

Parks  
And  
Beaches  
By-Law # 058



Town of Quispamsis

**BY-LAW NO. 058**  
**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 *Local Governance Act* of New Brunswick and without limiting the foregoing Sections, 10(1)(b) and 10(1)(h) thereof, enacts as follows:

**1. TITLE**

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

**2. DEFINITIONS**

A. "Public Beach" means the beach area of a Public Park or any other beach owned by the Town and not in a Public Park.

B. "Public Park" means a park, playground, sportsfield, games court, trail, greenspace or community garden owned by and located in the Town.

C. "Town" means the municipality of Quispamsis.

D. "Skateboard" means a board constructed of any material which has affixed thereto rollers or wheels designed to be mounted or operated by any individual or individuals.

**3. 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 3A(ii) shall be of such an amount as the Town determines appropriate at the time permission is sought.
- C. In the event the insurance requirements of Section 3A(ii) are not complied with, the activity will not be permitted.

#### **4. CLOSURE**

- A. If the Town for any reason feels public safety is at a risk it may close a Public Beach or Public Park.
- B. The closure referred to in Section 4A may be for such period of time as Council may determine is advisable for the protection of the public.

#### **5. 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 accordance with the Park Rules and Regulations and the Town's Fire Prevention By-law
- D. The Town may prohibit the lighting of fires anywhere at a Public Beach or Public Park. 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.
- E. No person shall by their conduct, endanger, disturb or annoy other

users of the Public Beach or Public Park.

- F. The Town may from time to time close trails or roadways located at a Public Beach or Public Park.
- G. No unauthorized person shall drive or park a motor vehicle (including all terrain vehicles, dirt bikes, mopeds or snowmobiles) at a Public Beach or Public Park other than on roadways designated for the use of motor vehicles.
- H. 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.
- I. 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.
- J. No unauthorized person shall drive a motor vehicle or bicycle on any roadway in any Public Beach or Public Park at a speed greater than twenty (20) kilometers per hour.
- K. All persons driving a motor vehicle or bicycle in any Public Beach or Public Park shall yield the right of way to pedestrians.
- L. 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.
- M. No person shall use archery equipment, firearms, airsoft guns, pellet guns or air guns on any Public Beach or Public Park.
- N. 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.
- O. Users of a Public Beach or Public Park shall comply with all

regulations which may be posted in the Public Beach or Public Park.

- P. No person shall possess or consume alcoholic beverages on a Public Beach or in a Public Park. This provision shall not apply to the possession or consumption of alcoholic beverages in the Meenan's Cove Beach House or Public Park properties if authorized by a licence under the Liquor Control Act of New Brunswick.
- Q. No person shall permit or allow animals to be on a Public Beach within one hundred (100) metres of the water or in the water adjacent to a Public Beach from May 1<sup>st</sup> through September 30<sup>th</sup> of each year this By-law is in force unless posted otherwise with the exception of the Gondola Point Beach where 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".
- R. No person shall use a skateboard in any Public Park except for the Bike & Skate Board Park.
- S. 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.

## **6. OFFENCES**

- A. Every person who violates any provision of this By-law is guilty of an offence.
- B.
  - i. A member of the Kennebecasis 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.S.
  - 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 Kennebecasis Police Force may deem appropriate.

## **7. PENALTY**

Any person who violates or breaches any provision of this By-law commits an offence and is liable on summary conviction to a minimum fine of not less than two hundred fifty dollars (\$250.00).

## **8. ADMINISTRATIVE PENALTIES**

- A. All contraventions of this by-law, other than contraventions of Section 5. J., are designated by-law contraventions that may be dealt with by a notice of penalty pursuant to the provisions of the *Local Governance Act*.
- B. The Administrative penalty for each applicable contravention of this by-law shall be one hundred fifty dollars (\$150.00).
- C. A person to whom a penalty notice is delivered may pay the administrative penalty on or before a charge pertaining to the offence has been laid in Provincial Court as follows:
  - (a) In person at the Kennebecasis Regional Police Station, 126 Millennium Drive, Quispamsis, New Brunswick in cash or by cheque, credit card or money order made payable to the Kennebecasis Regional Police Force; or
  - (b) By mail to: Kennebecasis Regional Police Force, 126 Millennium Drive, Quispamsis, New Brunswick, E2E 6E6, Attention Fine Revenue Clerk, by cheque or money order only, payable to the Kennebecasis Regional Police Force; or
  - (c) By phone with credit card to the Quispamsis main office at (506) 849-5778.
- D. A person who pays the administrative penalty shall be deemed to have contravened the provision of the by-law in respect of which the payment was made and shall not be charged with an offence in respect of the same incident that gave rise to the administrative penalty.

- E. If the administrative penalty is not paid in accordance with Section 8.C., the person charged with the offence is liable on summary conviction to a fine of not less than two hundred fifty dollars (\$250.00).

**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. By-law Number 030 a By-law of the Town of Quispamsis Respecting Public Parks and Beaches within the Town of Quispamsis 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 18, 2019**

**READ SECOND TIME: June 18, 2019**

**READ THIRD TIME & ENACTED: July 16, 2019**

X

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Gary Clark  
Mayor

X

\_\_\_\_\_  
Catherine P. Snow  
Clerk