as provided in division (G) of this section, no owner or occupant may cause, suffer, or permit wastes, including rubbish and garbage, to accumulate on the premises, including yards and exterior property areas, provided that occupants shall be liable under this section only for those parts of the premises under their control.

(G) *Yard wastes.* Yard waste may be allowed to accumulate or remain in yards and exterior property areas for uses such as landscaping and composting, provided that these materials do not become or threaten to become a fire hazard or a harboring place for rats, mice, snakes or other vermin or otherwise pose a danger to the public health and safety. This provision does not authorize the commercial storage of landscaping materials on a residential property; commercial storage is permitted only in accordance with the Pinehurst Development Ordinance.

(Ord. 14-16, passed 4-8-2014) Penalty, see § [10.99](#)

## **ADMINISTRATION AND ENFORCEMENT**

### **§ 153.30 POWERS AND DUTIES OF BUILDING INSPECTOR.**

The Building Inspector is hereby designated as the officer to enforce the provisions of this chapter and to exercise the duties and powers herein prescribed. The Building Inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter. The Building Inspector shall have the following powers and duties:

(A) To investigate the dwelling conditions, and to inspect dwellings and dwelling units located in the village in order to determine which dwellings and dwelling units are unfit for human habitation, and for the purpose of carrying out the objectives of this chapter with respect to the repair, closing, or demolition of such dwellings and dwelling units;

(B) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated;

(C) To keep a record of the results of inspections made under this chapter and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed;

(D) To administer oaths and affirmations, examine witnesses, and receive evidence;

(E) To enter upon premises for the purpose of making examinations and inspections; provided, such entries shall be made in accordance with § [153.31](#) and state law, and shall be made in such manner as to cause the least possible inconvenience to the persons in possession; and

(F) To perform such other duties as may be prescribed herein or by the Village Council.

(Ord. 14-16, passed 4-8-2014)

### **§ 153.31 RIGHT OF ENTRY OF BUILDING INSPECTOR.**

(A) For the purpose of making inspections, the Building Inspector is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming houses, rooming units, and the premises associated therewith. The owner or occupant of every dwelling, dwelling unit, rooming house, or rooming unit or the person in charge thereof shall give the Building Inspector free access to such dwelling and its premises at all reasonable times for the purposes of such inspection, examination, and survey.

(B) Every occupant of a dwelling, dwelling unit, rooming house, or rooming unit shall give the owner thereof or his or her agent or employee, access to any part of such dwelling or dwelling unit and its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful order issued pursuant to the provisions of this chapter.

(Ord. 14-16, passed 4-8-2014)

### **§ 153.32 ENFORCEMENT PROCEDURE.**

(A) *Preliminary investigation; notice; hearing.* Whenever a petition is filed with the Building Inspector by a public authority or by at least five residents of the village, charging that any dwelling, dwelling unit or the premises thereof is unfit for habitation, or whenever it appears to the Inspector, upon inspection, that any dwelling, dwelling unit or the premises thereof is unfit for human habitation, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling, dwelling unit or premises thereof a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than ten nor more than 30 days after the serving of the complaint. The owner or any party in interest shall have a right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling or premises thereof. Notice shall also be given to the Village Historic Preservation Commission by giving oral or written notice to the village staff person that serves as the liaison to the Commission. Any person desiring to do so may attend such hearing and give evidence. Rules of evidence prevailing in courts or law or equity shall not be controlling in hearings before the Inspector.

(B) *Procedure after hearing.*

(1) After such notice and hearing, the Inspector shall state in writing his or her determination as to whether the dwelling, dwelling unit or the premises thereof are unfit for human habitation, and if so, whether the dwelling or dwelling unit is deteriorated or dilapidated.

(2) If the Inspector determines that the dwelling or dwelling unit is deteriorated, he or she shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter, or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter within a specified period of time, not to exceed 90 days. Such order may also direct and require the owner to vacate and close such dwelling or dwelling unit until such repairs, alterations, and improvements have been made. The order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under § [153.34](#).

(3) If the Inspector determines that the dwelling or dwelling unit is dilapidated, he or she shall state in writing his findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner either to repair, alter, or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter, or else to vacate and remove or demolish the same within a specified period of time not to exceed 90 days. If the order permits the owner to repair the dwelling, the order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities. If repairs are allowed, the order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under § [153.34](#).

(4) If the dwelling is located in a historic district of the village or has been designated a landmark by the village and the Historic District Commission determines, after a public quasi-judicial hearing that the dwelling is of particular significance or value toward maintaining the character of the historic district, and the dwelling has not been condemned as unsafe, an order issued pursuant to § [153.32](#)(B)(3) may require that the dwelling be vacated and closed consistent with G.S. § 160A-400.14(a).

(5) If the dwelling is located in a historic district of the village or has been designated a landmark by the village, the Inspector may, but is not required to, issue an order pursuant to § [153.32](#)(B)(2) or (3) that extends beyond 90 days the time the owner of the property has to comply with the order, provided that during such additional time the owner actively seeks the issuance of a certificate of appropriateness from the Historic Preservation Commission to authorize repairs or other work mandated by the order.

(6) If the Village Council shall have adopted an ordinance pursuant to § [153.34](#), or the Inspector shall have issued an order, ordering a dwelling to be repaired or vacated and closed, as § [153.32](#)(B)(2), and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or order, then if the Village Council shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the

dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the village in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this state, then in such circumstances, the Village Council may, after the expiration of such one year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

(a) If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding 50% of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or

(b) If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding 50% of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days. This ordinance shall be recorded in the Moore county Registry and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

(7) Whenever a determination is made pursuant to § [153.32](#)(B)(2) or (3) that a dwelling must be vacated and closed, or removed or demolished, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from the mailing of such notice shall be given before removal or demolition by action of the Inspector, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The Inspector or Village Clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the public officer to wait 45 days before causing removal or demolition.

(Ord. 14-16, passed 4-8-2014)

### **§ 153.33 METHODS OF SERVICE OF COMPLAINTS AND ORDERS.**

(A) Complaints or orders issued by the Inspector pursuant to an ordinance adopted under this chapter shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, or if the regular mail is not returned by the post office within 10 days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

(B) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the Inspector in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by registered or certified mail, and the Inspector makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the village at

least once no later than the time at which personal service would be required under the provisions of this chapter. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

(Ord. 14-16, passed 4-8-2014)

### **§ 153.34 IN REM ACTION BY INSPECTOR; PLACARDING.**

(A) After failure of an owner of a dwelling or dwelling unit to comply with an order of the Building Inspector issued pursuant to the provisions of this chapter, and upon adoption by the Village Council of an ordinance authorizing and directing him to do so, as provided by G.S. § 160A-443(5) and § [153.32](#)(B) of this code, the Inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered, or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the Village Council, and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a **misdemeanor**.

(B) Each ordinance so adopted shall be recorded in the Moore County Registry, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § 160A-443(5).

(Ord. 14-16, passed 4-8-2014)

### **§ 153.35 COSTS, A LIEN ON PREMISES.**

(A) That the amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Inspector shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in G.S. Chapter 160A, Article 10.

(B) If the real property upon which the cost was incurred is located within the corporate limits of the Village, then the amount of the cost is also a lien on any other real property of the owner located within the village limits or within one mile thereof except for the owner's primary residence. The additional lien provided in this subsection is inferior to all prior liens and shall be collected as a money judgment.

(C) If the dwelling is removed or demolished by the Inspector, he shall sell the materials of the dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the Inspector, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the village to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

(Ord. 14-16, passed 4-8-2014)

### **§ 153.36 ALTERNATIVE REMEDIES.**



(A) In addition to the remedies provided in §§ [153.32](#), [153.34](#), and [153.35](#), the remedies provided in Code of Ordinances § [10.99](#) may also be used to enforce the provisions of this chapter.

(B) Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the village to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this chapter by criminal process as authorized by G.S. § 14-4, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

(C) Nothing in this chapter shall be construed to otherwise abrogate or impair the other powers of the village to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by any other law.

(Ord. 14-16, passed 4-8-2014)

### **§ 153.37 OTHER PROVISIONS.**

In the event any provision, standard, or requirement of this chapter is found to be in conflict with any provision of any other ordinance or code of the town, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the village shall prevail.

(Ord. 14-16, passed 4-8-2014)

### **§ 153.38 VIOLATIONS.**

(A) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close and remove or demolish the same, upon order of the Inspector duly made and served as herein provided, within the time specified in such order. Each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense.

(B) It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to § [153.32](#), to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration, or improvement or its vacation and closing. Each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

(Ord. 14-16, passed 4-8-2014) Penalty, see § [10.99](#)

## **• CHAPTER 7. ENFORCEMENT AGAINST VIOLATIONS**

[http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/pinehurst\\_nc/village\\_of\\_pinehurst\\_northcarolinamunicipal?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:pinehurst\\_nc](http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/pinehurst_nc/village_of_pinehurst_northcarolinamunicipal?f=templates$fn=default.htm$3.0$vid=amlegal:pinehurst_nc)

### **Section 7.1 Duties of Administrative Officers, Zoning Board of Adjustment, Courts, and Village Council Regarding Enforcement of this Ordinance**



(A) The Planning and Inspections Department is hereby authorized to enforce the provisions of this Ordinance. Appeal from any such enforcement decision of the Department shall be made to the Zoning Board of Adjustment;

(B) It is the intention of this Ordinance that all questions arising in connection with the enforcement of this Ordinance shall be presented first to the Department or staff person responsible for enforcement of the relevant provisions of this Ordinance and that such questions shall be presented to the Zoning Board of Adjustment only on appeal from the decision of the Department or staff person. From the decision of the Zoning Board of Adjustment, recourse shall be had to the courts as provided by law. It is further the intention of this Ordinance that the duties of the Village Council regarding this Ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof; rather, the procedure for determining such questions shall be as set forth in this Chapter. The duties of the Village Council regarding this Chapter shall be only to consider and pass upon proposed amendments to or repeal of this Ordinance or parts thereof.

(Ord. 14-35, passed 09-24-2014)

## **Section 7.2 Penalties for Violations**

(A) Liabilities for Violations: Any person who erects, constructs, reconstructs, demolishes, alters, repairs, converts, or maintains any building or structure in violation of this Ordinance, and any person who uses any building, structure, or land in violation of the Ordinance, shall be subject to civil and criminal penalties in accordance with this Section.

(1) Civil Penalties: Violation of this Ordinance through the acts listed in Subsection (A) above shall subject the offender to a civil penalty in the amount of five hundred dollars (\$500) per day for each day the violation continues, to be recovered by the Village in a civil action in the nature of debt if the offender does not pay the penalty within the prescribed period of time after he or she has been cited for violation;

(2) Criminal Penalties: In addition to, or in lieu of, such civil penalties or other remedies listed above, violation of this Ordinance shall constitute a misdemeanor, pursuant to North Carolina NCGS §160A-175 and North Carolina NCGS §14-4, as amended, punishable for each day the violation continues by a fine of up to five hundred (\$500) dollars and/or incarceration for up to thirty (30) days.

(B) Each Day A Separate Violation: Each day that a violation continues shall constitute a separate and distinct violation or offense;

(C) Stop Work Orders For Any Plan Violations: In addition to the civil and criminal penalties listed above, the Planning and Inspections Department has the authority to issue a stop work order for any construction, reconstruction, demolition, grading, alteration, or repair to a building, structure, plant or landscaping in violation of this Ordinance.

## **Section 7.3 Notice of Violation and Citation Procedure**

(A) Notice Required Before Penalty: No penalty shall be assessed pursuant to Section [7.2](#) above unless and until the person or property owner alleged to be in violation has been notified of the violation in accordance with this Section;

(B) Notice of Violation and Opportunity to Cure: Whenever the Planning and Inspections Department or Village Planner has reasonable cause to believe that a person is violating or a property is in violation of any of the provisions of this Ordinance or any plan, order, or condition which has been approved, issued, or imposed pursuant to this Ordinance, the Department shall promptly notify that person or property owner of the violation. If the property appears to be occupied by someone other than the owner notice shall also be sent to the physical address of the property and addressed to "current resident", however the property owner is still the responsible entity for compliance and legal action. Such notice of violation shall be in writing and shall be served by certified or registered mail, return receipt requested or by posting notice on the property in a conspicuous place on the property. The notice of violation shall describe the violation, shall identify the provision or provisions of this Ordinance which are being violated, shall specify what actions must be taken to correct the violation (including an order to stop any and all work which violates this Ordinance), shall direct the person to correct the violation within a specified reasonable time period (beginning on the date such notice is received), and shall warn that more severe measures (such as a civil penalty or criminal prosecution) may be assessed or brought against the person if he or she fails to take appropriate action to cure or correct the violation. If the violator cannot be ascertained, then the notice of violation shall be sent to the record owner of the land on which the violation occurs. If the violation is cured or corrected within the time period specified in the notice of violation, then the Village shall take no further action against the person;

(C) Extension of Time to Cure: Upon receipt of a written or verbal request from the alleged violator or the property owner for an extension of time to cure or correct the violation, the Village Planner or Planning and Zoning Department may grant a single extension of time, not to exceed a period of thirty (30) days, in which the alleged violator may cure or correct the violation before the Village issues a citation pursuant to Subsection (D) below. Such extension of time shall not be granted unless the alleged violator or the property owner can demonstrate to the Department that the violation cannot be cured or corrected within the time period specified in the notice of violation because the labor or materials needed to take appropriate action are unavailable due to circumstances beyond the control of the alleged violator or the property owner;

(D) Citation for Violation: Any person who, after being given a notice of violation pursuant to Subsection (B) above, does not comply with this Ordinance within the time period set forth in the notice of violation, and who continues such violation, shall be subject to the civil and/or criminal penalties set forth in Section [7.2](#) above. The Village shall serve a written citation on the alleged violator by certified or registered mail, return receipt requested or by posting notice on the property in a conspicuous place on the property. If the violator cannot be ascertained, then the notice of violation shall be sent to the record owner of the land on which the violation occurs. The citation shall again describe the nature of the violation and any actions that the alleged violator must take to cure or correct the violation, and shall specify the amount of any civil penalty that shall be levied against the alleged violator. The civil penalty shall be paid, or the violation shall be cured or corrected, within seventy-two (72) hours of receipt of the citation

by the alleged violator, or such other time period, not to exceed thirty (30) days, as the citation may specify;

(E) Action for Recovery of Penalty and for Corrective Action: If payment is not made, or the violation is not cured or corrected, within that time, then the matter shall be referred to the Village Attorney for institution of a civil action in the name of the Village, in a court of competent jurisdiction, for recovery of the penalty, for an order of abatement, and for initiation of a criminal prosecution. Any sums recovered in such actions shall be used to carry out the purposes and requirements of this Ordinance. When a violation occurs and an order of abatement is obtained, if the violator fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the Village may execute the order of abatement. The Village shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and material man's lien as provided for by N.C. NCGS §160A-175;

(F) Summary Removal of Dangerous Signs: In the case of a sign or sign structure which the Planning and Inspections Department or the Village Planner reasonably deems to be in danger of falling or otherwise creating an immediate safety hazard, the Department or Planner is hereby authorized to promptly cause the removal of such sign or sign structure at the expense of the property owner.

- **9.17.1.9 Restriction on Sale or Transfer of Subdivided Land Without an Approved Final Plat**

[http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/pinehurst\\_nc/villageofpinehurstnorthcarolinamunicipal?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:pinehurst\\_nc](http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/pinehurst_nc/villageofpinehurstnorthcarolinamunicipal?f=templates$fn=default.htm$3.0$vid=amlegal:pinehurst_nc)

Any person who transfers or sells any land located within the corporate limits or extraterritorial jurisdiction of the Village by reference to a plat which has not been approved by the Village and recorded with the Moore County Register of Deeds, shall be guilty of a misdemeanor even if the instrument of transfer contains a metes and bounds description. The Village also may enjoin such transfer or sale by filing an action for an injunction.