

## Chapter 24

### **PARKS, RECREATION AND CULTURAL RESOURCES\***

- Sec. 24-1. Definition.
- Sec. 24-2. Temporary closing.
- Sec. 24-3. Use of county school property.
- Sec. 24-4. Written permission.
- Sec. 24-5. Dates of operation.
- Sec. 24-6. Hours of operation.
- Sec. 24-7. Damage to plants, turf, rocks, structures, streams.
- Sec. 24-8. Injuring or endangering wildlife.
- Sec. 24-9. Dangerous equipment.
- Sec. 24-10. Weapons.
- Sec. 24-11. Swimming.
- Sec. 24-12. Open fires.
- Sec. 24-13. Vehicles.
- Sec. 24-14. Livestock and domestic animals.
- Sec. 24-15. Entertainment; demonstrations; exhibitions.
- Sec. 24-16. Advertising matter; solicitations.
- Sec. 24-17. Skateboarding safety equipment requirements.
- Sec. 24-18. Lazy Daze and other specially designated town sponsored events; activities prohibited.

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\***State law reference**—Parks and recreation, G.S. 160A-350 et seq.



**Sec. 24-1. Definition.**

For the purpose of this chapter, "parks" shall be defined as all parks, greenways and open space areas owned, leased and/or operated, maintained and administered by the town of Cary department of parks and recreation and cultural resources.

(Code 1982, § 14-1; Ord. No. 80-14, § 10.1-1, 6-12-1980)

**Sec. 24-2. Temporary closing.**

The director of parks, recreation and cultural resources may temporarily close or curtail activities upon any park or waters, or any portions thereof, when it has been deemed to be in the best interest of public safety, health, conduct or order.

(Code 1982, § 14-4; Ord. No. 80-14, § 10.1-4, 6-12-1980)

**Sec. 24-3. Use of county school property.**

On county school property leased by the parks, recreation and cultural resources department, school functions have first priority. Parks and recreation department scheduled games and scheduled practices have priority over other league users and casual athletic games on park fields. All field schedules and reservations are handled through the supervisor of athletics.

(Code 1982, § 14-5; Ord. No. 80-14, § 10.1-4, 6-12-1980)

**Sec. 24-4. Written permission.**

All of the rules in this chapter requiring written permission require that such permits must be carried and produced upon demand.

(Code 1982, § 14-6; Ord. No. 80-14, § 10.1-17, 6-12-1980)

**Sec. 24-5. Dates of operation.**

All town parks shall be open for public use on a year-round basis unless specific dates of operation are posted.

(Code 1982, § 14-7; Ord. No. 80-14, § 10.1-2, 6-12-1980)

**Sec. 24-6. Hours of operation.**

No persons are permitted in any park during the hours of darkness except in parks lighted for extended use activities or unless written permission is obtained from the director of parks, recreations and cultural resources for after-dark programs. (Safety lights and/or night lights are not designed or intended for extended use activities). Parks lighted for extended use must be vacated by 11:00 p.m. unless special permission is granted by the director of parks, recreations and cultural resources. Parks and special facilities that require on-site supervision will have hours of operation posted and will be closed to the public other than during posted hours.

(Code 1982, § 14-8; Ord. No. 80-14, § 10.1-3, 6-12-1980)

**Sec. 24-7. Damage to plants, turf, rocks, structures, streams.**

No person shall cut, break, move, take or otherwise injure, destroy or deface any tree, shrub, plant, turf, rock or any building, fence, bridge, sign or other structure; or foul any stream, or dump any earth, rubbish or other substance or material in or upon any park without written permission of the director of parks, recreations and cultural resources. Such permission shall be given upon a showing that the activity is consistent with all other ordinances and will not result in permanent injury to the park.

(Code 1982, § 14-10; Ord. No. 80-14, § 10.1-9, 6-12-1980)

**Sec. 24-8. Injuring or endangering wildlife.**

No person shall, in any park, set a trap or snare, or annoy, disturb or poison any wild animal or bird or injure or destroy any nest or habitat.

(Code 1982, § 14-11; Ord. No. 80-14, § 10.1-11, 6-12-1980)

**Sec. 24-9. Dangerous equipment.**

Practicing, playing or using horseshoes, spears, javelins, archery and discus in park areas is prohibited except in areas expressly designated or provided for such purposes.

(Code 1982, § 14-12; Ord. No. 80-14, § 10.1-15, 6-12-1980)

**Sec. 24-10. Weapons.**

No person shall carry a knife upon his person having a blade of three inches or longer or have possession of or discharge a BB gun, air rifle, bow and arrow or any other type of lethal weapon in any park except at public exhibitions and with a permit from the director of parks and recreation.

(Code 1982, § 14-13; Ord. No. 80-14, § 10.1-14, 6-12-1980; Ord. No. 90-29, § 1, 4-12-1990)

**Sec. 24-11. Swimming.**

Swimming is prohibited in all parks except in facilities expressly designed for that purpose. Personal bathing is prohibited.

(Code 1982, § 14-14; Ord. No. 80-14, § 10.1-5, 6-12-1980)

**Sec. 24-12. Open fires.**

No person shall make or kindle any open fire except in fireplaces and grills designed and provided for this purpose. Private portable grills may be used in certain park areas as approved by the director of parks, recreation and cultural resources.

(Code 1982, § 14-15; Ord. No. 80-14, § 10.1-10, 6-12-1980)

**Sec. 24-13. Vehicles.**

(a) No person shall ride or drive any motor vehicle, motorcycle, motor-driven cycle, or any other form of off-highway, motor-driven vehicle upon any park land except upon the roads or on areas which are designed and provided for such purposes. This shall not include the operation of motor vehicles engaged in property maintenance or in other services authorized by the town. All

PARKS, RECREATION AND CULTURAL RESOURCES

§ 24-17

ordinances regarding operation of a motor vehicle upon public streets or highways apply to operation upon streets within park land. Speed limits within all park lands shall be 15 miles per hour unless otherwise posted. There shall be no parking at any time except in designated areas.

(b) No bicycles, skateboards or rollerblades are to be ridden in areas that have been posted by signs that expressly prohibit such.

(Code 1982, § 14-17; Ord. No. 80-14, § 10.1-6, 6-12-1980; Ord. No. 87-105, § 1, 12-10-1987)

**Sec. 24-14. Livestock and domestic animals.**

Livestock and domestic animals of any kind are prohibited in any park.

*Exception:* A dog or a cat upon a leash not exceeding six feet in length is permitted. Horseback riding is prohibited except upon facilities expressly designed for that purpose. Lawful activities of any Law Enforcement Canine Team in the performance of their duties is permitted.

(Code 1982, § 14-18; Ord. No. 80-14, § 10.1-13, 6-12-1980; Ord. No. 90-30, § 1, 4-12-1990; Ord. No. 05-010, 7-28-2005)

**Sec. 24-15. Entertainment; demonstrations; exhibitions.**

No entertainment, demonstration or exhibition shall be given in any park except under the supervision and/or written permission of the director of parks, recreation and cultural resources.

(Code 1982, § 14-19; Ord. No. 80-14, § 10.1-16, 6-12-1980)

**Sec. 24-16. Advertising matter; solicitations.**

No person shall, without written permission of the director of parks and recreation, erect, paint, post or otherwise affix or distribute any signs, advertisements or circulars on park property. The sales of anything or the solicitation of funds or donations within any park are forbidden except upon written permission of the director of parks, recreations and cultural resources. Such permissions shall be given upon a showing that there will be compliance with all laws and ordinances and a further showing that the activity will not injure the parks or interfere with the right of others to use the park.

(Code 1982, § 14-20; Ord. No. 80-14, § 10.1-7, 6-12-1980)

**Sec. 24-17. Skateboarding safety equipment requirements.**

(a) *Purpose.* G.S. ch. 99E limits the liability of municipalities for damages that might arise out of a person's participation in skateboarding when the municipality adopts an ordinance requiring any person riding a skateboard in areas designated for that purpose, to wear certain protective gear. Although the town is not designating any area of Godbold Park, other than the existing skate park facility, as a skateboarding area, the town desires to adopt an ordinance requiring any person riding a skateboard on any approach to the skate park facility in Godbold Park to wear protective gear.

(b) *Protective gear requirements.* Every person operating a skateboard within Robert V. Godbold Park shall wear a protective helmet with the chin strap securely fastened under the chin, protective elbow pads and kneepads.

§ 24-17

CARY CODE OF ORDINANCES

(c) *Enforcement.* Violations of this article shall be deemed infractions pursuant to G.S. 14-4, punishable by a fine of up to \$50.00 and any other costs as prescribed by law.

(d) *Parent/guardian responsibility.* No parent or guardian of any juvenile operating a skateboard described in subsection (a) above shall knowingly allow a violation of this section. The parents or guardians of juveniles 15 years of age or under, shall be deemed responsible for ensuring such compliance.

(Code 1982, § 14-21; Ord. No. 03-010, 10-9-2003)

**Sec. 24-18. Lazy Daze and other specially designated town sponsored events; activities prohibited.**

(a) *Purpose.* Lazy Daze Arts & Crafts Festival, a town-sponsored festival, attracts an extraordinarily large number of persons who are confined to a limited area for a festival that is of greater duration than other community events. Because of crowded conditions, certain activities, such as the riding of bicycles and other wheeled vehicles, and the throwing of frisbees and balls, pose hazards presenting the possibility of injury to persons and damage to property. Additionally, Lazy Daze features organized activities, live entertainment, food concessions, and hundreds of authorized exhibitors who display and offer for sale artwork, crafts, and related items. The town parks and recreation department issues permits to persons desiring to place or maintain an exhibit or concession stand or to otherwise engage in outdoor sales. The exhibition, offering for sale and selling of merchandise or food and beverages by unauthorized vendors poses a threat to the public safety and welfare, interferes with planned traffic flow and the maintenance of order, frequently violates the town zoning code, and detracts from the authorized exhibits and concessions. The purpose of this section is to protect and promote the public health, safety, welfare, and recreation, by regulating certain activities at Lazy Daze and other town-sponsored events to which these provisions are made to apply.

(b) *Applicability.* This section shall apply to that town-sponsored festival known as Lazy Daze Arts & Crafts Festival and may be made to apply to any other town-sponsored festival or event by action of the town council.

- (1) As to Lazy Daze, this section shall apply from 12:00 noon on the day preceding the event through 9:00 p.m. on the scheduled day of the event, or the rain date, if necessary, to all of that area bounded on the south by Dry Avenue; on the west by South and North Harrison Avenue; on the north by the CSX Railroad tracks; and on the east by Walker Street.
- (2) The area and boundaries of any other town-sponsored event to which these provisions shall be made to apply shall be determined by the town council.
- (3) The boundaries and interior of Lazy Daze and any other event to which these provisions apply shall consist of any property that is part of Lazy Daze or other special event and shall include any public street, sidewalk, or other publicly owned area that is within or constitutes the boundary of that event.

PARKS, RECREATION AND CULTURAL RESOURCES

§ 24-18

(c) *Unlawful to operate bicycle or other wheeled vehicle.* It shall be unlawful for any person to operate a bicycle, tricycle, unicycle, moped, skateboard, or any other wheeled vehicle, roller skates or roller blades (all hereafter referred to as "wheeled vehicle") on or within the boundaries of Lazy Daze or any other town-sponsored event to which these provisions have been made to apply. For purposes of this section, the term "operate" shall mean the use, putting into action, or causing to function of a wheeled vehicle by a person mounted thereon. This section shall not apply to wheelchairs, baby strollers, or baby carriages.

(d) *Unlawful to throw balls, etc.* It shall be unlawful for any person to toss or throw a ball, Frisbee, model airplane, or similar object on or within the boundaries of Lazy Daze or any other town-sponsored event to which these provisions have been made to apply.

(e) *Unlawful to use fireworks at Lazy Daze.* It shall be unlawful for any person to purchase, sell, deal in, transport, possess, receive, use, or cause to be used or discharged, any fireworks on or within the boundaries of Lazy Daze or any other town-sponsored event to which these provisions have been made to apply. For the purpose of this section, "fireworks" shall mean those nonexploding glow worms, smoke bombs, noisemakers, and sparklers that are described in G.S. 14-414(1)—(6).

(f) *Unlawful to conduct outside sales.* It shall be unlawful for any person to exhibit, display, offer for sale or to sell any merchandise or other item, any service, food or beverage from any outside location (hereafter referred to as "outside sales") on public property, within the boundaries of Lazy Daze unless such person has been issued a permit for such outside sales by the town parks and recreation department. Any person conducting outside sales shall display the permit issued by the parks and recreation department in a conspicuous place at the location of the outside sales.

(g) *Exhibit permits.* It shall be unlawful to fail to produce and exhibit any permit from the town parks and recreation department for outside sales an exhibitor or vendor claims to have upon the request of a law enforcement officer (or a member of the parks, recreation and cultural resources department) who shall desire to inspect it for purposes of ensuring compliance with this section.

(h) *Failure to cease activities.* It shall be unlawful for a person on or within the boundaries of Lazy Daze or any other special event to which these provisions have been made to apply, to fail to obey the command of a law enforcement officer to:

- (1) Cease the operation of a wheeled vehicle;
- (2) Cease the tossing, or throwing of a ball, frisbee, model plane, or other object; or
- (3) Cease exhibiting, displaying, offering for sale, or selling any merchandise, service, food or beverage, on or within 100 feet of the boundaries of Lazy Daze without a valid permit from the parks and recreation department and a valid town business license.

(i) *Exception.* This section shall not apply to the operation of any wheeled vehicle or the throwing or tossing of any ball, frisbee, or other object if the otherwise prohibited activity is part of an authorized exhibit or display. The director of parks, recreation and cultural resources or designee shall have the authority to specify the conditions under which wheeled vehicles may be operated and balls, Frisbees, or objects may be thrown or tossed for the protection of the public.

§ 24-18

CARY CODE OF ORDINANCES

(j) *Animals at Lazy Daze.* Pursuant to section 6-72, animals are prohibited at Lazy Daze and certain other special events. The town council, by its action, may also make the provisions of section 24-5 apply to other town-sponsored events.

(k) *Enforcement.* Any law enforcement officer may issue a citation for a civil penalty for violation of this section in the amount of \$20.00. This authority shall be in addition to any other authority and shall not preclude in any way any law enforcement officer from exercising any authority or carrying out the duties of a law enforcement officer. Enforcement of an unpaid citation may be by issuance of a criminal summons or by the filing of a civil complaint to collect the unpaid debt owed to the town.

(Code 1982, § 14-28; Ord. No. 91-29, § 1, 8-8-1991; Ord. No. 94-018, § 1, 7-28-1994)

**State law reference**—Civil penalties, G.S. 160A-175(c).