



ORDINANCE NO. #O20-07-07

AN ORDINANCE AMENDING THE VILLAGE OF CARY MUNICIPAL CODE TITLE 18 – PARKS AND RECREATION SECTION 18.01.030 – DATES/HOURS OF OPERATION AND SECTION 18.01.050 – FISHING REGULATIONS AND THE ADDITION OF SECTION 18.01.140 – WINTER REGULATIONS

ADOPTED BY THE MAYOR AND BOARD OF TRUSTEES
OF THE VILLAGE OF CARY THIS 21ST DAY OF JULY, 2020

Published in pamphlet form by
authority of the Mayor and
Board of Trustees of the Village
of Cary, McHenry County, Illinois
this 21st day of July, 2020

WHEREAS, the Village is authorized to enact certain ordinances and make rules and regulations proper or necessary in accordance with the Illinois Municipal Code (65 ILCS 5/1-2-1) and applicable provisions regarding park and recreational facilities; and

WHEREAS, residents have expressed interest in keeping Cary Lake at Rotary Park on Klasen Road in the Village, during the winter season; and

WHEREAS, the Mayor and Village Board of Trustees have determined that amendments to the Parks and Recreation Title to the Municipal Code to extend the available access to Cary Lake at Rotary Park year-round is in the best interests of the Village of Cary and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Cary as follows:

SECTION 1: That the above recitals are incorporated as if fully set forth herein.

SECTION 2: That Section 18.01.010 entitled "Applicability" of Chapter 18.01 entitled "Lake and Park Facility Property" of Title 18 entitled "Parks and Recreation" of the Code of Ordinances of the Village of Cary is hereby amended by changing the current provisions of said Section 18.01.010 by capitalizing the word "park" as shown in the parenthetical in said Section, by deleting those provisions shown as stricken through and by adding those provisions underscored and in bold, said Section 18.01.010 to read in its entirety as follows:

Sec. 18.01.010. - Applicability.

The following rules, regulations, and standards apply to all persons using the "Lake and Park Facility" Property ("~~P~~**park**") and all activities occurring within the facility.

([Ord. No. O18-08-08, § 2, 8-21-2018](#))

SECTION 3: That Section 18.01.020 entitled “Definitions” of Chapter 18.01 entitled “Lake and Park Facility Property” of Title 18 entitled “Parks and Recreation” of the Code of Ordinances of the Village of Cary is hereby amended by changing the current provisions of said Section 18.01.020 by deleting those provisions shown as stricken through and by adding those provisions underscored and in bold, said Section 18.01.020 to read in its entirety as follows:

Sec. 18.01.020. – Definitions.

Authorized use means a use or activity on the park property that has been approved in writing by the Village of Cary through ordinance, resolution, permit, or special/temporary use.

Dawn means sunrise.

Dusk means one (1) hour past sunset.

Park means the Village of Cary's Lake and Park Facility, **which includes Cary Lake at Rotary Park approximately 196 acres in size and adjacent park and recreational trails and land located north of Klasen Road and east of Route 31.**

Person means any individual, natural person, firm, partnership, association, corporation, company, trust, organization or any other group activity as a unit, ~~or the~~

Smoking means the lighting of cigarettes, e-cigarettes, cigars or pipes, the carrying of lighted cigarettes, cigars or pipes, or the intentional and direct inhalation of smoke from these objects.

Trail means any trail designated by the Village of Cary **within the park** for uses that include walking, hiking, jogging, or bicycling.

Vehicle means any motorized device intended to transport a person or persons from one (1) place to another, excluding motorized assist wheelchairs, pedal bicycles, or infant carriages.

([Ord. No. 018-08-08, § 2, 8-21-2018](#))

SECTION 4: That Section 18.01.030 entitled “Dates/Hours of Operation” of Chapter 18.01 entitled “Lake and Park Facility Property” of Title 18 entitled “Parks and Recreation” of the Code of Ordinances of the Village of Cary is hereby amended by changing the current provisions of said Section 18.01.030 by deleting those provisions shown as stricken through and by adding those provisions underscored and in bold, said Section 18.01.030 to read in its entirety as follows:

Sec. 18.01.030 – Dates/Hours of Operation.

- A. The ~~P~~park will be open ~~from April 1st through October 31st~~ **year-round**.
- B. The hours of operation will be from dawn to dusk.
- C. The Village may periodically close parts or all of the ~~P~~park to the public at any time for maintenance or for other specific conditions.

(Ord. No. 018-08-08, § 2, 8-21-2018)

SECTION 5: That Section 18.01.050 entitled “Fishing Regulations” of Chapter 18.01 entitled “Lake and Park Facility Property” of Title 18 entitled “Parks and Recreation” of the Code of Ordinances of the Village of Cary is hereby amended by changing the current provisions of said Section 18.01.050 by deleting those provisions shown as stricken through and by adding those provisions underscored and in bold, said Section 18.01.050 to read in its entirety as follows:

Sec. 18.01.050 – Fishing Regulations

- A. Fishing is permitted only during established ~~P~~**park** hours, stated in Section 18.01.02 30, B.
- B. Fishing is permitted only in designated areas from the piers or shoreline of the lake, which are posted by signage. ~~No fishing is permitted from any watercraft that the rider sits or stands upon the water.~~ **Fishing is permitted from those non-motorized watercrafts allowed in Section 18.01.040, D.**
- C. Catch and release fishing only.
- D. A valid Illinois fishing license shall be required and carried at all times while fishing for anglers age 16 and older.
- E. No “live” bait is allowed, including smaller fish, aquatic bait/minnows, or any lake creature, at this ~~P~~**park**. The use of worms as bait is permitted.
- F. No ice fishing is permitted.
- G. Anglers must obey any State of Illinois fishing regulations and any other site-specific regulations.

(Ord. No. 018-08-08, § 2, 8-21-2018)

SECTION 6: That Chapter 18.01 entitled “Lake and Park Facility Property” of Title 18 entitled “Parks and Recreation” of the Code of Ordinances of the Village of Cary is hereby amended by adding a new Section 18.01.122 entitled “Winter Use Regulations”, said new Section to read in its entirety as follows:

Sec 18.01.122 – Winter Use Regulations

- A. Winter regulations shall be in place November 1 through March 31.
- B. Skiing and snow shoeing are permitted on the Trails only.
- C. No person shall enter on or upon any frozen waters of the lake to skate, fish, slide, or walk on for any purpose whatsoever.
- D. No person~~al~~ shall bring onto or upon the frozen waters of the lake any iceboat, wind-driven-like device or other vehicle.

- E. The use of a sled, toboggan, snowboard or other snow craft is not permitted on ~~P~~ark property.

SECTION 7: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8: If any part or parts of this Ordinance shall be held invalid for any reason such decision shall not affect the validity of the remaining part or parts of this Ordinance.

SECTION 9: This Ordinance shall be in full force and effect from and after its passage and approval according to law.

PASSED THIS 21ST DAY OF JULY, 2020

AYES: Betz, Collier, Covelli, Kraus, McAlpine, Weinhammer

NAYS: None

ABSTAIN: None

ABSENT: None

APPROVED THIS 21ST DAY OF JULY, 2020



Mark Kownick, Mayor

ATTEST:


Susan Greene, Deputy Village Clerk