

## **MAHONE BAY PARKS BY-LAW**

BE IT ENACTED by the Council of the Town of Mahone Bay as follows:

### **Short Title**

1. This By-law shall be known as the "Municipal Parks By-law".

### **Definitions**

2. In this By-law,
  - (a) "Committee" means the Mahone Bay Parks and Recreation Committee or designated assigns;
  - (b) "Director" means the Director of Parks and Recreation or designated assigns;
  - (c) "Town" means the Town of Mahone Bay;
  - (d) "Park" means any land, owned, leased or controlled by the Town of Mahone Bay, designated or used as parkland or as a trail, including gardens, playgrounds, sport fields, and beach areas;
  - (e) "Trail" includes walkways within a park or which abut a park and provide a means of access to a park;
  - (f) "Utility" means any corporation that provides water, power, telecommunication services, natural gas or other gas intended for use as a fuel;
  - (g) "Vehicle" means any vehicle as defined in the Motor Vehicle Act of Nova Scotia;
  - (h) "Watercourse" includes the bed and shore of every river, stream, lake, creek, pond, spring, lagoon or other natural body of water, and the water therein, whether or not it contains water or not, and all ground water.

### **Protection of Park**

3. While in any park, no person shall do, cause or permit any of the following:
  - (a) add to, remove, destroy, defile, or damage any fauna or flora, or any park facility, structure, equipment, or sign;

- (b) indulge in any riotous, boisterous, violent, or threatening conduct, or use profane or abusive language;
- (c) play any game in an area where signs have been erected pursuant to this By-law prohibiting such use;
- (d) create a nuisance by spying, accosting, frightening, annoying or otherwise disturbing other persons;
- (e) abandon any animal or plant any tree;
- (f) foul or pollute any fountain or watercourse;
- (g) swim or bathe in a Park pond; or
- (h) permit a dog owned by him or her to be at large within a park.

#### **Protection of Wildlife**

4. No person shall molest, disturb, frighten, injure, kill, catch, trap, or ensnare any wildlife in a park unless it is performed by the police, fire department, or staff of the Department of Natural Resources in the course of their duties.

#### **Fire**

5. No person shall light an open fire without permission and in full compliance with all municipal by-laws and provincial acts and regulations.

#### **Firearms and Offensive Weapons**

6. While in any park, no person shall be in possession of or use any firearm, air gun, bow and arrow, axe or offensive weapon of any kind, except by permission.

#### **Garbage**

7. (1) No person shall dispose of or dump any garbage, litter, tree trimmings or any other refuse in a park except that which is generated through the normal use of the park and shall only deposit same in receptacles provided for such purposes.

(2) No person shall bring, carry or transport any waste, refuse or garbage into any park.

### **Camping**

8. (1) Camping is prohibited in a park unless otherwise posted or by permission.

(2) No person shall erect or place in a park any thing for the purpose of temporary or permanent accommodation without permission.

### **Vehicles in Parks**

9. (1) No person shall operate any vehicle within a park except wheelchairs, bicycles, Municipal or utility vehicles, unless otherwise posted, or by permission.

(2) No person shall ride a horse or bicycle in a park except on paths therefor.

(3) No person shall ride a horse or a bicycle within a park where a sign prohibiting the same has been posted.

### **Vending**

10. (1) No person visiting or using a park shall sell or offer to sell, anything whatsoever, except by permission.

(2) No person shall sell refreshments, or other merchandise or take money for or operate any games, shows or amusements, or operate any business whatsoever in any park without first having obtained the consent in writing of the Director.

### **Signage**

11. (1) The Committee may cause to be erected a sign or other devise specifying an area in any park where specific activities are permitted, prohibited or restricted.

(2) Every person in a park shall observe and obey every prohibition and restriction stipulated by a sign or other devise erected under the above-noted section.

(3) The Committee may cause to be erected any sign deemed appropriate in any park or on any trail including, but not excluding, interpretive, special event and commemorative signage.

## **Hours of Operation**

12. (1) The Committee may cause to be erected signs respecting the hours during which a park is opened or closed.

(2) No person shall enter or use a park where the entry or use is prohibited by notice.

(3) No person shall be in a park at any time during the period 10 p.m. to 5 a.m. without permission.

## **Permission**

13. Any permission required pursuant to this By-law shall be given by the Director in writing.

## **Permits**

14. Any permits approved by the Committee as required within a park shall be given by the Director in writing, including, but not excluding, permits for special events, sports fields, and festivals.

## **Revocation of Permits**

15. (1) The Director may cancel, revoke or suspend any permit where there is a violation of this By-law and any condition of any permit issued under the authority of this By-law.

## **Appeal Procedure**

(2) Any person who has been refused a permit or whose permit has been revoked pursuant to the exercise of any discretion by the Director may appeal to the Committee.

(3) All appeals shall be in writing, in the form of a notice, and filed with the Municipal Clerk within 15 days of the refusal or revocation and shall clearly state the grounds for the appeal.

(4) The Committee shall choose to:

(a) hear the appeal at a time and place as it determines, and may confirm the refusal or revocation by the Director; or

(b) direct the immediate issuance or re-issuance of the permit by the Director.

**Liability**

16. Nothing in this By-law shall affect the Town of Mahone Bay's right to commence an action for damages incurred by the Town as a result of any of the matters regulated by this By-law.

**Penalty**

17. (1) Every person who violates or fails to comply with any of the provisions of this By-law or the conditions of any permit or order issued under this By-law is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$10,000.00, or in default of payment, to imprisonment for a term not exceeding one year. Each day that the offence continues shall constitute a fresh offence.

(2) A person, who is alleged to have violated this By-law and is given notice of the alleged violation with the amount of the fine completed on the face of the notice, must pay a penalty in the amount of \$100.00 to the Town of Mahone Bay; provided that, said payment is made within a period of 14 days following the day on which the alleged violation was committed, and where the said notice provides for payment in this manner, may make such payment in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for the violation.

**Repeal**

18. The following By-laws and Ordinances are hereby repealed except insofar as they repeal any other By-law or Ordinance:

Mahone Bay Park Commission By Law

This is to certify that the By-law of which the foregoing is a true copy was duly passed at a duly called meeting of the Town Council of the Town of Mahone Bay held on the 13 day of June, A.D., 2000.

Given under the hand of the Town Clerk and under the corporate seal of the said Town this 31 day of August, A.D., 2000.

Town Clerk  
TOWN CLERK

to carry. Mr. Sarty remains hopeful some of the equipment will turn up. "We're lucky," he said. The truck contained spare parts, generators; welders, cutting torches, grinders and electric drills, power-saws, fuel and thousands of dollars worth of tools. "It took me 40 years to gather up them tools. So there's 40 years shot," he said. He also lost an Uptime kit valued at about \$4,000. "That was a big loss," he said. It also cost him a breakdown early in the morning. His processor was down for a day because he didn't have the materials he needed to fix it. That was a major cost to a four a day operation. He lost two shifts just because of that kit gone, he said. "You don't know what you're not going to have until you lose something." Anyone with information is asked to contact Crime at 1-800-222-



Mark Sarty lost more than \$20,000 logging operation in East Dalhousie. It is estimated that some of those items will be

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## PUBLIC NOTICE

### Town of Mahone Bay

Please take notice that on June 13, 2000, Council of the Town of Mahone Bay passed a Resolution adopting a Mahone Bay Parks Bylaw and a Mahone Bay Parks and Recreation Committee Bylaw. These Bylaws were prepared as a result of the dissolution of the Mahone Bay Park Commission by the new Municipal Government Act and Town Council's intention to have the existing Recreation Committee take over the role and responsibilities of the previous Park Commission. A copy of the Bylaws may be obtained from the office of the Town Clerk, 493 Main Street, during normal business hours.

Kyle Hiltz  
Town Clerk

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## NOTICE

Harbour View Haven will be conducting an emergency evacuation exercise June 25, 2000 at 2 p.m. Volunteers will replace residents in this exercise. The plan calls for the evacuation and relocation of residents to the Lunenburg Fire Hall and will involve Harbour View Haven staff, local police and fire departments. Visitors and families are requested not to park in the visitors' parking lot during the exercise.

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*Cent. Filed Copy*  
*Kyle Hiltz*  
*Town Clerk*