

BY-LAW NO. 141

A BY-LAW RESPECTING PARKLANDS

BE IT ENACTED by the Council of the Village of Minto as follows:

Definitions

1. In this by-law:

“All Terrain Vehicle” means any motor vehicle designed or adopted for off road use and, without limiting the generality of the foregoing, includes dirt bikes, dune buggies, motorized snow vehicles, and amphibious machines but does not include any vehicle which is designed for the use and is being used in agriculture, forestry, mining or construction.

“motor vehicle” has the same meaning as in the *Motor Vehicle Act*, Chapter M-17, R.S.N.B., 1973, with amendments thereto and for the purposes of this by law shall include “motorcycle” and “motor driven cycles” as defined in the *Motor Vehicle Act*, Chapter M- 17, R.S.N.B., 1973, with amendments thereto;

“Off-Road Vehicle” means an Off-Road Vehicle as defined in the *Off-Road Vehicle Act*, Chapter O-1..5, R.S.N.B., 1985, with amendments thereto;

“parklands” means the public parklands and recreation areas in the Village, identified in Schedule ‘A’ attached hereto and, without restricting the generality of the foregoing, and includes:

- (1) areas reserved for a Common;
- (2) lands for public purposes;
- (3) Village controlled trails;
- (4) playgrounds;
- (5) sports fields, including baseball and softball diamonds, soccer, football and multi-use fields;
- (6) outdoor swimming facilities;
- (7) outdoor skating facilities;
- (8) areas dedicated as parks;
- and;
- (9) and; nature trails

Application

2. The provisions of this by-law shall apply to the parklands of the Village.

Protection of Parklands

3. No person shall:
 - (1) No person shall hold any public gathering or meeting in a parkland without first obtaining the permission of the Clerk Administrator.
 - (2) add to, remove, destroy, defile, or damage any fauna or flora, or any park facility, structure, equipment, or sign;
 - (3) indulge in any riotous, boisterous, violent, or threatening conduct, or use profane or abusive language;
 - (4) play any games in an area where signs have been erected pursuant to this By-law prohibiting such use;
 - (5) create a nuisance by spying, accosting, frightening, annoying or otherwise disturbing other persons;
 - (6) abandon any animal or plant any tree; or
 - (7) foul or pollute any fountain or watercourse.
 - (8) Subject to provisions of the *Liquor Control Act*, Chapter L-10, R.S.N.B., 1973, with amendments thereto, no person is to possess or consume alcoholic beverages in a parkland unless with the express authorization of the Village Council.

Garbage

4. (1) No person shall throw, drop, or deposit or cause to be deposited any glass bottle, can, rubbish, refuse, waste paper or waste of any kind in a parklands except in containers provided for that purpose.

Fire

5. (1) No person may light a fire in parklands. Any person who lights a fire anywhere in parklands during any period that a prohibition is in force is guilty of an offence.

Camping

6. (1) Camping is prohibited in a parkland unless otherwise posted or by permission.
- (2) No person shall erect or place in a parkland anything for the purpose of temporary or permanent accommodation without permission.
- (3) All prospective users of any sports field in a parklands area must schedule its use through the Village of Minto and pay the applicable user fees as determined by the Village of Minto.

Special Events

7. (1) Community festivals, ceremonies, and celebrations which have traditionally utilized Municipal Parklands on an annual basis for more than five consecutive years may continue to be held at the same location, subject to the approval of the Clerk Administrator, which approval shall not be unreasonably withheld.

Vending

8. (1) No person visiting or using a parkland shall sell or offer to sell, anything whatsoever, except by permission.
- (2) No person shall sell refreshments, or other merchandise or take money for or operate any games, shows or amusements, or operate any business whatsoever in any parkland without first having obtained the consent in writing of the Clerk Administrator.

Vehicles in Parklands

9. (1) The council may, at their discretion, designate roadways and trails in a parkland for use of motor vehicles and horses and shall erect or post signs indicating such roadways.
- (2) The council may, from time to time, close such roadways or trails.
- (3) No unauthorized person shall drive or park a motor vehicle or ride a horse in a parkland other than on roadways designated for the use of motor vehicles or horses, saving only vehicles authorized by the Village of Minto for the purposes of repair or maintenance or in the case of a bona fide emergency.
- (4) The council may, at their discretion, designate roadways and trails in parklands as "closed to bicycle access" and shall erect or post signs indicating such roadways or trails.

- (5) No unauthorized person shall drive a bicycle on any roadway or trail which is designated as a “no bicycle” roadway or trail.
- (6) No person shall drive a motor vehicle or bicycle or ride a horse on any roadway in parklands at a speed greater than 15 kilometres per hour.
- (7) All persons driving a motor vehicle or bicycle or riding a horse in parklands shall yield the right of way to pedestrians.
- (8) All persons driving a bicycle in a parkland shall, upon overtaking a pedestrian, sound a bell or such other warning device as may be permitted by law, in sufficient time and with sufficient clarity to notice the pedestrian of the approach of the bicycle.
- (9) No person shall ride on or operate a bicycle in a parkland in the Village of Minto unless the person is wearing a bicycle helmet as defined in Sections 46.1 and 46.2 of Regulation 83-42 under the *Motor Vehicle Act*, being Chapter M-17 of the R.S.N.B., 1973.
- (10) No parent or guardian of a person who is under the age of 16 shall authorize or knowingly permit that person to ride or operate a bicycle in a parklands in the Village of Minto, unless the person is wearing a helmet as defined in Sections 46.1 and 46.2 of Regulation 83-42 under the *Motor Vehicle Act*, being Chapter M-17 of the R,S.N.B., 1973.
- (11) A designation of a roadway under this section and the use thereof by the public shall not be a dedication to the public use.
- (12) No unauthorized person shall perform any maintenance on a sports field / parklands.
- (13) No person shall operate an All Terrain Vehicle in any parkland unless the Clerk Administrator permits or in the case of an emergency or maintenance requirement.

Signage

10. (1) The Clerk Administrator may cause to be erected a sign or other device specifying an area in a parkland where specific activities are permitted, prohibited or restricted.
- (2) Every person in a parkland shall observe and obey every prohibition and restriction stipulated by a sign or other device erected under the above-noted section.
- (3) The Clerk Administrator may cause to be erected a sign as he or she deems appropriate in any parkland or on any trail including, but not excluding, interpretive, special event, and commemorative signage.

Hours of Operation

11. (1) The Council may post signs respecting the hours during which a parkland is opened or closed.
- (2) No person shall enter or use a parkland where the entry or use is prohibited by notice.
- (3) No person shall be in a parkland at any time during the summer months (April – September) from 10:00 p.m. to 6:00 a.m. and during the winter months (October – March) from 7:00 p.m. to 6:00 a.m. without permission.
- (4) All ballfield facilities shall remain open to the public while the lights are in operation. The duration of operation of the lights is entirely at the discretion of the Clerk Administrator.

Penalties

12. (1) Every person who violates any provision of this by-law is guilty of an offence.
- (2) Every person charged with an offence under any section of this by-law may, on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of fifty dollars (\$50.00).
- (3) If the voluntary payment set out in section 12(2) has not been received on or before the date a charge pertaining to the offence has been laid in Provincial Court, the person charged with the offence may make a voluntary payment of seventy five dollars (\$75.00).
- (4) The voluntary payment set out in either section 12(2) or 12(3) shall be made payable to the Village of Minto as follows:

in person at 420 Pleasant Drive, Minto, in cash or by certified cheque or money order made payable to The Village of Minto;

Or

by mail to: The Village of Minto, 420 Pleasant Drive, Minto, N.B., E4B 2T3, “Attention Clerk Administrator”, by certified cheque or money order only, payable to The Village of Minto;

at which time the ticket or ticket number shall be surrendered to the Village of Minto and such payment shall be deemed payment in full.
- (5) If the voluntary payment set out in either section 12(2) or 12(3) has not been received on or before the hearing scheduled for entering of a plea before the Provincial Court, the person charged with the offence is liable on summary conviction to a fine of not less than one hundred & forty dollars (\$140.00) and not more than the maximum fine

(\$1,070.00) which may be imposed for commission of an offence punishable under Part II of the *Provincial Offences Procedure Act* as a Category D offence.

By-law Number 39, entitled " A By-law Respecting Public Parks" and all amendments are hereby repealed.

IN WITNESS WHEREOF the Village of Minto has caused the Corporate Seal of the said Village to be affixed to this By-Law the 24th day of October, A.D. 2006 and signed:

FIRST READING: October 24th, 2006

SECOND READING: October 24th, 2006

THIRD READING AND ENACTMENT: October 24th, 2006

MAYOR

CLERK ADMINISTRATOR

“Schedule A”

Veteran’s Park

Gilbert Park

Northside Park

Gary Richard Ballfield

Diamond Drive Ballfield

Nature Trail

Arena during off season (April – August)

Miners Memorial Park