



Village of New Maryland

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VILLAGE OF NEW MARYLAND

BY-LAW NO: 71-2009

A BY-LAW RESPECTING PARKLANDS

BE IT ENACTED by the Council of the Village of New Maryland 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 0-1.5, R.S.N.B., 1985, with amendments thereto;

“Parklands” means the public parklands and recreation areas in the Village of New Maryland as set out in “**Schedule A**” attached hereto and with restricting the generality of the foregoing, and include:

(A) areas reserved for a common;

(B) lands for public purposes;

(C) nature trails;

(D) parks, playgrounds and tot lots;

(E) sport fields, including baseball fields, soccer, and multi-use fields;

and;

(F) outdoor rinks;

“Recreation Coordinator” means the Recreation Coordinator or a person designated by the Recreation Coordinator of the Recreation & Leisure Services Department of the Village of New Maryland;

“Dog-free area” includes any designated public swimming areas, playgrounds, or sports or athletic fields owned or operated by the Municipality.

Application

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

Protection of Parklands

3. No person shall:
 - (A) hold any public gathering or meeting in a parkland without first obtaining written permission of the Recreation Coordinator;
 - (B) add to, remove, destroy, defile, or damage any fauna or flora, or any park facility, structure, equipment, or sign;
 - (C) indulge in any riotous, boisterous, violent, or threatening conduct, or use profane or abusive language;
 - (D) play any games in an area where signs have been erected pursuant to this by-law prohibiting such use;
 - (E) create a nuisance by spying, accosting, frightening, annoying or otherwise disturbing other persons;
 - (F) subject to provisions of the *Liquor Control Act*, with amendments thereto, no person or group shall possess or consume alcoholic beverages in a parkland unless with the express authorization of the Recreation Coordinator; and
 - (G) no owner of a dog shall cause or permit a dog to be in a dog-free area designated by signage as an area prohibiting dogs, except dogs trained to assist and assisting persons with a disability.

Garbage

4. (A) 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 approved for the purpose.

Fire

5. (A) No person shall light a fire in parklands. Any person who lights a fire anywhere in parklands is guilty of an offence.

Camping

6. (A) No person shall camp in parkland unless otherwise posted or by permission of the Recreation Coordinator.
- (B) No person shall erect or place in parkland anything for the purpose of temporary or permanent accommodation without permission.

Special Events/Meeting

7. (A) Community festivals, ceremonies, celebrations, and or a meeting, in any parkland is prohibited without first obtaining approval in writing from the Recreation Coordinator.

Vending

8. (A) No person shall sell refreshments, or other merchandise or take money for, or operate any games, shows or amusement, or operate any business whatsoever in any parkland with out first having obtained consent in writing from the Recreation Coordinator.

Vehicles in Parklands

9. (A) No unauthorized person shall drive or park a motor vehicle or ride a horse in any parkland other than on roadways designated for the use of motor vehicles or horses, saving only vehicles authorized by the Village of New Maryland for the purpose of repair or maintenance or in the case of a bona fide emergency.
- (B) No unauthorized person shall perform any maintenance on any parkland.
- (C) No person shall operate an All Terrain Vehicle in any parkland.

Signage

10. (A) The Recreation Coordinator may cause to be erected a sign or other device specifying an area in a parkland where specific activities are permitted, prohibited, or restricted.

Rental/User fees

11. (A) All prospective users of any sports field in a parkland area must schedule it through the Recreation Coordinator and pay the applicable user fees as determined by Council of the Village of New Maryland.

Hours of Operation

12. (A) The Recreation Coordinator may post signs respecting the hours during which parkland is open or closed.

- (B) No person shall enter or use the parkland where the entry or use is prohibited by notice.
- (C) The parklands are open daily from 7am-10pm, with the exception of Athletic Park, which will remain open while ball field lights are in operation. The duration of operation of the lights is entirely at the discretion of the Recreation Coordinator.
- (D) No person shall loiter in the parklands after the designated closing time without approval in writing from the Recreation Coordinator.
- (E) Outdoor rinks will be open seasonally and will be open daily, weather and maintenance permitting.

Penalty

13. (A) Every person who violates any provision of this by-law is guilty of an offence.
- (B) 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 one hundred dollars (\$100).
- (C) The voluntary payment set out in section 13.B shall be made payable to the Village of New Maryland as follows:
- in person at the Village of New Maryland Office, 584 New Maryland Highway, New Maryland, NB, E3C 1K1
- or
- by mail to: the Village of New Maryland, 584 New Maryland Highway, New Maryland, NB, E3C 1K1, "Attention Recreation Coordinator", by certified cheque or money order only, payable to the Village of New Maryland;
- at which time the ticket or ticket number shall be surrendered to the Village of New Maryland and such payment shall be deemed payment in full.
- (D) If the voluntary payment set out in section 13.B has not been received on or before the hearing scheduled for entering 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 dollars (\$100) and not more than the maximum fine (\$500) which may be imposed for commission of an offence punishable under Part 11 of the *Provincial Offences Procedure Act* as a Category D offence.


IN WITNESS WHEREOF the Village of New Maryland has caused the Corporate Seal of the said Village to be affixed to this By-Law the 24th day of August 2009 and signed:

FIRST READING (BY TITLE): July 15, 2009

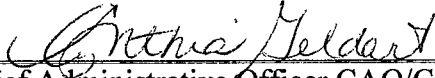
SECOND READING (BY TITLE): July 15, 2009

THIRD READING (IN ITS' ENTIRETY): August 19, 2009

FINAL READING (ENACTMENT): August 19, 2009



Mayor



Chief Administrative Officer (CAO/Clerk)



Schedule A

- . Shaw Park
- . Centennial Park
- . Orchard Park
- . Village Park
- . Sunrise Estates Park
- . Wildwood Park
- . New Maryland Nature Trail
- . Victoria Hall Park
- . NMES Playground (Community Use of School Agreement)
- . NMES Soccer field (Community Use of School Agreement)
- . Athletic Park
 - o Basketball Court
 - o Tennis Court
 - o Skateboard Park
 - o Beach Volleyball Court
 - o Baseball Fields (2)
 - o Batting Cage
- . New Maryland Centre Baseball field
- . Outdoor Rinks (Athletic Park – Winter only)