

THE VILLAGE OF HARVEY

BY-LAW NO. 2017-02

A BY-LAW TO REGULATE THE USE OF PUBLIC PARKS

BE IT ENACTED BY THE COUNCIL OF THE VILLAGE OF HARVEY 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;

“Clerk” means the Clerk appointed by the Council pursuant to subsection 74(2) of the Act and includes a person designated by the Clerk to act on the Clerk’s behalf;

“Council” means the mayor and councilors of The Village of Harvey;

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

“person” includes an individual, multiple people or a group or organization”;

“Village” means The Village of Harvey.

Application

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

General

3. The Council may appoint an employee of the municipality who shall be responsible to the Clerk.
4. No person shall drive, ride or park a motor vehicle, all-terrain vehicle or snowmobile 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 retain canteen outlet, or other activity for profit or gain, unless authorized by the Clerk.
6. No person shall pitch a tent or park a trailer or mobile home in a park unless authorized by the Clerk.
7. 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 the purpose.
8. No person shall light a fire in a park without a fire permit from the Fire Chief and written authorization from the Clerk.
9. No person in a park shall disturb any other person by disorderly conduct, loud or unnecessary noise, swearing or the use of obscene language.
10. Subject to the provisions of the *Liquor Control Act*, no person shall possess or consume alcoholic beverages in a park unless authorized by the Clerk.
11. 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*.
12. No person shall loiter or remain in any park between sunset and sunrise unless authorized by the By-law Enforcement Officer or the Clerk.
13. No person shall damage flowers, a flower bed, vegetation, or any tree or shrub growing or being in a park.
14. 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

15. Pursuant to section 14 of the *Police Act* the By-law Enforcement Officer 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 of a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of Fifty Dollars (\$50.00) to the Village at which time the ticket or ticket number shall be surrendered to the Village 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.

IN WITNESS WHEREOF The Village of Harvey has caused its corporate seal to be hereunto affixed to this by-law the 8th day of February, 2017 .

FIRST READING: January 11, 2017

SECOND READING: January 11, 2017

THIRD READING: February 8, 2017

Mayor, Winston Gamblin

Clerk, Katherine Henry

SCHEDULE “A”

Parks and Trails

Catherine Pendrel Harvey Lakeside Trail

Harvey Lake Lakeshore

Davis Park

Athletic Fields

Taylor Field