



## Film, Video, and Photography Guide



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## APPLYING THIS GUIDE

This guide addresses the community impact on film and video productions regardless of a production's purpose or proposed use (see Production Classifications). It is irrelevant to the Town whether a production is commercial in nature or not-for-profit; what matters is if and how our citizens' daily lives might be affected by the associated activities.

Therefore, for the purpose of the guide, "production" may include any film, video, or photographic activities based on **community impact** and without regard to whether a production is commercial, educational, or professional. In short, the lower the impact, the less involvement with the Town.

No permit is required to film in Cary; however, county or state regulations may apply. If your project requires **exclusive** use of Cary facilities, buildings, roads, sidewalks, parks, and/or greenways you must obtain permission. Other town fees may apply depending upon facility and community impact and/or your need for staff support.

1. Before engaging with Cary staff and requesting approval, please read this guide to determine the community impact of your project.
2. If the requirements of your project apply to the guide send an email outlining the prospective date, time, location, and some brief details about your project to the staff associate below:
  - Marketing and Creative Manager, Kristy Buchanan [kristy.buchanan@carync.gov](mailto:kristy.buchanan@carync.gov)

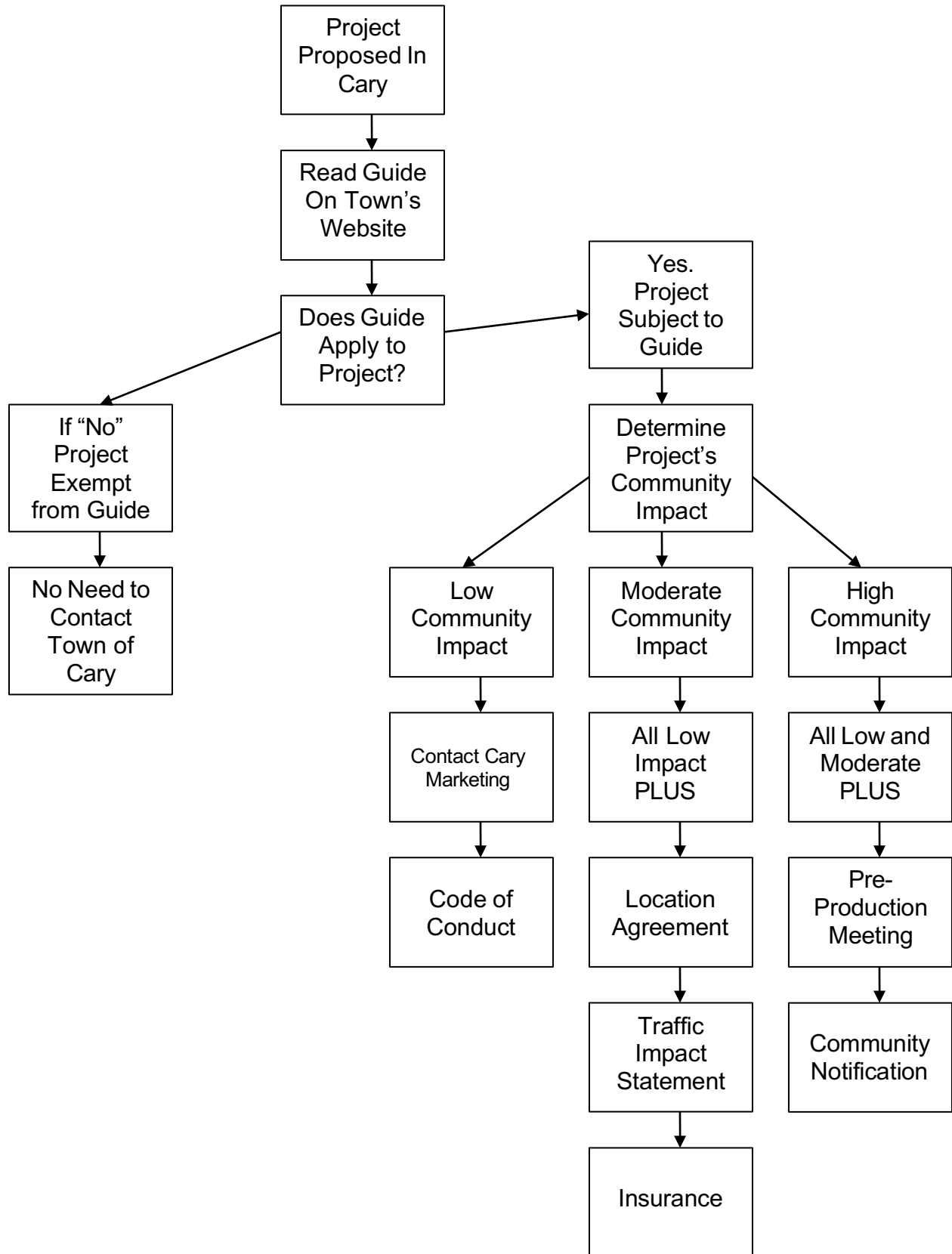
This enables staff to reach back to discuss any issues you may have with meeting specific requirements in this guide and to determine community impact. Submitting an email request does NOT guarantee that your production will be approved.

**EXEMPTIONS:** This guide does not apply to bona-fide news media coverage or breaking news, entertainment, sports, or other special events. Also exempt are individual recordings or still photography that have **no community impact** which means the required equipment should be no more extensive than a camera and single tripod. An example of **no community impact** are senior or family portraits. Projects that align with these specifications are exempt and you do not need to contact the Town for permission.

## PROCESS SNAPSHOT

Take a look at our process flowchart on the next page. As it illustrates and as is detailed in this document, the process for producing in Cary is simple and straightforward.

# TOWN OF CARY FILM / VIDEO / PHOTOGRAPHY GUIDE FLOWCHART



## PHILOSOPHY

In recognition of their potential socioeconomic contributions, Cary welcomes film/video/photography productions in our community. And as with other civic, educational, and business efforts, we pledge the highest quality customer service to individual producers and production companies as well as to existing citizens and businesses that may be impacted by such ventures.

## GUIDING PRINCIPLES

1. Cary will strive to create an environment that fosters success for film/video/photography productions.
2. Safety, health, welfare, property, and the environment will be protected.
3. Impacts to existing citizens and businesses will be minimized and mitigated.
4. Costs to the Town resulting from and not offset by a clearly demonstrated economic benefit of the production will be recovered from the production.

## PRODUCING IN CARY

To ensure that productions are as positive an experience for Cary citizens as they are for cast and crew, all productions should adhere to the following:

### Conduct

We're glad you found what you were looking for in Cary. Show your appreciation to the citizens and businesses of our community by ensuring that all members of the production follow the Code of Conduct, included in the appendix, page 11.

### Hours

Most production activities are allowed daily in residential and commercial areas between 7 a.m. and 11 p.m. and during regular hours of operation in the case of parks, trails, and greenways. These activities include but may not be limited to the arrival and departure of cast, crew, supplies, and equipment as well as actual filming/taping/photographing. However, some activities—typically those that generate significant noise—often have more restrictive allowable times. These include but may not be limited to the use of heavy equipment, amplified sound, generators, and air compressors (see Noise Ordinance in the appendix). In some instances, and where advance written approval is obtained from affected property owners, the Town may grant an extension. See attached Extended Hour Form in the appendix, page 15.

### Noise

All sounds resulting from the production will at all times be in compliance with the Town of Cary's Noise Ordinance. If complaints are received, the production will work quickly and in good faith with the Town and affected residents to develop and implement strategies to address residents' concerns. See attached Noise Ordinance in the appendix, page 16.

### Lighting

Artificial lighting will be oriented away from neighboring residences and should not interfere with the safe movement of traffic and pedestrians.

### Restoration of Property

Production will fully restore to original condition all public and private property within ten (10) business days. Additionally, production members will keep Cary neat and clean by ensuring that all trash, garbage, containers, food, debris, lumber, props, sets, vehicles, and all other materials from the production are removed from the location and properly recycled/disposed of or relocated within 24 hours of the completion of activity at that location.

### Permits and Licensing

Film/Video/Photography entities are not required to possess a business privilege license, but county and state regulations would still apply. Town permits that might be necessary, such as a noise permit or temporary use permit, may apply to Moderate and High Impact productions and will be discussed during the pre-production meeting. Finally, no Town of Cary licenses or permits can override the need or substitute for the production entity to secure necessary permissions from relevant state/federal agencies and property owners.

## **PRODUCTION CLASSIFICATIONS**

The amount of oversight and/or resources the Town will need to devote to supporting the Guiding Principles depends in large measure on the impact each production has on the community: the greater the impact, the greater the necessary oversight/resources. For purposes of this guide, impacts are classified as low, moderate, or high as follows:

### **Low Community Impact**

Productions described by all of the following are considered low impact:

- No exclusive or after-hours use of all or any portion of public streets or other public facilities; and,
- No impact to normal vehicle or pedestrian movement on public streets, sidewalks, trails, or greenways; and,
- No generator; and,
- No amplified sound; and,
- 5 or fewer production members, including talent and crew; and,
- No audience; and,
- No wild, exotic, or non-domestic animals; and,
- No pyrotechnics or other special effects; and,
- No filming/moving picture vehicles; and,
- No modification of park facilities and grounds

### **Moderate Community Impact**

Productions with any of the following are considered moderate impact:

- Vehicle traffic is temporarily (up to 4 consecutive hours) interrupted on public streets outside of weekday morning and evening rush hours (6-9 a.m. and 4-7 p.m.); or,
- Pedestrian traffic is temporarily (up to 4 consecutive hours) interrupted on public sidewalks, trails, or greenways; or,
- Exclusive use of all or a portion of a public facility is required outside of normal hours of operation; or,
- A tripod or dolly is temporarily (up to 4 consecutive hours) used on and blocks safe, general access to public sidewalks, trails, greenways, or streets; or,

- Wires or cables temporarily (up to 4 consecutive hours) run across or over public sidewalks, trails, greenways, or streets; or,
- 6-10 production members, including crew and talent, are onsite; or,
- Public parking is temporarily (up to 4 consecutive hours) impacted.

### **High Community Impact**

Productions with any of the following are considered high impact:

- Vehicle traffic is interrupted on public streets for more than 4 consecutive hours or for any period of time during weekday rush hours (6-9 a.m. and 4-7 p.m.); or,
- Pedestrian traffic is interrupted on public sidewalks, trails, or greenways for more than 4 consecutive hours: or,
- Exclusive use of all or a portion of a public facility is required during normal hours of operation; or,
- A tripod or dolly is used on and blocks safe, general access to public sidewalks, trails, greenways, or streets for more than 4 consecutive hours: or,
- Wires or cables run across or over public sidewalks, trails, greenways, or streets for more than 4 consecutive hours: or,
- A generator, air compressor, or heavy equipment is used within 300 feet of a residence or on a public sidewalk, greenway, trail, or street; or,
- Amplified sound over 50 decibels is used: or,
- More than 10 production members, including crew and talent, are onsite: or,
- There is an audience; or,
- Wild, exotic, or non-domestic animals are present on the location; or,
- Special effects including but not limited to pyrotechnics are used; or,
- Public parking is impacted for more than 4 consecutive hours: or,
- Filming/moving picture vehicles are used. Or,
- A tent is erected, or a trailer/mobile unit is temporarily staged.

### **REQUIREMENTS OF LOW IMPACT PRODUCTIONS**

Productions that meet all of the criteria for a low impact classification will need to address the following before beginning activities in Cary:

1. Contact the Marketing and Creative Manager, Kristy Buchanan at [kristy.buchanan@carync.gov](mailto:kristy.buchanan@carync.gov) to advise the Town of your plans and give us an opportunity to ask questions ensuring that there are no known conflicts with the schedule for or location of your proposed production.
2. Receive, review, and certify in writing (letter, e-mail) that everyone involved with the production will abide by the Town's Code of Conduct (page 11) for Film/Video/Photography Productions.

The Marketing and Creative Manager and the Downtown Cary Park Marketing Assistant are responsible for facilitating coordination between the production and Town departments as necessary. Contacting the Town as soon as possible—preferably no less than **one week in advance**—will help ensure that your production proceeds smoothly.

### **REQUIREMENTS OF MODERATE IMPACT PRODUCTIONS**

***In addition to the requirements of low impact productions***, moderate impact productions will need to address the following before beginning activities in Cary:

### Location Agreement

You will need to join the Town in signing a location agreement that articulates the promises we make to each other towards the success of your production. Keep a copy of the signed agreement with your crew while on location. See a sample location agreement in the appendix.

### Traffic Impact Statement

You will need to give us detailed information on how vehicle and/or pedestrian traffic will be impacted by the production. Based on your information, the Town will tell you which types of mitigation will be necessary such as signs, barricades, detours, and police officers to direct traffic. Some of the questions you'll want to address to us in your letter or e-mail are:

- Which streets/sidewalks/trails/greenways (name, block range/distance) will be impacted?
- How many vehicles are involved?
- Will they be totally or partially blocked?
- How many hours will they be blocked?
- Which hours of the day?
- What dates, days of the week?
- Would emergency response vehicles (12' wide) physically be able to pass or would a detour be necessary?

### Insurance

You will need to show evidence that you have the following insurance coverage for the duration of your activities:

- General Liability: \$1 million Bodily Injury and Property Damage combined.
- Automobile Liability: \$1 million per occurrence and \$2 million aggregate.

Cary reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

A certificate of insurance shall be provided to the town at, or prior to your activities being performed.

### Compensations and Reimbursement

You will need to agree to compensate the Town for costs related to supporting your production, including rental fees for public facilities if applicable. Depending on the requirements of your production, expect to pay the hourly salaries (including overtime if necessary) of police officers directing traffic, public works crews preparing sites, or facility staff supervising the use of Town buildings. If you want the Town to make changes to a facility such as planting more flowers or painting a wall, you should also be prepared to pay for the necessary materials and supplies.

## **REQUIREMENTS OF HIGH IMPACT PRODUCTIONS**

**In addition to the requirements of low and moderate impact productions**, high impact productions will need to address the following before beginning activities in Cary:



### Pre-Production Meeting

You will need to schedule a meeting with the Marketing and Creative Manager prior to having your production approved for location in Cary. Some of the issues we'll likely discuss include noise, traffic, lighting, parking, and community notification. Contacting us as soon as possible—preferably no fewer than three weeks in advance--will help ensure that your production proceeds smoothly.

### Community Notification

The Town is happy to have your production in Cary, and we want our residents and businesspeople to feel the same way. That's why you will need to follow the procedures outlined below to notify residents and businesses in areas of the community affected by your production:

- Call/Email the Marketing Division at [kristy.buchanan@carync.gov](mailto:kristy.buchanan@carync.gov) no fewer than five (5) business days prior to commencing work to confirm your plans.
- Notify potentially affected properties at least 72 hours prior to commencing activities; this will ensure that citizens have an opportunity to contact the Town or you with questions during regular business hours.
- Distribute notices in an area no fewer than 1,000 feet in all directions from the location.
- A sample notification form is provided in the appendix, on page 12. If you prefer to create your own notice letter, be sure it contains all the information that is supplied on the sample form.

Please note that failure to properly notify residents or to make reasonable accommodations to mitigate your production's impact on a neighborhood or business district may result in an unfortunate interruption in your production activities.

### EXEMPTIONS, WAIVERS, AND REDUCTIONS

We recognize that each production has its own unique challenges, and we're happy to discuss any issues you may have with meeting specific requirements in this guide. In every case, we're committed to doing all that we can to ensure your success, and in most cases, we have the flexibility to come up with solutions to support that commitment.

### LIMITS OF SUPPORT

In Cary, we take very seriously our charge to run as efficient and effective an organization as possible. One way we do this is by hiring just enough staff and purchasing just enough supplies and equipment to support our core work for the community. So, we hope you understand why we can't provide you with Town staff, vehicles, equipment, uniforms, and alike for use in your production.

Also, the Town's seal, logos, public safety patches, facility signage and other similar items can only be used for official Cary business, so we won't be able to allow you to reproduce them or use their likenesses in your project.

## GETTING STARTED

Now that you've read this guide and determined that it applies to your work in Cary, it's time to prepare an email request. Please reach out as soon as you determine that Cary is on your shortlist of locations; the more lead time given, the better we can serve you.

Send an email request with adequate project details to:

Kristy Buchanan  
Marketing and Creative Manager  
(919) 462.3960 (office)  
[kristy.buchanan@carync.gov](mailto:kristy.buchanan@carync.gov)

-or-

Dial 311 (inside town limits)  
(919) 469-4000 (outside town limits)



PO Box 8005  
Cary, NC 27512

**APPENDIX**

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**TOWN OF CARY CODE OF CONDUCT**  
FOR FILM/VIDEO/PHOTOGRAPHY PRODUCTIONS

**To production companies:** Building and maintaining good relationships with each other is a key element in ensuring a positive experience for you in our community. As guests here, we appreciate your treating our property and our citizens with courtesy. Thanks in advance for adhering to the following.

**To our citizens:** If you find that a production is not following this Code of Conduct, please contact the Town by dialing 311.

1. Whether filming/taping/photographing in a neighborhood or business district, please provide proper notification to each merchant or neighbor who is directly affected by the company (this includes parking, base camps, and meal areas). The notice should include:
  - name of company
  - name of the production
  - kind of production (e.g., feature film, TV commercial, magazine spread, etc.)
  - type of activity and duration (i.e., times, dates, number of days, including prop and strike)
  - company contact (first assistant director, unit production manager, location manager)
  - contact info for Town of Cary

This Code of Conduct should be attached to the notice that is distributed to the neighborhood.

1. Production vehicles arriving on location in or near a residential neighborhood should enter the area no earlier than 7 a.m. unless otherwise approved in writing. Park one by one, turning off engines as soon as possible. Please observe designated parking areas.
2. Please ensure that all members of the production company at the location have with them photo identification as well as a business card or other credentials linking them to the production.
3. Do not move or tow citizen or business vehicles without written authorization from the Town or the registered owner of the vehicle.

4. Unless you have the permission of the property owner, please do not park production vehicles in or block driveways.
5. All members of the production company at the location should stay in the immediate, designated area. Eat within the designated meal area during scheduled crew meals, and properly dispose of all trash upon completion of the meal.
6. Unless approved in writing in advance by the Town or property owner, please do not remove, trim, or cut trees or vegetation.
7. Please remove or replace any signs erected or removed for filming purposes immediately upon completion of the use of that location.
8. Please keep noise levels as low as possible.
9. Please ensure that all clothing displays common sense and good taste. Unless otherwise specified by the Town, please wear shoes and shirts at all times.
10. Don't display signs, posters, or pictures on vehicles that do not reflect common sense or good taste.
11. Please stay off and out of other neighbors' or merchants' property. Remain within the boundaries of the property that has been approved to serve as the location by the Town.
12. Make sure all catering, crafts service, construction, strike, and personal trash is removed from the location.
13. Observe designated smoking areas and always extinguish and dispose of smoking materials properly.
14. Please keep lewd or improper language out of earshot of the public.

Cary appreciates your cooperation with and support of our community's Code of Conduct.

**TOWN OF CARY SAMPLE NOTIFICATION LETTER**  
*REQUIRED FOR ALL HIGH IMPACT PRODUCTIONS*

**WE'RE GOING TO BE PRODUCING IN YOUR NEIGHBORHOOD**

WHO: *ABCD Productions*  
WHAT: *Television Commercial*  
WHERE: *1428 - 2nd Avenue NW*  
DATE(s): *March 16, 2005*  
TIME(s): *2 – 10 p.m.*

DESCRIPTION OF ACTIVITY:

*Woman and man will pull up in car in front of home. Band will come marching down the street.*

OUR ACTIVITIES WILL AFFECT YOUR NEIGHBORHOOD:

*We are asking residents to please not park on Jones Street during the time of shooting noted above. Barricades will indicate the hours of restricted parking. If this will pose a serious problem for you, please call our office as soon as you receive this notice. We understand this is an inconvenience for you and appreciate your cooperation. Cary Police will hold traffic intermittently for 1 - 3 minutes for some shots.*

*We are working through Town of Cary to secure permits, off-duty police, and all the assistance needed to make our job go quickly and smoothly. Contact for the Town is made by dialing 311 within town limits and 919-469-4000 outside town limits.*

*If you have further questions, you can reach me at (919) 555-3456.*

*Thank you for your patience and support of our industry's work in your community.*

*Victoria Birdland  
Locations Manager*

*C: Town of Cary*

# SAMPLE TOWN OF CARY LOCATION AGREEMENT

*A signed copy to be kept with the crew on location in Cary*

This License to Use Town Location is entered into by and between the Town of Cary, a NC municipal corporation whose address is 120 Wilkerson Ave, Cary, NC 27512 (“Licensor”) AND

\_\_\_\_\_, a \_\_\_\_\_ whose address is \_\_\_\_\_ (“Licensee”).

**WHEREAS**, Licensor owns and/or operates the following property:

***PLACE NAME, TYPE OF FACILITY, ADDRESS, DESCRIPTION OF PHYSICAL LOCATION HERE***

**AND WHEREAS**, Licensee desires to use the property described above for certain filming, taping, or photography purposes (“Location”); and

**WHEREAS**, Licensor has a “Town of Cary Film/Video/Photography Policy” that Licensor uses to set the parameters for production activities within the municipality, including use of Town property for filming and photography purposes; and

**NOW THEREFORE**, the parties agree as follows:

1. Licensor hereby licenses Licensee, its employees, directors, contractors, and agents the privilege to enter and use the Location for the purpose of making sound recordings and photographing, filming and/or taping a production (the “Shooting”) on \_\_\_\_\_ and continuing until \_\_\_\_\_ (“License Period) Expiration Time”). The parties agree that this license is subject to the following guiding principles:

- Licensor will strive to create an environment that fosters success for the Licensee’s production activities.
- Licensee shall be responsible for assuring that safety, health, welfare, property, and the environment will be protected.
- Licensee shall be responsible for seeing that Impacts to existing citizens and businesses will be minimized and mitigated.
- Costs, including cost related to the use of its own labor, to the Licensor resulting from and not offset by an economic benefit of the production will be recovered from Licensee.

Licensee may bring necessary personnel, equipment, vehicles, and temporary sets on to Location provided such numbers of personnel and vehicles and size and numbers of equipment and sets are reasonable given the physical constraints of the Location and term of this License. Should any event of force majeure occur including illness of actors, director or other essential artists and crew, weather conditions, strike, defective film or equipment or other occurrence beyond Licensee’s control that interferes with the Shooting, upon Licensee’s providing advance notice to Licensor, the dates shall be postponed to a date and time determined by mutual consent.

2. Licensee shall remove all personal property including equipment, temporary sets, containers, vehicles and all garbage and debris from the Premises immediately at the end of the License Period and shall leave the Location in as good condition as when entered upon by Licensee. Licensee may remove or change signs at the Location only upon the written permission of Licensor and upon such conditions as Licensor may impose. Such conditions may include the requirement that only Licensor personnel remove or replace such signs and that the Licensor is compensated for their time. Licensee will use all due care to prevent damage to the Location and will indemnify and hold Licensor harmless from any damages, costs or losses arising out of Licensee’s activities at the Location.

3. If Licensee requires use of the Location for additional Shooting related to this License, Licenser agrees that it shall work with Licensee to identify dates and times that are mutually agreeable to the parties. Such reentry shall be subject to the terms of this License.

4. All rights of every kind in and to still pictures, motion pictures, videotapes, photographs, digital recordings, and sound recordings ("Recordings") made of or at the Location by the Licensee shall be and remain solely and exclusively the property of Grantee and its successors, assigns and licensees provided, however, no Recordings that identify Licenser or the Location shall be used in any way that is obscene, defamatory, untrue, or censurable in nature. Licensee is not obligated actually to use the Location or to include any Recordings in any motion picture or other project.

5. The Licenser warrants and represents that it has the full right to grant this License and enter into related agreements and has secured any and all permissions of any other party required in connection with the undertaking contemplated with the exception of permissions from artists to represent or reproduce their audio or visual works. In such circumstances where the event location includes fine or performing arts, it is the responsibility of the Licensee to secure any necessary legal permissions.

6. Licensee is responsible for its conduct and the conduct of its officers, employees, directors, agents, and contractors (jointly "Licensee Agents"). Licensee agrees that Licensee Agents shall abide by all sections of the Town of Cary Film/Video/Photography Policy, including but not limited to the Code of Conduct, which is attached hereto and incorporated herein by reference.

7. RESERVED FOR REIMBURSEMENT/COMPENSATION LANGUAGE AS NEEDED.

8. RESERVED FOR INSURANCE REQUIRMENT LANGUAGE AS NEEDED

9. Production activities in residential areas are prohibited between the hours of 11 p.m. and 7a.m. Licensee shall comply with the Town of Cary noise ordinance. As to amplified sound, if complaints are received, the volume will be turned down, even if the volume is in compliance with the allowed sound level. Lighting for filming shall be oriented away from neighboring residences and should not interfere with the safe movement of traffic and pedestrians.

10. This License contains the entire agreement between the parties hereto with respect to the subject matter hereof and supersedes all oral or written communications and any prior agreements between parties relating hereto. All changes or additions to this agreement, in order to be binding, must be in writing and signed by both parties hereto.

11. The undersigned represent and warrant that they have the full authority to execute this License.

ATTACHMENT

LICENSEE

By: \_\_\_\_\_

[SEAL]

Attest:

\_\_\_\_\_

TOWN OF CARY

By: \_\_\_\_\_

## TOWN OF CARY SAMPLE EXTENDED HOUR FORM

April 11, 2005

Dear Cary Citizen:

Thank you for all you've done to create a wonderful community. Cary is such a wonderful town that we've chosen it as the backdrop for part of a film/video/magazine shoot we're producing.

Some of the work we'll be doing will occur near you—at 101 Park Street. Our proposed production date is Monday, April 11, 2005. While most productions in Cary are limited to the hours of 7 a.m. to 11 p.m., we have some special needs that will require us to begin a little earlier and end a little later than this. Specifically, on April 11 we will be in your area from approximately 5 a.m. to 12 midnight.

**(Describe here exactly how the neighborhood will be affected.)**

We've been working very closely with the Town of Cary to ensure that our work has as little impact on you as possible. We will make every effort not to disturb you and will arrive and vacate your neighborhood at the agreed upon time and will follow the Code of Conduct that's attached.

We appreciate your hospitality and cooperation while filming on your street and in your neighborhood.

John Smith  
Location Manager  
ABC Services  
Voice 328-1111  
pager 559-6353

<b>I DO NOT OBJECT</b> to the request.  <b>Signature:</b>	<b>I OBJECT</b> to the request.  <b>Signature:</b>
<b>Address:</b>	<b>Address:</b>
<b>Telephone:</b> <b>E-mail:</b>	<b>Telephone:</b> <b>E-mail:</b>

**Production activity in residential areas is normally permitted between the hours of 7 a.m. and 11 p.m. When production activity is absolutely necessary before or after these hours or to film/videotape/photograph at one location for more than a few days, Cary requires the production company to survey the neighborhood. This survey will be used to assist the Town in evaluating the potential disturbance to your neighborhood. If you have any concerns about this production or the permitting process, please dial 311 in town limits or 919-469-4000 outside town limits.**



## DIVISION 2. NOISE\*

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\*State law reference--Authority to regulate noise, G.S. § 160A-184.  
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### Sec. 22-102. Statement of purpose and intent; loud, disturbing noises prohibited, generally.

The provisions hereinafter contained are enacted for the purpose of preventing noise disturbances or unreasonably loud noise and are enacted pursuant to the authority granted in G.S. § 160A-184. Above certain levels or durations and during specific times of day, unreasonably loud noise or noise disturbance is detrimental to health, safety and welfare of the citizenry and the individual's right to peaceful and quiet enjoyment. It is the policy of the town to prohibit noise disturbances or unreasonably loud noise from all sources, subject to its police power, in order to secure and promote the public health, comfort, convenience, safety, welfare, and prosperity of the citizens of Cary. Nothing in this Article IV, Division 2 is intended to deter individuals from lawfully exercising the individual right of freedom of speech and commerce, or any other freedom guaranteed under the Constitutions of the United States of America or of the State of North Carolina, and nothing in this Article IV, Division 2 is intended to unreasonably limit or restrain commercial or industrial enterprise.

Subject to the provisions of sections 22-104 through 22-112, it shall be unlawful for any person to create or assist in creating any unreasonably loud, disturbing noise in the town which does frighten, annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of citizens within the Town of Cary or causes damage to property or business within the Town of Cary. Such sounds do not include the ordinary and usual sounds, noises, commotion or vibration incidental to residential living or operation of business or commercial establishments when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of adjacent residences, or which will not detrimentally affect the operators of adjacent places of business.

(Code 1982, § 13-10; Ord. No. 93-29, 5-13-1993; Ord. No. 98-008, § 1, 6-11-1998; Ord. No. 2013-Code-05, 10-10-2013)

### Sec. 22-103. Definitions.

For the purpose of this division, the following words and phrases are defined below unless it shall be apparent from the context that a different meaning is intended:

*Construction* shall mean on-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility, or addition thereto, including all related activities including, but not restricted to, clearing of land, earth moving, blasting, landscaping, mixing, or pouring concrete, and the operation of vehicles or equipment in connection with such activities.

*Disturbing noise* shall mean noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of an area.

*Emergency work* shall mean any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

*Motor vehicle or vehicle* shall mean any vehicle propelled on land by a motor, including, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, automobiles, motorcycles or buses. It shall exclude trains and emergency response vehicles such as police, fire, and rescue vehicles.

*Noise control officer* shall mean any police officer or other person so designated by the town manager.

*Occupied residential structure* shall mean any structure that is occupied for residential use or that reasonably appears to be occupied for residential use; it is not necessary that a person be inside the structure at the time an unreasonably loud or disturbing noise is caused or created.

*Person* shall mean any individual, association, partnership, or corporation, including any officer, employee, department, agency or instrumentality of the United States, the state, or any political subdivision thereof.

*Unreasonably loud noise* shall mean noise which is substantially incompatible with the time and location where created or heard to the extent that it brings about an actual or imminent interference with peace, rest, or good order.

#### *Technical terms:*

(1) *A-weighted sound level*: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A).

(2) *Decibel (dB)*: A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micronewtons per square meter.

(3) *Sound*: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression, and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

(4) *Sound pressure level*: 20 times the logarithms to the base 10 of the ratio of the root mean squared (RMS) sound pressure to the reference pressure of 20 micronewtons per square meter.

(5) *Sound-level meter*: An instrument which includes a microphone, amplifier, RMS detector, integrator, or time average, output meter and weighting network used to measure sound pressure levels.

(6) *Sound level*: The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute Specifications for sound level meters (ANSI S1.41971 or the latest approved version thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

(7) *Slow response*: A measuring technique to obtain an average value when measuring a noise level that fluctuates over a range of four dB or more. By way of illustration only, a sound level meter set on "slow response" would record a sound level between two and six decibels less than the reading for a steady signal of the same frequency and amplitude when a tone of 1,000 Hz and for a duration of 0.5 seconds is applied.

(8) *Amplified sound*: Any sound using amplifying equipment, whose source is outside or whose source is inside, and the sound propagates to the outside or to other dwellings or interior locations under separate ownership or occupancy.

(Code 1982, § 13-11; Ord. No. 93-29, 5-13-1993; Ord. No. 2013-Code-05, 10-10-2013)

#### **Sec. 22-104. Noise measurement.**

For the purpose of determining dB(A)'s as referred to in this article, sound levels shall be measured on the A-weighting scale on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute (ANSI) or its successor body.

All measurements shall be taken at or within the nearest residential property line occupied by the complainant, unless otherwise stated. For multifamily structures, including apartments, condominiums, or other residential arrangements where boundary lines cannot readily be determined or do not exist, measurements shall be taken:

- (1) from any point abutting the exterior of the complainant's residential unit; or
- (2) from any point on the interior of the complainant's residential unit if taking an exterior measurement is impractical or if the noise complained of is emanating from an adjoining unit.

The sound measurement shall be averaged over a period of one minute for purposes of determining the sound level (the "measurement period"). It shall be a violation of this ordinance for the averaged sound measurement to exceed the prescribed dB(A), or for any sound or noise to exceed the prescribed dB(A) level by three or more decibels at any time during the measurement period.

(Code 1982, § 13-12; Ord. No. 93-29, 5-13-1993; Ord. No. 2013-Code-05, 10-10-2013; Ord. No. 2015-Code-004, 7-9-2015)

#### **Sec. 22-105. Exceptions.**

The following acts and activities are exempt from the provisions of this article unless such acts produce a risk of serious and unnecessary bodily harm:

(1) *Emergency Work*. Emergency work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril. This emergency exception includes maintenance, backup or upkeep ("maintenance") strictly necessary to keep emergency equipment, such as generators, in operating order as prescribed by the manufacturer, provided such maintenance is done only on weekdays between the hours of 9:00 a.m. and 4:00 p.m., sounds created do not exceed 80 dB(A), the equipment is maintained as far from the property line as reasonably possible to serve its purpose, and the equipment has all the manufacturer's standard mufflers and noise-reducing equipment intact.

(2) *Athletic Events*. Sound emanating from outdoor athletic events scheduled by the Town; educational, religious, or other institutions; or organized sports leagues.

(3) *Safety Signals*. Noise of safety signals, warning devices, and emergency pressure relief valves, provided such signals are used in a manner consistent with promoting public health and safety.

(4) *Religious Bells*. Noise resulting from the operation of religious bells or chimes.

(5) *Emergency Vehicles*. Noise resulting from any authorized emergency vehicle.

(6) *Public Demonstrations*. Noise resulting from parades, lawful picketing or other public demonstrations protected by the U.S. Constitution or federal law, or for which a local permit has been granted by the town, provided such activity is of a temporary duration lasting no longer than two hours during any 24-hour period. Regulation of noise emanating from activities under permit shall be according to the conditions and limits stated in this Article IV, Division 2 and according to any additional conditions stated on the permit.

(7) *Town Sanctioned or Sponsored Events*. Unamplified and amplified sound at street fairs, community concerts, other celebrations, and events, provided that such event is sponsored or sanctioned by the town.

(8) *Noisemakers and Pyrotechnics*. Noise from noisemakers on holidays and fireworks on holidays or at times allowed under a pyrotechnics permit issued pursuant to G.S. ch. 14, art. 54 (G.S. 14-410 et seq.).

(9) *Aircraft*. All noises coming from the normal operations of properly equipped aircraft, but not including scale model aircraft.

(10) *Lawn Mowers and Landscaping Equipment*. Lawn mowers, landscaping equipment, and agricultural equipment used between the hours of 7:00 a.m. and 9:00 p.m. on Monday through Friday and between the hours of 9:00 a.m. and 9:00 p.m. on Saturdays and Sundays when operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and in proper operating condition. Typical and routine work to ready a golf course for play beginning at 6:00 a.m. during the months of April through September and at 7:00 a.m. during the months of October through March. Typical and routine work includes the mowing, blowing, and raking of all of the course's playing surfaces, using equipment operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and in proper operating condition. Typical and routine work does not include the use of

chainsaws, chippers, shredders, or equipment that is used on a sporadic, irregular basis.

(11) *Marching Bands*. Practice sessions or performances by marching bands.

(12) *Railroads*. Noise from trains and associated railroad rolling stock when kept in proper repair and operated in a proper manner.

(13) *Operations of Local Government Employees*. Noise created by the normal operations of the town government, including the work of its contractors.

(14) *Unamplified Recreational Noise*. Unamplified sound originating from recreational activities at public or private recreational, civic or community clubs, and religious institutions, when such noise is created by patrons and/or guests during the legitimate operation of the establishment between the hours of 7:00 a.m. through 9:00 p.m.

(15) *Refuse Collection*. Operating a front-end loader or other truck for refuse collection Monday through Saturday between the hours of 7:00 a.m. and 8:00 p.m.

(16) *Construction Work*. Performing construction work or operating construction machinery Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. or between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays and holidays which are observed by the state.

(17) *Garages*. Noises created by the ordinary business activities of garages or service stations between the hours of 7:00 a.m. and 9:00 p.m.

(Code 1982, § 13-18; Ord. No. 93-29, 5-13-1993; Ord. No. 94-022, § 2, 8-11-1994; Ord. No. 05-003, 2-24-2005; Ord. No. 05-004, 3-10-2005; Ord. No. 2013-Code-05, 10-10-2013; Ord. No. 2015-Code-004, 7-9-2015)

### **Sec. 22-106. Prohibited sounds.**

The following actions are hereby declared to be unreasonably loud and disturbing noise in violation of section 22-102, except as provided in section 22-105. This enumeration shall not be construed to be an exclusive list of actions which violate section 22-102, nor shall satisfying any requirements of this section render a sound in itself reasonable:

(1) *Horns or signal devices*. The sounding of any horn or signal device on any automobile, motorcycle, bus, or other motor vehicle, except as a warning or danger signal; the creation of any unreasonably loud or harsh sound by means of any such horn or signal device, whether or not such device is on any vehicle, and the sounding of any such device for an unnecessary and unreasonable period of time.

(2) *Gongs, bells, and sirens*. The use of any gong, bell, or siren upon any motor vehicle.

(3) *Steam whistle*. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.

(4) *Exhaust discharge*. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine, except through a muffler or other device which effectively prevents unreasonably loud and disturbing or explosive sounds therefrom.

(5) *Compressed air devices*. The use of any mechanical device operated by compressed air unless the sounds created are effectively muffled and reduced.

(6) *Chimes, bells, gongs, attached to buildings*. The sounding of any chime, bell or gong attached to any building or premises which disturbs the quiet or repose of any person in the vicinity thereof.

(7) *Vendors*. The shouting and crying of peddlers, barkers, hawkers, and vendors which disturbs the quiet and peace of a residential neighborhood.

(8) *Pyrotechnics*. The firing, discharge or ignition of squibs, firecrackers, gunpowder, or other pyrotechnics, except with a permit as set forth in section 22-110.

(Code 1982, § 13-13; Ord. No. 93-29, 5-13-1993; Ord. No. 06-020, 12-14-2006; Ord. No. 2013-Code-05, 10-10-2013)

### **Sec. 22-107. Sounds impacting residential life.**

Except as provided in sections 22-105 (exceptions) or 22-109 (relating to amplified noise), it shall be unlawful for anyone to create or cause a sound that exceeds 60 dB(A) affecting any occupied residential structure or unit other than the unit occupied by the person creating the sound.

(Code 1982, § 13-14; Ord. No. 93-29, 5-13-1993; Ord. No. 94-022, § 1, 8-11-1994; Ord. No. 05-003, 2-24-2005; Ord. No. 05-011, 8-11-2005; Ord. No. 2012-Code-03, 4-19-2012; Ord. No. 2013-Code-05, 10-10-2013)

### **Sec. 22-108. Motor vehicles.**

It shall be unlawful to operate or allow the operation of any motor vehicle in the town:

(1) By engaging in operations which create unreasonably loud and disturbing noises, or

(2) By playing any radio, tape player, compact disc player or other sound-making device or instrument from within the motor vehicle so that the sound is plainly audible 30 feet away from the vehicle. This subsection shall not apply to motor vehicles used for business or political purposes which, in the normal course of conducting business, use sound-making devices or sound-amplification equipment, so long as such devices or equipment do not register more than 60 dB(A) at or on the edge of the pavement.

### **Sec. 22-109. Amplified sound.**

Except in accordance with a permit obtained from the town, or as provided in section 22-110, the following shall be unlawful:

(1) *Places of public entertainment.* As to places of public entertainment, including, but not limited to, restaurants, taverns and bars, coffeehouses, and private clubs, to operate or allow the operation of any sound amplification equipment so as to create sounds registering more than 65 dB(A) affecting occupied residential structures or units between 9:00 a.m. and 9:00 p.m., or 55 dB(A) between 9:00 p.m. and 2:00 a.m., or 40 dB(A) between 2:00 a.m. and 9:00 a.m.

(2) *Advertising.* Operate or allow the operation of any sound amplification equipment for advertising purposes or otherwise to attract customers so as to cast sounds which are unreasonably loud and disturbing, or which register more than 60 dB(A) at or on the boundary of the edge of pavement of any public right-of-way.

(3) *Public right of ways.* Operate or allow the operation for personal use of any sound amplification equipment on the public right-of-way, including streets or sidewalks, or in the public parks so as to produce sounds registering more than 60 dB(A) at any point 50 feet or more from any electromechanical speaker emitting sound between the hours of 9:00 a.m. and 9:00 p.m., or 50 dB(A) 50 feet or more from any electromechanical speaker between the hours of 9:00 p.m. and 9:00 a.m.

(4) *Other Amplified Sounds.* As to sounds other than those listed in subsections (1)-(3) of this section, to operate or allow the operation of any sound amplification equipment so as to create sounds registering 60 dB(A) or greater affecting occupied residential structures or units between the hours of 9:00 a.m. and 9:00 p.m., or 50 dB(A) or greater between 9:00 p.m. and 9:00 a.m.

(Code 1982, § 13-15; Ord. No. 93-29, 5-13-1993; Ord. No. 98-009, § 1, 6-11-1998; Ord. No. 2013-Code-05, 10-10-2013)

### **Sec. 22-110. Permits.**

(a) *Application.* Application for a permit under section 22-106(8) or for additional amplification under section 22-109 shall be submitted in writing to the police department at least 15 working days in advance of the planned use. The application shall designate an individual person or persons who shall be:

- (1) in control of the amplification in the case of a permit for section 22-109;
- (2) in control of the firing or discharge of a gun or pyrotechnics in the case of a permit under section 22-106(8); and
- (3) responsible for seeing that the activity complies with the terms of the permit.

(b) *Notice of tentative approval.* In the case of permits for additional sound amplification pursuant to section 22-109, if the permit is tentatively approved, the applicant shall be responsible for mailing or otherwise delivering to the occupants of each property within a 1,000-foot radius of the property or facility for which the permit has been granted, as shown on the county tax maps, a notice on a form provided by the noise control officer showing the date and hours of the event. The notice shall be delivered at least 72 hours in advance of the event. The permit will not be approved and issued by the town until the applicant submits an affidavit to the noise control officer confirming that such notices have actually been mailed or otherwise delivered.

(c) *Number of hours.* In the case of excess amplification under section 22-109, no permits shall be issued which shall have the effect of allowing more than 20 hours of excess amplification per year at any place of public entertainment or ten hours of excess amplification at any other location. Permits shall be tentatively approved and subsequently granted by the noise control officer in the order of receipt unless permits for 20 or more hours have previously been issued for the same or other locations within a 1,000-foot radius of the facility in the same calendar year, in which event the applicant shall elect whether to limit his request so as to keep the year's accumulated hours of excess amplification in that location between 20 hours or select another location.

(d) *Not permitted in residentially occupied boundaries.* In no event shall a permit be granted which allows the creation of sounds registering more than 70 dB(A) at any point on or within the boundary line of the nearest residentially occupied property. For multifamily structures, including apartments, condominiums, or other residential arrangements, and for structures where boundary lines cannot readily be determined or do not exist, measurements shall be taken from any point abutting the exterior of the residential unit.

(e) *Denial; exceptional permit.* If an applicant has been denied a permit under this section and believes the denial is illegal by virtue of applicable state or federal law, the applicant shall promptly submit a copy of the denied permit application together with a short statement of the reasons the applicant believes he is entitled to a permit to the town manager. The town manager shall have the discretion to grant an exceptional permit waiving locational, time, and/or dB(A) requirements, upon the determination by the town manager that the applicant has made a substantial showing of legal entitlement. Any such exception permit shall be promptly reported to the town council.

(Code 1982, § 13-16; Ord. No. 93-29, 5-13-1993; Ord. No. 05-003, 2-24-2005; Ord. No. 2013-Code-05, 10-10-2013)

### **Sec. 22-111. Responsible party.**

(a) Persons responsible for remedying any violation under this Article IV, Division 2 or to be held liable for any civil or criminal penalties under section 22-112 shall be any person who creates or assists in creating the unreasonably loud, disturbing noise or other violation. A person shall be deemed to create or assist in creating the unreasonably loud, disturbing noise or other violation if that person owns, manages, or operates any residence, business, or location at which the noise is generated.

(b) When the noise which violates this Article IV, Division 2 is emanating from a motor vehicle, the violator is the operator of the motor vehicle, and/or the employer of the operator if the motor vehicle is being used for commercial purposes, and/or the person which possesses or controls the motor vehicle used by the operator if the motor vehicle is being used for commercial purposes.

(c) When the noise which violates this Article IV, Division 2 is emanating from construction activities, the violator is the individual doing the activity and/or their employer, the general contractor for the site, or the owner of the property.

(Ord. No. 2013-Code-05, 10-10-2013)

**Sec. 22-112. Enforcement and penalties.**

(a) *Civil penalty.* Violation of this Article IV, Division 2 shall subject the offender(s) to a civil penalty in the amount of \$100.00. In the event there is more than one violation within any one-year period, then the civil penalty shall be increased for each additional violation over one during such period, as follows.

Second offense within one year: \$250.00

Third offense within one year: \$500.00

Fourth offense within one year: \$750.00

Fifth and any subsequent offense within one year: \$1,000.00

(1) Once the one-year period has run from the "first violation," the next violation shall be considered to be a first violation for the purposes of establishing a new one-year period.

(2) Violators shall pay any issued penalty within 72 hours of the issue date and time. The town attorney, or designee, is authorized to file suit on behalf of the town to collect any unpaid citations, and the police chief, or designee, is authorized to verify and sign complaints on behalf of the town in such suits. A police officer, animal control officer enforcing subject matter jurisdiction, or other employee duly authorized to enforce the noise control ordinances may issue a citation for violations of this article.

(3) Appeal of a civil penalty amount may be made to the Town Manager or designee within 30 calendar days from the date of issuance by filing an appeal stating with specificity the grounds for the appeal and the reasons the penalty should be reduced or abated. In considering the appeal, the penalty or fine, the Town Manager or designee may consider the following:

- (a) the gravity of the violation;
- (b) any action taken by the violator to correct the violation;
- (c) the cost of the action to correct the violation; and
- (d) any previous violations committed by the violator, on the same or different site.

(b) *Remedies.* This article may also be enforced through equitable remedies issued by a court of competent jurisdiction.

(c) *Criminal penalty.* In addition to, or in lieu of, such civil penalties or other remedies, violation of this article shall constitute a misdemeanor.

(Code 1982, § 13-19; Ord. No. 93-29, 5-13-1993; Ord. No. 98-010, § 1, 6-11-1998; Ord. No. 2013-Code-05, 10-10-2013)

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

## TEMPORARY USE PERMIT SUBMITTAL REQUIREMENTS

Cary requires a Temporary Use Permit for various uses. Submittal requirements for Temporary Use Permits include:

Submittal Requirement	Const. Trailer	Sales/Model Home	Portable Medical	Sales	Special Events	Walk/Ride Events
Completed application	X	X	X	X	X	X
Property owner notification/permission			X	X	X	X
Proof of notification to adjacent property owners					X	X
Sketch Plan ( <b>11"x17" max. size</b> ) depicting the following:	<b>REQUIRED FOR ALL REQUESTS</b>					
<ul style="list-style-type: none"> <li>• Location, size, and color of all temporary structures (including tents and portable toilets)</li> </ul>	X	X	X	X	X	X
<ul style="list-style-type: none"> <li>• Traffic and pedestrian circulation</li> </ul>			X	X	X	X
<ul style="list-style-type: none"> <li>• Parking for Temporary Use</li> </ul>	X	X		X	X	X
<ul style="list-style-type: none"> <li>• Landscaping plan</li> </ul>	X	X				
<ul style="list-style-type: none"> <li>• Location of all existing permanent structures</li> </ul>	X	X	X	X	X	
<ul style="list-style-type: none"> <li>• Location of all setbacks &amp; buffers</li> </ul>	X	X	X	X	X	
<ul style="list-style-type: none"> <li>• Location &amp; distance to nearest utilities</li> </ul>		X				
<ul style="list-style-type: none"> <li>• Floor plan</li> </ul>	X	X				
<ul style="list-style-type: none"> <li>• Location, size, and colors of temporary signage</li> </ul>	X	X	X	X	X	X
Complete Routes					X	X
Security Plan					X	X

### GENERAL REQUIREMENTS

- Permanent alterations to the site are prohibited. At the conclusion of the event, the property must be restored to pre-event status. This includes removal of all temporary structures and the removal of debris.
- The temporary use or structure will not violate any applicable conditions of approval that applies to a principal use on the site.
- Temporary structures must be located outside any rights-of-way, buffers, or streetscapes.
- If the property is undeveloped, it contains sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic movement that may be associated with the temporary use, without disturbing protected resources, including required buffers.
- If the property is developed, the temporary use must be in an area that is not actively used by an existing approved principal use, and which would support the proposed temporary use without encroaching or disturbing existing buffers or required setbacks from buffers or streetscapes, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.
- 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.
- Off-street parking is provided in accordance with the requirements set forth in the Land Development Ordinance.
- All permits and inspections required by applicable construction codes must be obtained and approved by the Town.
- Applications for temporary structures located in or near the one percent (1%) annual chance floodplain will be required to submit a plan to the Stormwater Management Engineer for the removal of such structure(s) in the event of a hurricane or flash flood notification. The plan must include the following information:
  - 1) Name, address, and phone number of the individual responsible for the removal of the temporary structures.
  - 2) Time frame prior to the weather event at which a structure will be removed;
  - 3) A copy of the contract or other suitable instrument with a trucking company to ensure removal equipment when needed; and
  - 4) Documented designation of a location outside the floodplain to which the temporary structure will be moved.

### TO ARRANGE FOR TOWN SERVICES

The applicant should contact Town departments directly to arrange for public safety personnel or Town property for the event. A list of departments and phone numbers are located at the bottom of this page. **Failure to make timely arrangements may cause denial of the permit** if the Town feels the public health or safety may be affected, or that inadequate steps have been taken to ensure no property damage will be done to Town property.

Department	Phone	Purpose
Police Department	919-460-4901	To arrange for police assistance in traffic control, parking directions, route layout, etc. If Cary police officers will be needed, whether off or on duty, arrangements must be made no less than <b>four weeks prior to the event</b> .
Facilities, Construction and Field Services	919-469-4046	To apply for permits and inspections for tents and inflatables.
		To apply for permits for stages or other types of temporary structures as well as for permits for temporary power needed for the event.
Public Works and Utilities	919-469-4361	To arrange for barricades, trash and/or rubbish removal by the Town, including arrangements for dumpsters.
Parks, Recreation and Cultural Resources and <b>Downtown Cary Park</b>	919-469-4061 <b>919-653-7186</b>	To arrange for using Town property, such as parks, greenways, Page Walker Arts & History Center, Community Centers, etc.



**Temporary Use Permit Quick Reference Table**

	<b>Temporary Use</b>	<b>Use Specific Standards</b>	<b>Maximum Time Frame</b>	<b>Signs Permitted</b>
<b>Structures</b>	Construction Trailer	<ul style="list-style-type: none"> <li>Under skirting required around trailer</li> <li>Building permit required</li> <li>Parking required on the same lot/parcel</li> </ul>	1-3 years	<ul style="list-style-type: none"> <li>Signs shall be located only on private property and only on such property where the activity is taking place</li> <li>Only one (1) such sign per public street frontage</li> <li>Ground sign shall not exceed forty-two (42) inches in height and sixteen (16) square feet in area per side, or</li> <li>If attached to a wall, shall not exceed thirty-two (32) square feet in area per side</li> <li>Signs shall be erected no sooner than five (5) days prior to and shall be removed no later than one (1) day following the activity</li> </ul>
	Sales/Model Home	<ul style="list-style-type: none"> <li>Must be aesthetically compatible with character of the community</li> <li>Parking must be provided on the same lot for at least one employee, one handicapped and one visitor space</li> <li>Parking must be screened with minimum 24" shrubs</li> <li>A handicapped accessible restroom must be provided</li> <li>Connection to Town utilities required if within 450 feet</li> <li>For single-family developments, at least three hundred (300) square feet of evergreen plantings must be provided around the base of the temporary use; one (1) upper-story tree shall be provided per forty (40) feet of street frontage of the lot on which the structure is located; and one (1) ornamental tree shall be provided per twenty (20) feet of street frontage</li> </ul>	1-3 years	
	Portable Medical Equipment	N/A	24 hours/week, up to 1 year	
<b>Sales</b>	Agricultural Product Sales	The temporary sale of agricultural products grown off-site may be accomplished from a vehicle, trailer, or shipping container	180 days and no more than three (3) occurrences per parcel per calendar year	<ul style="list-style-type: none"> <li>If attached to a wall, shall not exceed thirty-two (32) square feet in area per side</li> <li>Signs shall be erected no sooner than five (5) days prior to and shall be removed no later than one (1) day following the activity</li> </ul>
	Non-Agricultural Product Sales	<ul style="list-style-type: none"> <li>Peddler's license is required</li> <li>Must take place on a developed site where the principal use is retail sales, or on an immediately adjacent developed out-parcel</li> <li>Goods are limited in scope to similar or complimentary products, goods and/or services to those offered by the principal use</li> <li>Temporary sales are limited between 7:30 a.m. and 10 p.m., or the same hours as the principal use, whichever is more restrictive</li> <li>Temporary structures must match the predominant color of the principle structure or be of a neutral or earth tone color</li> <li>The temporary use will not occupy any existing parking required for the principal use</li> </ul>	90 days and no more than three (3) occurrences per parcel per calendar year	
	Firework Sales	<ul style="list-style-type: none"> <li>Temporary sales of fireworks must meet all requirements for temporary sale of non-agricultural goods; however, the temporary sale of fireworks are exempt from the similar product provisions</li> </ul>		
<b>Events</b>	Special Events	<ul style="list-style-type: none"> <li>Adequate plan for security and safety must be implemented on, and around, the site of the event, including staffing, provision for pedestrian safety, restroom facilities (if necessary), traffic routing and emergency vehicles</li> </ul>	7 days per calendar year	
	Walk/Ride Events			
	Town Sponsored Events	<ul style="list-style-type: none"> <li>Adequate plan for public health, safety, and welfare on, around, and outside the site of the event shall 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 Town and will not likely cause unreasonable or unwarranted disruption to vehicular or pedestrian traffic</li> </ul>	N/A	

Visit <https://www.townofcary.org/business-development/developing-in-cary/temp-use-permits> for more information and to apply for a Temporary Use Permit.

