

Parks
And
Beaches
By-Law # 030



Town of Quispamsis

BY-LAW NO.030
A BY-LAW OF THE TOWN OF QUISPAMISIS
RESPECTING PUBLIC PARKS AND BEACHES
WITHIN THE TOWN OF QUISPAMISIS

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RESOLVED BY the Council for the Town of Quispamsis pursuant to the authority of the Municipalities Act of New Brunswick and without limiting the foregoing Section, 181 thereof, enacts as follows:

1. TITLE

A. This By-law may be cited as the Parks and Beaches By-law.

2. DEFINITIONS

A. "Public Park" means a public park, playground, ballfield or trail located in the Town and listed in Schedule "A" attached hereto.

B. "Town" means the municipality of Quispamsis.

C. "Skateboard" means a board constructed of any material which has affixed thereto rollers or wheels designated to be mounted or operated by any individual or individuals. (AMENDMENT #3 DATED 2013-11-05)

3. PUBLIC BEACHES

A. The beach area of Meenan's Cove Park, is hereby declared a public beach. The beach area is delineated by a line commencing at a point on the north property line thence running along the easterly side of the playground area to the driveway thence following the driveway to the westerly edge of the parking lot thence following the parking lot edge to a point of intersection with the water lease lot thence following the water lease boundary and north property line to the starting point, and

is graphically represented in Schedule “B” attached hereto. (AMENDMENT #1 DATED 2007-05-01)

- B. Gondola Point Beach, located in the Town is hereby declared a public beach.
- C. Ritchie Lake Park, located in the Town is hereby declared a public beach.

4. BUSINESS ACTIVITIES

- A. All persons engaging in any trade or business at a Public Beach or in a Public Park shall:
 - i. require the written permission of the Town; and
 - ii. provide the Town with proof of liability insurance coverage sufficient to protect the Town from all liability arising out of the use of a public beach or public park for such trade or business.
- B. The insurance coverage referred to in Section 4A(ii) shall be of such an amount as the Town determines appropriate at the time permission is sought.

5. CLOSURE

- A. In the event the insurance requirements of Section 4A(ii) are not complied with or if the Town for any reason feels public safety is at a risk, it may by resolution of Council, close a public beach or public park.
- B. The closure referred to in Section 5A may be for such period of time as Council may determine is advisable for the protection of the public.

6. PROHIBITED ACTIVITIES

- A. No person shall hold any public gathering or meeting at a public beach or public park without first obtaining the permission of the Town and paying the applicable fees.
- B. 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 at a public beach or public park.
- C. No person shall light a fire at a public beach or public park except in a fireplace designated by the Town as being for that purpose.
- D. The Town may prohibit the lighting of fires anywhere at a public beach or public park.
- E. Any person who lights a fire anywhere at a public beach or public park, during any period when a prohibition is in force, is guilty of an offence.
- F. No person shall by their conduct, endanger, disturb or annoy other users of the public beach or public park.
- G. The Town may from time to time close trails or roadways located at a public beach or public park.
- H. No unauthorized person shall drive or park a motor vehicle or ride a horse at a public beach or public park other than on roadways designated for the use of motor vehicles or horses.
- I. The Town may designate roadways and trails at a public beach or public park as "closed to bicycle access" and shall erect or post signs indicating such roadways or trails.
- J. No unauthorized person shall drive a bicycle on any roadway or trail at a public beach or public park which is designated as a "no bicycle"

roadway or trail.

- K. No unauthorized person shall drive a motor vehicle or bicycle or ride a horse on any roadway in any public beach or public park at a speed greater than twenty (20) kilometers per hour.
- L. All persons driving a motor vehicle or bicycle or riding a horse in any public beach or public park shall yield the right of way to pedestrians.
- M. No person shall pitch a tent or park a trailer or mobile home on any public beach or public park without the permission of the Town.
- N. No person shall use archery equipment, firearms, airsoft guns, pellet guns or air guns on any public beach or public park. (AMENDMENT #3 DATED 2013-11-05)
- O. No person shall loiter or remain in a public beach or public park at any time during the period between 10:00 p.m. on one day and one hour before sunrise on the following day without the permission of the Town.
- P. Users of a public beach or public park shall comply with all regulations which may be posted in the public beach or public park.
- Q. No person shall possess or consume alcoholic beverages on a public beach or in public park. This provision shall not apply to the possession or consumption of alcoholic beverages in the Meenan's Cove Beach House if authorized by a licence under the Liquor Control Act of New Brunswick.
- R. Animals are not permitted in a public beach within one hundred (100) metres of the water or in the water adjacent to a public beach from May 1st through September 30th of each year this By-law is in force.
- S. No person shall use a skateboard in any public park except for the Bike & Skate Board Park. (AMENDMENT #3 DATED 2013-11-05)

- T. A person riding on or operating a skateboard shall wear a helmet approved or certified by the Canadian Standards Association or similar agency for such use. (AMENDMENT #3 DATED 2013-11-05)
- U. No person shall smoke or carry a lighted cigarette, cigar or pipe in any public park or public beach where there are signs posted prohibiting smoking. (AMENDMENT #3 DATED 2013-11-05)
- V. Notwithstanding the provisions of Section R. dogs are permitted on the Gondola Point Beach and in the water adjacent to the beach if they are within the area delineated by the Town of Quispamsis signage as being a “Dog Friendly Beach and Swim Area”, (or similar words to that effect). (AMENDMENT #4 DATED 2014-06-17)

7. OFFENCES

- A. Every person who violates any provision of this By-law is guilty of an offence.
- B.
 - i. A member of the Rothesay Regional Police Force may seize and retain possession of a skateboard which is being used by a person who is not wearing a helmet as required by Section 6.T. (AMENDMENT #3 DATED 2013-11-05)
 - ii. A skateboard seized pursuant to Section B.i. shall, within 30 days of seizure, be returned to the person from whom it was seized upon providing proof of ownership of an approved helmet, failing which the skateboard may be disposed of in such manner as the Rothesay Police Force may deem appropriate.(AMENDMENT #3 DATED 2013-11-05)

8. PENALTY

- A. Every 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 \$25.00 (Twenty-Five

Dollars).

B. The voluntary payment set out in Section 8.(A) shall be made to the Rothesay Regional Police Force as follows:

- i. in person at the Cash Payments Counter, The Rothesay Regional Police Station, Quispamsis, New Brunswick, in cash or by cheque or money order made payable to the Rothesay Regional Police Force; or
- ii. by mail to: Rothesay Regional Police Force, 126 Millennium Drive, Quispamsis, New Brunswick, E2E 6E6, Attention Fine Revenue Clerk, by cheque or money order only, payable to the Rothesay Regional Police Force; (AMENDMENT #1 DATED 2007-05-01)

at which time the ticket or ticket number shall be surrendered to the Rothesay Regional Police Force and such payment shall be deemed payment in full.

C. If the voluntary payment set out in Section 8A has not been received on or before the date a charge pertaining to the offence has been laid in Provincial Court, the person charged with the offence may make a voluntary payment of \$50.00 (Fifty Dollars) as follows:

- i. in person at the Cash Payments Counter, The Rothesay Regional Police Station, Quispamsis, New Brunswick, in cash or by cheque or money order made payable to the Rothesay Regional Police Force; or
- ii. by mail to: Rothesay Regional Police Force, 126 Millennium Drive, Quispamsis, New Brunswick, E2E 6E6, Attention Fine Revenue Clerk, by cheque or money order only, payable to the Rothesay Regional Police Force; (AMENDMENT #1 DATED 2007-05-01)

at which time the ticket or ticket number shall be surrendered to the Rothesay Regional Police Force and such payment shall be deemed payment in full.

- D. If the voluntary payments set out in Section 8(A) and Section 8(C) have 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 summary conviction, to a fine not more than the maximum fine which may be imposed for commission of an offence punishable under PART II of the Provincial Offences Procedure Act as a Category C Offence.

9. 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.

10. BY-LAW REPEALED

- A. All By-laws, rules and regulations heretofore passed, adopted and observed by the Councils of the former Town of Quispamsis, By-law Number 59 "*Regulating Public Parks and Beaches*" and the former Village of Gondola Point, relating to Regulating Public Parks and Beaches and any amendments thereto are hereby repealed.

11. EFFECTIVE DATE

- A. This By-law comes into effect on the date of final enactment thereof.

READ FIRST TIME: June 17, 2003

READ SECOND TIME: June 17, 2003

READ THIRD TIME & ENACTED: July 15, 2003

MAYOR

SEAL

CLERK

AMENDMENT NO.1 READ THIRD TIME AND ENACTED: May 1, 2007

AMENDMENT NO.2 READ THIRD TIME AND ENACTED: May 15, 2012

AMENDMENT NO.3 READ THIRD TIME AND ENACTED: November 5, 2013

AMENDMENT NO. 4 READ THIRD TIME AND ENACTED: June 17, 2014

**SCHEDULE “A”
PUBLIC PARKS**

12. Meenan’s Cove Park
13. Hammond River Park
14. Ritchie Lake Park
15. ~~Peat Drive Park~~ (AMENDMENT #3 DATED 2013-11-05)
16. ~~Recreation Centre Playground~~ (AMENDMENT #3 DATED 2013-11-05)
17. Firefly Crescent Playground
18. Cedar Ridge Playground
19. Meenan’s Cove Playground
20. Parkside Drive Playground
21. Recreation Centre Ballfields
22. Walter Jewett Ballfield
23. Memorial Ballfield
24. Meenan’s Cove Ballfield
25. Hammond River Walking Trails
26. Mud Lake Walking Trails
27. Matthews Cove Walking Trails
28. Saunders Brook Walking Trails
29. Meenan’s Cove Walking Trails

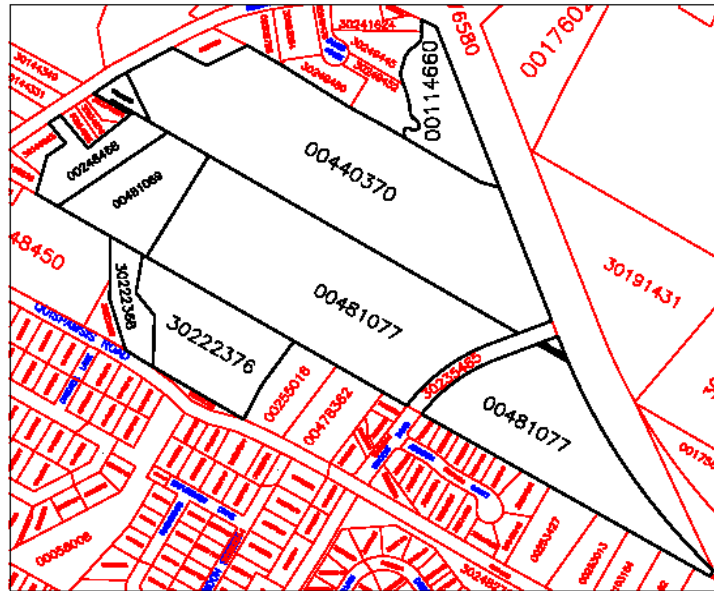
30. Rolfe Soccer Field
31. Saunders Soccer Field
32. Goldrush Playground
33. ~~United Church Playground~~ (AMENDMENT #3 DATED 2013-11-05)
34. Arts and Culture Park (AMENDMENT #1 DATED 2007-05-01)
35. All qplex property, excluding the building, (AMENDMENT #2 DATED 2012-05-15)
36. Dog Park, (AMENDMENT #2 DATED 2012-05-15)
37. Bike & Skate Board Park”. (AMENDMENT #2 DATED 2012-05-15)
38. Matthew’s Cove Park (AMENDMENT #3 DATED 2013-11-05)
39. Community Gardens (AMENDMENT #3 DATED 2013-11-05)
40. BMX Park (AMENDMENT #3 DATED 2013-11-05)
41. All other Town owned properties not specifically identified in this schedule other than municipal streets. (AMENDMENT #3 DATED 2013-11-05)

SCHEDULE B

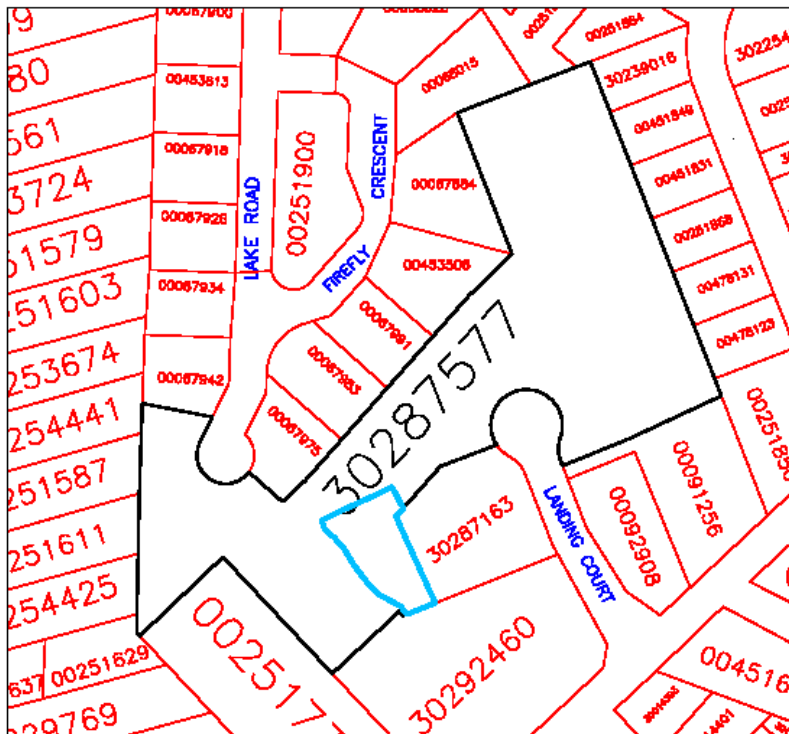


(AMENDMENT #1 DATED 2007-05-01)

SCHEDULE "B"



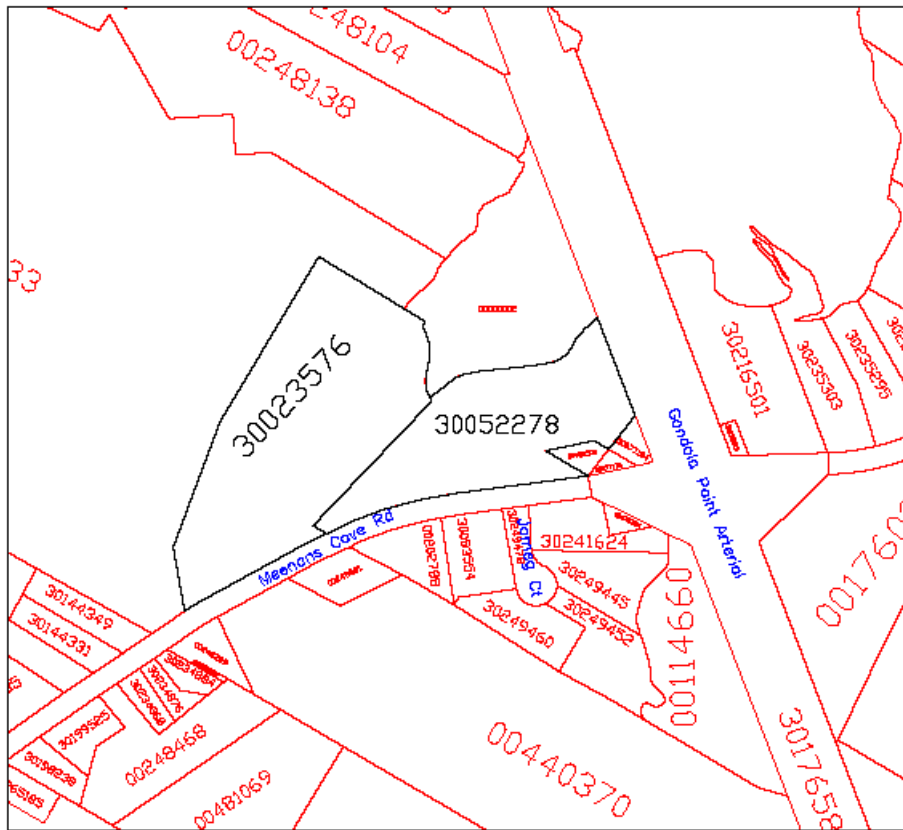
11 Recreation Center Road & 20 Randy Jones Way



11 & 12 Landing Court

(AMENDMENT #2 DATED
2012-05-15)

SCHEDULE "B"

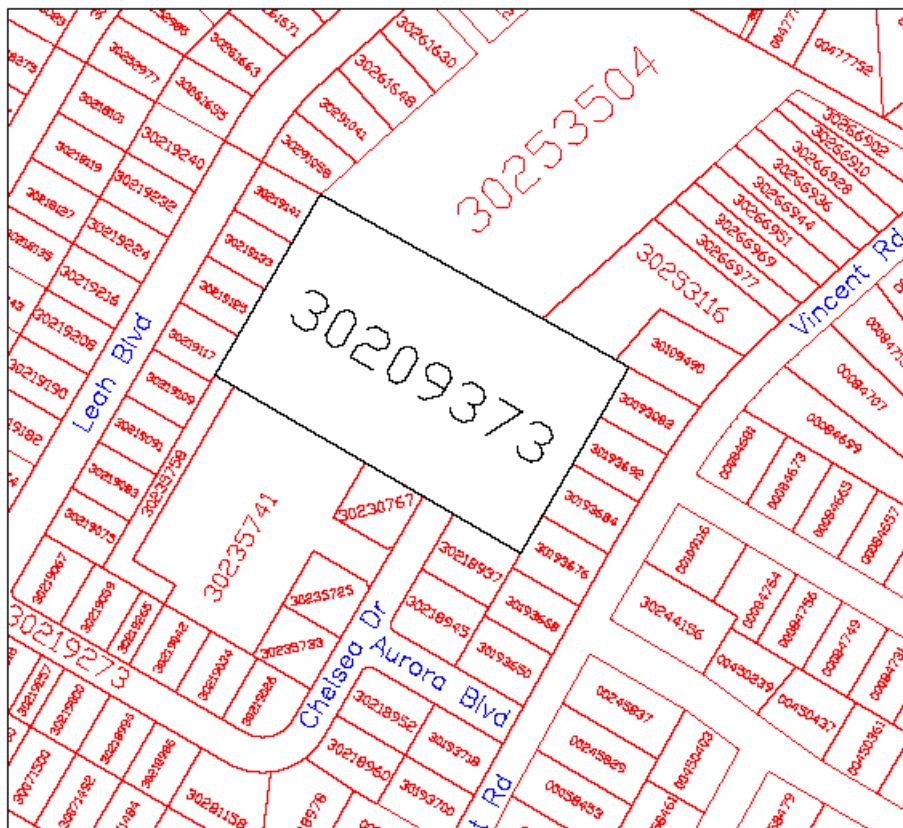


Matthews Cove Park

(AMENDME
 NT #2
 DATED
 2012-05-15)

(AMENDMENT #3, DATED 2013-11-05)

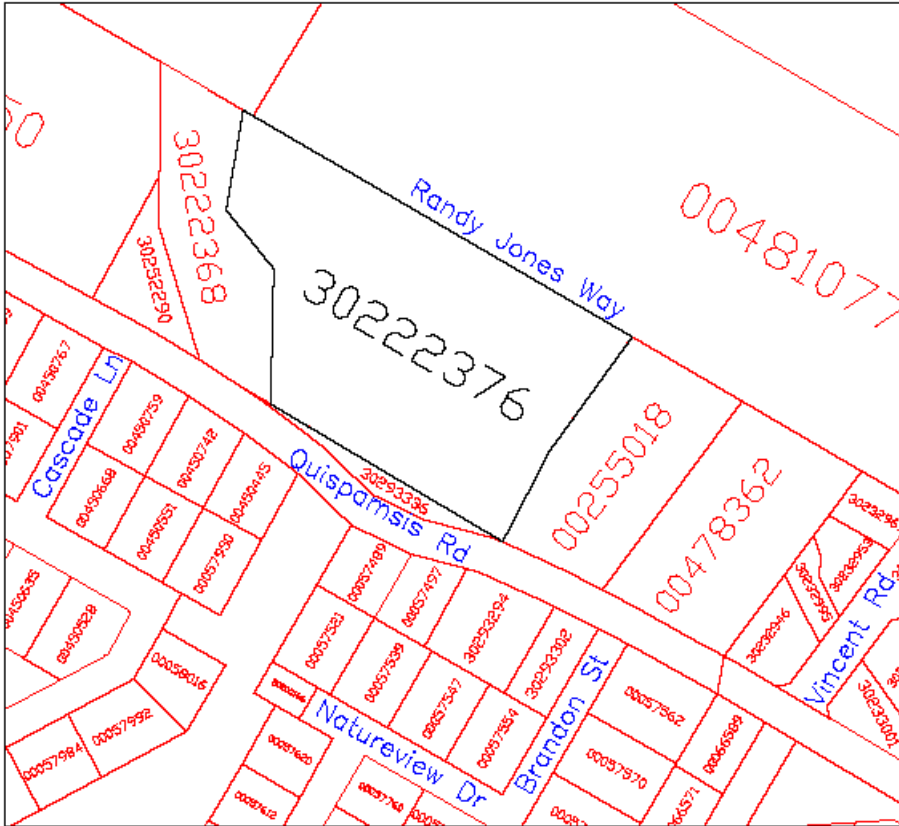
SCHEDULE "B"



BMX Park

(AMENDMENT #3, DATED 2013-11-05)

SCHEDULE "B"



Community Garden

(AMENDMENT #3, DATED 2013-11-05)

SCHEDULE "B"

"And, all other Town owned properties not specifically identified in this schedule other than municipal streets."

(AMENDMENT #3, DATED 2013-11-05)