

BY-LAW 412 (CONSOLIDATED WITH AMENDMENTS)

A BY-LAW RESPECTING PARKLANDS IN THE TOWN OF OROMOCTO

Incorporating By-law Nos.:

412 (February 21, 2008)

412-A (March 20, 2014)

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

1. DEFINITIONS

In this By-Law:

- a. **“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.
- b. **“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;
- c. **“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;
- d. **“Parklands”** means the public parklands and recreation areas in the Town, attached hereto and, without restricting the generality of the foregoing, includes:
 - (i) areas reserved for a Common;
 - (ii) lands for public purposes;
 - (iii) Town controlled trails;
 - (iv) Local, Neighbourhood, and District recreation areas; (By-law No. 412-A/Enacted March 20, 2014)
 - (v) sports fields, including baseball and softball diamonds, soccer, football and multi-use fields;
 - (vi) outdoor swimming facilities, and splash parks; (By-law No. 412-A/Enacted March 20, 2014)
 - (vii) outdoor skating facilities, skateboard and bicycle parks, and dedicated parks and trails. (By-law No. 412-A/Enacted March 20, 2014)

2. APPLICATION

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

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3.

PROTECTION OF PARKLANDS

a. General

No person shall:

- i) hold any public gathering or meeting in parkland without first obtaining the permission of the ~~Recreation and Tourism Director~~Director of Recreation and Tourism;
- ii) add to, remove, destroy, defile, or damage any fauna or 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, R.S.N.B., 1973 with amendments thereto, no person is to possess or consume alcoholic beverages in parkland.
- ii) Special event permits are available through established Town policies, outlined in the Town Policy Manual.

c. Garbage

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 parkland except in containers provided for that purpose.

d. Fire

No person may light a fire in parklands.

e. Camping

- i) Camping is prohibited in a parkland unless otherwise posted or by permission of the Director of Recreation and Tourism.
- ii) No person shall erect or place in a parkland anything for the purpose of temporary or permanent accommodation without permission.

f. Special Events

- i) 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

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Recreation and Tourism Director, whose approval shall not be unreasonably withheld.

- ii) Special event permits are available as outlined in the Town Policy Manual.
- iii) All prospective users of any sports field in a parkland area must schedule its use through the Town of Oromocto Recreation and Tourism Department and pay the applicable user fees as determined by Council of the Town of Oromocto.

g. **Vending**

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 Chief Administrative Officer/Clerk as per Town of Oromocto By-Law 312.

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 Sections 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 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 unauthorized person shall drive or park a motor vehicle or ride a horse in parkland other than on roadways designated for the use of motor vehicles or horses, saving only vehicles authorized by the Town of Oromocto, or a medically required mobility device, or for the purposes of repair and maintenance or in the case of a bona fide emergency.

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- v) No person shall operate an all terrain vehicle in any parkland.
- vi) 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.
- vii) All persons driving a motor vehicle or bicycle or riding a horse in parklands shall yield the right of way to pedestrians.
- viii) No unauthorized person shall perform any maintenance on a sports field / parklands.

5.

SIGNAGE

- a. The Director of Recreation and Tourism 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. The Director of Recreation and Tourism may cause to be erected a sign as he or she deems 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 any time from 10 pm to 6 am except as posted otherwise. (By-law No. 412-A/Enacted March 20, 2014)
- d. All ball field 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 Director of Recreation and Tourism.

PENALTIES

(By-law No. 412-A/Enacted March 20, 2014)

- a. Every person charged with an offence:
 - (1) 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) to the Town of Oromocto as follows:
 - (a) in person at the Service Centre Counter, Oromocto Municipal Building, 4 Doyle Drive, Oromocto, NB; or
 - (b) by mail to: Town of Oromocto, 4 Doyle Drive, Oromocto, NB, E2V 2V3, "Attention Service Centre Counter", by cheque or money order only, payable to the Town of Oromocto;

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at which time the ticket or ticket number shall be surrendered to the Town of Oromocto and such payment shall be deemed payment in full; or

- (2) if the voluntary payment set out in subsection (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 \$75.00 (seventy-five dollars) as follows:

(a) in person at the Burton Court House, 23 Route 102 Highway, Burton, NB, by cash or certified cheque or money order payable to the Minister of Finance; or

(b) by mail to: Burton Court House, PO Box 94, Oromocto, NB, E2V 2G4, "Attention Provincial Court", by certified cheque or money order only, payable to the Minister of Finance;

at which time the ticket or ticket number shall be surrendered to the Provincial Court and such payment shall be deemed payment in full; or

- (3) if the voluntary payment set out in subsections (2) have 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 minimum fine of \$140 and not more than \$2,100 that may be imposed for commission of an offence punishable under Part II of the *Provincial Offences Procedure Act* as a Category "D" offence.

READ FIRST TIME BY TITLE ONLY: 20 December 2007

READ SECOND TIME IN ITS ENTIRETY: 17 January 2008

READ THIRD TIME FOR ENACTMENT: 21 February 2008

(Sgd) A Wayne Carnell
A Wayne Carnell
CAO/Clerk

(Sgd) Fay L Tidd
Fay L Tidd
Mayor