



MUNICIPAL DISTRICT OF ST. STEPHEN BY-LAW NO. 15-23

A BY-LAW TO REGULATE THE USE OF PUBLIC PARKS

BE IT ENACTED BY THE COUNCIL OF THE MUNICIPAL DISTRICT 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 or any successor legislation.

"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 or any successor legislation.

"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 councilors of the Municipal District of St. Stephen.

"Motor vehicle" has the same meaning as in the *Motor Vehicle Act*, R.S.N.B. 1973, Chapter M -17, and for the purposes of this by-law shall include motorcycle and motor driven cycle as defined in the *Motor Vehicle Act* or any successor legislation.

"Municipal District" or "MDSS" means the Municipal District of St. Stephen.

"park" means lands in the Municipal District set aside for public recreational use, including playgrounds, pools, athletic fields, tot lots, parking lot, green spaces, trails 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;

"Parking lot" means land in the Municipal District that is set aside for public parking of motor vehicles.

“Public gathering” means any social function that the general public could if invited, attend. For example, a public gathering includes, but is not limited to, a wedding, reception, funeral, reunion, or meeting of any organization, association, or corporation that is open to non-members.

Application

- 2 The provisions of this by-law apply to parks and parking lots in the Municipal District and owned by the municipality.

General

- 3 No person shall drive, ride or park a motor vehicle, all-terrain vehicle, snowmobile, skateboard, electronic bicycle or bicycle in a park except on such roadways and areas designated for their use.
- 4 No person shall use a park or parking lot 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 or their designate.
- 5 No person shall pitch a tent or park a trailer, or mobile home in a park or parking lot unless authorized by the Chief Administrative Officer or their designate.
- 6 No person shall use a park in any way that negatively impacts upon the normal use and engagement of the park by others unless authorized by the Chief Administrative Officer or their designate.
- 7 No person shall throw or deposit any glass bottle, can, rubbish, refuse, litter or waste material in a park or parking lot except into a waste container or a place designated for that purpose.
- 8 No person shall light a fire in a park without a fire permit from the Municipality’s Fire Chief and written authorization from the Chief Administrative Officer.
- 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 Chief Administrative Officer.
- 11 No person shall ride or operate a skateboard, bicycle or electronic 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 or group shall loiter or remain in any park between sunset and sunrise unless authorized by the Chief Administrative Officer or their designate.

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, cenotaph, memorial or other article in a park, or otherwise damage or destroy a park in any manner whatsoever.

15 No person shall allow their animal to run at large off-leash within a public park except in areas so designated by the MDSS council.

Enforcement

16 Pursuant to section 14 of the *Police Act* the By-law Enforcement Officer, the Chief Administrative Officer or their designate are appointed to enforce the provisions of this by-law.

Penalty

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

18 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 Municipal District at which time the ticket or ticket number shall be surrendered to the Municipal District and such payment shall be deemed payment in full.

19 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 Fifty Dollars (\$50.00) 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

20 By-law No. L-1-1, A By-law to Regulate the Use of Public Parks and amendments thereto, is hereby repealed.

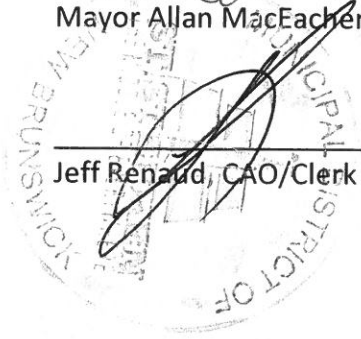
IN WITNESS WHEREOF The Municipal District of St. Stephen has caused its corporate seal to be hereunto affixed to this by-law the 29th day of November, 2023.

FIRST READING:	Sept 27, 2023
SECOND READING:	October 25, 2023
THIRD READING:	November 29, 2023



Mayor Allan MacEachern

Jeff Renaud, CAO/Clerk



SCHEDULE "A"

Passive Parks and Tot Lots

Waterfront Coastal Link Trail
David A. Ganong Chocolate Park & Splashpad
Turning the Corner Park
Abbott Street Tot Lot
Elm Park Tot Lot
Cove Park
Gateway Park
Memorial Park (Milltown Tennis Courts)
Jake Donahue Park (formerly Centennial Park)
Elm Street Nature Park & Dog Park
Downtown Plaza (formerly Town Square)
Dover Hill Park
Cotton Mill Memorial Park
Milltown Boat Launch
St. Stephen Boat Launch
Loyalist Cemetery

Swimming Pools

WT. Booth Centennial Outdoor Pool

Athletic Fields

Rotary Field (Baseball & Soccer)
Memorial Park Tennis Courts
Milltown Basketball Court
Kiwanis Skate Park