



# Village of New Maryland

584 New Maryland Highway, New Maryland, NB, E3C 1K1

## Village of New Maryland By-law No. 71-2019 A By-law Respecting Parklands

The Council of the Village of New Maryland, under authority vested in it by Section 10(1) of the *Local Governance Act*, S.N.B. 2017, c.18, and amendments thereto, hereby enacts as follows:

Village of New Maryland By-law No. 71-2009, a By-law respecting Parklands, is here by repealed in its entirety and replaced by the following:

### 1. Definitions:

In this by-law:

“All Terrain Vehicle” means an all-terrain vehicle as defined in the *Off-Road Vehicle Act*, Chapter O-1.5, R.S.N.B., 1985, with amendments thereto and for the purposes of this by-law shall include 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 of New Maryland as set out in “Schedule A” attached hereto and without 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) sports 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.

## **2. Application**

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

## **3. Protection of Parklands**

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 of 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) 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.

## **4. Garbage**

- (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.

## **5. Fire**

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

## **6. Camping**

- (a) No person shall camp in parklands unless otherwise posted or by permission of the Recreation Coordinator.

- (b) No person shall erect or place in parklands anything for the purpose of temporary or permanent accommodations without permission.

## **7. Special Events/Meeting**

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

## **8. Vending**

- (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 without first having obtained consent in writing from the Recreation Coordinator.

## **9. Vehicles in Parklands**

- (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 or off-road vehicle in any parkland.

## **10. Signage**

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

## **11. Rental/User Fees**

- (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 the Council of the Village of New Maryland.

## **12. Hours of Operation**

- (a) The Recreation Coordinator may post signs respecting the hours during which a 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 7 am to 10 pm, 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.

### **13. Penalty**

- (a) Every person who violates any provision of this by-law is guilty of an offence, and may be charged through the issuance of a Municipal By-law Infraction ticket by a Village of New Maryland By-law Enforcement Officer.
- (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:
  - (i) In person at the Village of New Maryland Office, 584 New Maryland Highway, New Maryland, NB, E3C 1K1; or
  - (ii) By mail to: the Village of New Maryland, 584 New Maryland Highway, New Maryland, NB, E3C 1K1;

at which time the Municipal By-Law Infraction ticket or Municipal By-Law Infraction 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 of five hundred dollars (\$500) which may be imposed for commission of an offence punishable under Part II of the *Provincial Offences Procedure Act* as a Category D offence.

### **14. Severability**

- (a) If any part of this by-law shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this by-law.

FIRST READING (By title only): February 20, 2019

SECOND READING (By title only): February 20, 2019

THIRD READING (In its entirety): March 20, 2019

FINAL READING (By title only and enactment): March 20, 2019

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Cynthia Geldart  
Chief Administrative Officer/Clerk

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Judy Wilson-Shee  
Mayor