

BY-LAW No 36
A BY-LAW RESPECTING PARKS AND BEACHES
IN THE VILLAGE OF GAGETOWN

The Council of the Village of Gagetown, under authority vested in it by Section 186 of the Municipalities Act enacts, as follows:

1. **DEFINITIONS**

In this By-Law:

- a. **“Village”** The Village of Gagetown.
- b. **“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.
- c. **“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.
- d. **“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.
- e. **“Parklands”** means the public parklands and recreation areas in the Village, attached hereto and, without restricting the generality of the foregoing, includes:
 - (i) areas reserved for a Common;
 - (ii) lands for public purposes;
 - (iii) Village - controlled trails;
 - (iv) playgrounds and tot lots;
 - (v) sports fields, including baseball and softball diamonds, soccer, football and multi-use fields;
 - (vi) outdoor swimming facilities; and
 - (vii) outdoor skating facilities and dedicated parks and trails.

2. **PUBLIC BEACHES**

- a. Rotary Park, located in the Village at north end of Front Street, is hereby declared a public park and public beach.
- b. Hart's Lake Park, located on Hart's Lake Road, is hereby declared a public park and public beach.

3. **PROTECTION OF PARKLANDS**

a. **General**

No person shall:

- i) hold any public gathering or meeting in parkland without first obtaining the permission from the Village Office;
- ii) add to, remove, destroy, defile, or damage any fauna, flora or any park facility, structure, equipment or sign;
- iii) indulge in any riotous, boisterous, violent or threatening conduct or use profane or abusive language;
- iv) play any games or engage in any activity in an area where signs have been erected pursuant to this by-law prohibiting such use;
- v) create a nuisance by spying upon, accosting, frightening, annoying or otherwise disturbing other persons;
- vi) abandon any animal or plant any tree; and
- vii) foul or pollute any fountain or watercourse.

b. **Liquor**

- i) Subject to provisions of the Liquor Control Act, Chapter L-10, RSNB, 1973, with amendments thereto, no person is to possess or consume alcoholic beverages in parkland.
- ii) Special event permits are available through Village of Gagetown Office.

c. **Garbage**

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

d. **Fire**

No person may light a fire in parklands without permission from the Village Office.

e. **Camping**

- i) Camping is prohibited in a parkland unless otherwise posted or by permission from the Village of Gagetown Office.
- ii) No person shall erect or place in a parkland anything for the purpose of temporary or permanent accommodation without permission.
- iii) All prospective users of any sports field in a parkland area must schedule its use through the Village of Gagetown Office and pay the applicable user fees as determined by Council of the Village of Gagetown.

f. **Vending**

No person shall sell refreshments or other merchandise, 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 Village Clerk as per Village of Gagetown By-Law 36

4. **VEHICLES IN PARKLANDS**

a. **General**

Council may:

- i) designate roadways and trails in a parkland for use of motor vehicles and horses and shall erect or post signs indicating such roadways;
- ii) from time to time, close such roadways or trails;
- iii) designate roadways and trails in parklands as “closed to bicycle access” and shall erect or post signs indicating such roadways or trails;
- iv) dedicate a section of a roadway under this section and the use thereof by the public shall not be a dedication to the public use.

b. **Bicycles, Motor Vehicles and Horses**

- i) The wearing of a helmet is mandatory for bicycle operators as defined in Section 38 of Regulation 83-42 of the Motor Vehicle Act being Chapter M-17 of the R.S.N.B., 1973.

- ii) No unauthorized person shall drive a bicycle on any roadway or trail which is designated as a “no bicycle” roadway or trail.
- iii) 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 notify the pedestrian of the approach of the bicycle.
- iv) No person shall operate an all - terrain vehicle in any parkland.
- v) No person shall drive a motor vehicle, bicycle or ride a horse on any roadway in parklands at a speed greater than 15 kilometres per hour.
- vi) All persons driving a motor vehicle, bicycle or riding a horse in parklands shall yield the right of way to pedestrians.
- vii) No unauthorized person shall perform any maintenance on a sports field / parklands.

5. **SIGNAGE**

- a. The Village of Gagetown Office may cause to be erected a sign or other device specifying an area in parkland where specific activities are permitted, prohibited or restricted.
- b. 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.
- c. Village Council may cause to be erected a sign as deemed appropriate in any parkland or on any trail including interpretive, special event and commemorative signage.

6. **HOURS OF OPERATION**

- a. The Council may post signs respecting the hours during which specified parkland is opened or closed.
- b. No person shall enter or use parkland where the entry or use is prohibited by notice.
- c. No person shall be in parkland at anytime during the summer months (1 April to 30 September) from 10 pm to 6 am and during the winter months (1 October to 31 March) from 7 pm to 6 am, except as posted otherwise.

7. **PENALTIES**

- a. Every person who violates any provision of this by-law is guilty of an offence.

Before the Provincial Court, the person charged with the offence is liable on summary conviction to a fine of not less than one hundred and forty dollars (\$140.00) and not more than the maximum fine of one thousand and seventy dollars (\$1070.00) which may be imposed for commission of an offence punishable under the Provincial Offences Procedure Act as a Category D offence.

READ FIRST TIME: in the Village of Gagetown, June 15th , 2009

READ SECOND TIME: in the Village of Gagetown, June 15th , 2009

**READ THIRD TIME FOR ENACTMENT: in the Village of Gagetown,
June 22nd , 2009**

Connie May
Clerk

Randy Smith
Mayor