

THE CORPORATION OF THE TOWN OF NEWCASTLE
BY-LAW 91-20

Being a by-law to provide for the use regulation, protection and government of parks in the Town of Newcastle

The Council of the Corporation of the Town of Newcastle enacts as follows:

1. In this By-Law:

- a) "municipality" means the Corporation of the Town of Newcastle;
- b) "director" means the Director of Community Services;
- c) "park" means a property owned by the municipality or leased or licensed to the municipality, that is or hereafter may be established, dedicated, set apart or made available for use as a public park, including any and all buildings, structures, facilities, erections and improvements located in or on such property, for so long as the property is so established, dedicated, set apart or made available;
- d) "posted area" means an area where permissive, warning or prohibitory signs in respect of activities or uses that may be made of the park or property of the park in question are erected;
- e) "municipal law enforcement officer means a person appointed by the Council of the Town of Newcastle to enforce this by-law and other by-laws of the municipality.

2. No person shall in any park:

- a) destroy, or cut, mark, break, dig, pull up, burn or in anyway damage, injure, remove or deface.
 - (i) any tree, flower, flower bed, bush, shrub, plant, sod, grass or other vegetation, soil, sand, gravel or wood,
 - (ii) any wading pool, monument, fountain, bridge, fence, wall gate, roadway, pavement, parking area, sidewalk or other facility, erection or improvement.
 - (iii) any building or other structure, or any appurtenance thereof, or
 - iv) any swing, slide, playground, apparatus, table, seat, bench, sign, vase, or other fixture, equipment or personal property of ornament or utility, (located in or on any park of a park);

- b) leave or deposit in or on any park any ashes, glass, plastic bottles, garbage or waste material of any kind whatsoever except in the receptacles provided for such purposes;
- c) owning, in control of, providing protection, to or nurturing an animal, allow that animal to run at large in or on a park other than under control of a person and on a lead or rein no longer than two meters;
- d) allow any animal under his control to enter any building, swimming pool, wading pool, fountain, stream, pond or water of any kind located in or on a park, provided that this paragraph does not apply to any case in which the animal in question either is under the control of a person who has lost his sight or is under the control of a person whose sight is so diminished that the person is significantly handicapped in making use of the park;
- e) allow any animal under his control to defecate in or on any park and should such occur shall promptly remove the excrement in a hygienic manner from the park or deposit it in a trash receptacle located in or on the park;
- f) hunt, attempt to kill, kill, maim, molest, injure or harass any bird, animal or fish, provided that fish may be taken as allowed under applicable Provincial regulations;
- g) destroy, damage or disturb the nest or den of any bird or animal any fish while spawning or disturb the stream bed while spawn are hatching;
- h) allow any animal under his control to threaten or annoy users of a park or any portion thereof;
- i) conduct himself in such manner as to be obnoxious or objectionable to other person(s) using the park, or use profane, indecent or abusive language while in or on park;
- j) swim, wade or bathe in the waters of any fountain, stream or pond that is not a swimming or wading pool;
- k) dress or undress in or on park except in a place which is a posted area in which dressing or undressing is permitted;
- l) being a male person enter any portion of park reserved as a posted area for the exclusive use of female persons as washrooms or change or bath houses;
- m) being a female person enter any portion of park reserved as a posted area for the exclusive use of male persons as washrooms or change or bath houses;

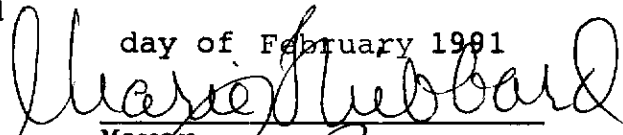
- n) who is not an employee of the municipality or the Regional Municipality of Durham or under contract to the municipality to do repair maintenance or security work in or on a park, ride, or drive any horse, motor vehicle, trailer or bicycle except upon the roadway on the park which is a posted-area on which the operation of motor vehicles is permitted;
- o) park a motor vehicle, trailer or bicycle in any location other than posted area in which the parking of motor vehicles, trailers or bicycles, as the case may be, is permitted;
- p) park a motor vehicle, trailer or bicycle on any location in a posted area of a park referred to in paragraph (o), between the hours of 1:00 a.m. and 6:00 a.m. on any day;
- q) drive, park or walk upon newly seeded or sodded ground in a park or any portion of a park which is a posted area to which access to members of the public is prohibited on the ground that it is physically unfit for use by the public due to conditions caused by the weather or arising out of or related to park maintenance or construction or installation work on the park or portion thereof in question;
- r) ride or operate a skateboard, scooter or other vehicle which lacks brakes in a portion of a park other than a posted area in which such riding or operation is permitted.
- s) possess, carry or fire a bow and arrow, crossbow or a sling shot;
- t) possess, carry or fire a rifle, shot gun, air rifle or mechanical rifle of any kind;
- u) operate airplanes, vehicles or other toys by remote control radio except in a posted area in which such operation is permitted;
- v) distribute or expose any kind of commercial circulation or advertisement or post, mail, attach, stencil or otherwise fasten or erect any poster, sign, notice, placard or other circular, bill advertisement or paper to any tree, bush, shrub, fence, building or structure;
- w) engage in a game or activity using a bat, stick, ball or other projectile in a park or portion of a park other than in a posted area in which such game or activity is permitted;
- x) play baseball, softball, football, soccer or cricket in a park or portion of a park except in a posted area in which such game is permitted by a permit issued by the director;
- y) interfere with a game or activity conducted pursuant to a permit issued by the director or be present on the posted area reserved for such game while that game is in progress if not a participant in that game;

- z) sell or keep for sale any goods, wares, merchandise or articles, souvenirs, novelties, tobacco, food, drink or refreshment of any kind;
 - aa) not having been issued a permit by the director to do so, perform for any reward any craft, skill, service or work or practice, carry on, conduct or solicit for any trade, occupation, business in a park or in any portion of a park;
 - bb) not having been issued a permit by the director to do so, light, make, or build a fire in a park except in a fireplace located in a posted area in which a fire is permitted to be lit, made or built by the person who has been issued a permit by the director to do so;
 - cc) enter into any game of chance, betting of any nature or kind whether for money or money's worth except where permitted by the Council of the Town of Newcastle by an amendment to this By-Law and all the applicable laws;
 - dd) not having been issued a permit to do so by the director, conduct a picnic for more than twenty-five persons;
 - ee) not having been issued a permit to do so by the director to make any film, videotape production or television broadcast;
 - ff) not having been issued a permit to do so by the director, use a public address system, loud speakers or hailers;
 - gg) smoke in any building or part thereof which is a posted area in which smoking is prohibited;
 - hh) perform repairs to or maintenance of a motor vehicle in a park or a portion of a park;
 - ii) except in the circumstances referred to in paragraph 2(w), throw or in any way propel any stone or other missile or projectile in such a manner as may cause injury or damage to or endanger any other person or property in a park or to interfere with the use and enjoyment of the park by any other person;
 - jj) camp or erect or place a tent or temporary abode of any kind;
- 3) Any person who contravenes any provision of this By-Law is guilty of an offence and liable upon conviction therefor to a fine of not more than two thousand dollars.

By-Law read a first time this 11th day of February 1991

By-Law read a second time this 11th day of February 1991

By-Law read a third time and finally passed this 11th day of February 1991



Mayor



Clerk