

THE TOWN OF ST. STEPHEN

BY-LAW NO. L-1.1

A BY-LAW TO REGULATE THE USE OF PUBLIC PARKS

BE IT ENACTED BY THE COUNCIL OF THE TOWN OF ST. STEPHEN AS FOLLOWS:

Definitions

1 The following definitions apply in this by-law.

“Act” means the *Municipalities Act*, R.S.N.B. 1973, Chapter —22;

“all-terrain vehicle” means an all-terrain vehicle as defined in the *Off-Road Vehicle Act*, Acts of New Brunswick, 1985, Chapter A-7.11 as amended by the Acts of New Brunswick 2003, Chapter 7;

“Chief Administrative Officer” means the Chief Administrative Officer appointed by the Council pursuant to subsection 74(1) of the Act and includes a person designated by the Chief Administrative Officer to act on the Chief Administrative Officer's behalf;

“Council” means the mayor and councillors of The Town of St. Stephen;

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

“park” means lands in the Town set aside for public recreational use, including playgrounds, pools, athletic fields, tot lots and parks as set out in Schedule A attached hereto, and the Council may, by resolution, add a playground, pool, athletic field, tot lot or park to or delete same from Schedule A;

“Town” means The Town of St. Stephen.

Application

2 The provisions of this by-law shall apply to parks in the Town.

General

3 The Council may appoint a Director, Parks and Recreation who shall be responsible to the Chief Administrative Officer.

4 No person shall drive, ride or park a motor vehicle, all-terrain vehicle, snowmobile or bicycle in a park except on such roadways and areas designated for their use.

- 5 No person shall use a park for the purpose of holding or carrying on a fair, carnival, bazaar or retail canteen outlet, or other activity for profit or gain, unless authorized by the Chief Administrative Officer.
- 6 No person shall pitch a tent or park a trailer or mobile home in a park unless authorized by the Chief Administrative Officer.
- 7 No person shall hold a public gathering or meeting in a park unless authorized by the Chief Administrative Officer.
- 8 No person shall throw or deposit any glass bottle, can, rubbish, refuse, litter or waste material in a park except into a waste container or a place designated for that purpose.
- 9 No person shall light a fire in a park without a fire permit from the Town's Fire Chief and written authorization from the Chief Administrative Officer.
- 10 No person in a park shall disturb any other person by disorderly conduct, loud or unnecessary noise, swearing or the use of obscene language.
- 11 Subject to the provisions of the *Liquor Control Act*, no person shall possess or consume alcoholic beverages in a park unless authorized by the Chief Administrative Officer.
- 12 No person shall ride or operate a bicycle, and no parent or guardian of a person who is under the age of sixteen (16) shall authorize or knowingly permit that person to ride or operate a bicycle, in a park unless the person is wearing a bicycle helmet that conforms to the requirements of the regulations under the *Motor Vehicle Act*.
- 13 No person or group shall loiter or remain in any park between sunset and sunrise unless authorized by the By-law Enforcement Officer or the Chief Administrative Officer.
- 14 No person shall damage flowers, a flower bed, vegetation, or any tree or shrub growing or being in a park.
- 15 No person shall damage a bandstand, bench or other article in a park, or otherwise damage or destroy a park in any manner whatsoever.

Enforcement

- 16 Pursuant to section 14 of the *Police Act* the By-law Enforcement Officer and the Director, Parks and Recreation are appointed to enforce the provisions of this by-law.

Penalty

17(1) A person who violates or fails to comply with a provision of this by-law is guilty of an offence.

17(2) A person charged with an offence under 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) to the Town at which time the ticket or ticket number shall be surrendered to the Town and such payment shall be deemed payment in full.

17(3) If the voluntary payment set out in subsection 17(2) 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 conviction to a fine of not less than One Hundred Dollars (\$100.00) and not more than the maximum fine that may be imposed for commission of an offence punishable under Part II of the *Provincial Offences Procedure Act* as a Category B offence.

Repeal Provision

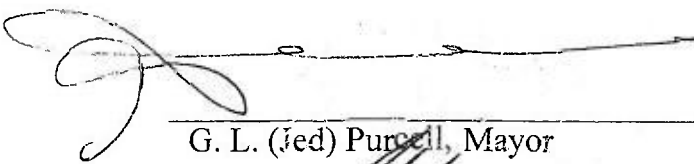
18 By-law No. L-1, A By-law to Regulate the Use of Public Parks, passed by the Council on March 15, 2004, and amendments thereto, is hereby repealed.

IN WITNESS WHEREOF The Town of St. Stephen has caused its corporate seal to be hereunto affixed to this by-law the 17th day of May, 2010.

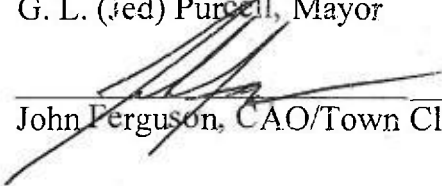
FIRST READING: March 15, 2010

SECOND READING: April 19, 2010

THIRD READING: May 17, 2010



 G. L. (Jed) Purcell, Mayor



 John Ferguson, CAO/Town Clerk

SCHEDULE "A"

Passive Parks and Tot Lots

Granville Park
Waterfront Green Space
Chocolate Park
Abbott Street Tot Lot
Rushton Street Green Space
Cove Park
Hawthorne Street/Kiwanis Tot Lot
Memorial Park
Riverside Drive Park
Centennial Park
Elm Park
Elm Street Nature Trail
NB Power Park
Town Square
Dover Hill

Swimming Pools

St. Stephen Community Pool
William T. Booth Centennial Pool

Athletic Fields

Rotary Fields
Arena Diamond
PIP Diamond
Rod Wilson Field
FAN Fields
Milltown Ball Field
Memorial Park Tennis Courts