

**BY-LAW NO. 68**

**A BY-LAW OF THE CITY OF MIRAMICHI  
RESPECTING LOITERING AND PUBLIC NUISANCE**

**The Council of the City of Miramichi, duly assembled, under the authority vested in it by the Municipalities Act, R.S.N.B., 1973, Chap. M-22, ENACTS as follows:**

**Definitions**

1. a. "All Terrain Vehicle" means any motor vehicle designed or adopted for off road use and, without limiting the generality of the foregoing, includes dirt bikes, dune buggies, motorized snow vehicles, and amphibious machines but does not include any vehicle which is designed for the use and is being used in agriculture, forestry, mining or construction.
- b. "Designate" means someone appointed by the Recreation Director to act on his behalf.
- c. "Motor Vehicle" means every vehicle that is self propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, and not operated upon rails, including motorcycles and motor driven cycles, but does not include a farm tractor.
- d. "Motorized Snow Vehicle" means a self-propelled vehicle designed to be driven exclusively on snow or ice.
- e. "Parks" means the public park lands in the City and without limiting the generality of the foregoing includes any area in the City reserved for public recreation use including trails, playgrounds and ballfields as are outlined in Schedules "A", "B", "C" and "d" attached hereto.
- f. "Person" includes a body corporate and politic and the heirs, executors, administrators or other legal representatives of a person.
- g. "Public Areas" means any street, sidewalk, public building or park area owned or administered by or associated with the Municipality of the City of Miramichi.
- h. "Public Works Superintendent" means the Superintendent of the Department of Public Works of the City of Miramichi.
- i. "Recreation Director" means the City Recreation Department Recreation Director.
- j. "Vessel" means every vehicle, whether self-propelled or otherwise, designed to be driven or operated primarily on or over water.

**Loitering and Public Gathering**

2. No person shall:
  - a. loiter unnecessarily upon or about any public area or near the entrance to any church, hall or place of public resort within the City of Miramichi unless such person, when required to do so, justifies his reason for doing so;
  - b. loiter unnecessarily or remain in any park at any time during the period between 11:00 p.m. and one hour before sunrise on the following day, without the permission of the Recreation Director or his designate;
  - c. Run or race carelessly upon the streets and sidewalks of the City of Miramichi;

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- d. gather in concert with another or others upon the public areas within the city after being requested by a member of the City Police Force to disperse;
- e. hold any public gathering or meeting in a park without first obtaining permission from the Recreation Director or his designate;

**Canvassing and Soliciting Monies**

- 3.
  - a. No person shall beg or solicit from door to door or in a public place within the City of Miramichi.
  - b. No person shall accost any other person passing along a street in the City with the object of canvassing or inducing such person to give or subscribe money for any purpose.
  - c. Notwithstanding anything contained in this By-Law, a person may solicit money for charitable, religious or other purposes, provided that such person has obtained permission from the City Manager authorizing such solicitation.

**Public Nuisances**

- 4.
  - a. No person shall, without the permission of the City Council or works Superintendent, place or cause to be placed in or upon any ditch or watercourse within the City of Miramichi any manure, dirt, offal or offensive substance or any glass, stone, wood, metal or rubbish to impede the flow of water in such ditch or watercourse.
  - b. No person shall place or cause to be placed or throw into any street, public place or any property owned by or under the control of the City of Miramichi, any manure, dirt, offal or offensive substance or any glass, bottles, stone, wood, metal or rubbish.
  - c. The Public Works Superintendent or any City Police Officer may require any person who has violated the provisions of sub-sections (a) or (b) hereof to remove anything placed or caused to be placed as aforesaid, and in case of his neglect or refusal to comply with such order, or if the person committing such violation cannot be found, the Public Works Superintendent may forthwith remove or destroy such thing, or sell the same as he deems advisable, and the expense of such removal or destruction shall be paid by such person in addition to the penalty herein imposed.
- 5. No person shall knock on a door or ring a doorbell of a residence within the City for the purpose of annoying any person in such residence.
- 6. No person shall:
  - a. spit upon public streets, sidewalks, or floors of public buildings;
  - b. remove or extinguish signal lights or guards placed on or about any obstruction or excavation within the City;
  - c. fire or otherwise discharge any air gun or firearm whatsoever within the limits of the City.

**Parks**

- 7. No person shall use park land or any part thereof for the purpose of holding or carrying on a fair, carnival bazaar or any other activities for profit, except with the permission of the Recreation Director or his designate.
- 8. No person shall throw, drop, deposit or cause to be deposited any glass bottles, cans, rubbish, refuse, water paper or waste of any kind in a park except in a container provided for that purpose.

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9.
  - a. No authorized person shall operate a snowmobile, motor vehicle or ride a horse in any park other than on roadways or trails designated for the use of snowmobiles, motor vehicles or horses.
  - b. The Recreation Director or his designate may at his or her discretion designate roadways and trails in the parks for the use of snowmobiles, bicycles, motor vehicles and horses and shall erect or post signs in such areas.
  - c. The Recreation Director or his designate may from time to time close such roadways or parks.
  - d. The Recreation Director or his designate may designate roadways and trails in parks as "*closed to bicycle access*" and shall erect or post signs indicating such roadways or trails.
  - e. No authorized person shall drive a bicycle on any roadway or trail, which is designated as "*closed to bicycle access*".
  - f. All persons riding a bicycle in a park shall, upon overtaking a pedestrian, sound a bell or such warning device as permitted by law in sufficient time with sufficient clarity to notify the pedestrian of the approach of the bicycle.
  - g. All persons operating a snowmobile motor vehicle, bicycle or riding a horse in any park land shall yield right of way to pedestrians.
  - h. No person excluding emergency vehicles shall drive a motor vehicle, bicycle or ride a horse on any roadway or trail in any park at a speed greater than 15 kilometers per hour.
10.
  - a. No person shall operate an All Terrain Vehicle in any park unless the Recreation Director or his designate permits or in the case of an emergency or maintenance requirement.
  - b. Special Needs persons who wish to access park land on an All Terrain Vehicle, motorized vehicle, or operate a snowmobile on trails in parks not allocated for their use are to acquire an access pass from the City Recreation Department.
11.
  - a. No person shall leave any vessel tied up, whether attended or unattended, on or about any park land within the boundaries of the City of Miramichi for any period in excess of two hours without the expressed written consent of the Recreation Director.
  - b. No person shall leave any motor vehicle or vessel parked or tied up, whether attended or unattended, on or about any park land within the boundaries of the City of Miramichi between the hours of 11:00 p.m. and 6:00 a.m. on any day without the expressed written consent of the Recreation Director.
12. No person shall play golf in any park unless otherwise designated by the Recreation Director or his designate.
13. No person shall pitch a tent, park a trailer or mobile home on any park land without the permission of the Recreation Director or his designate.
14.
  - a. No person may light a fire in park land except in a fireplace designated by the Recreation Department as being for that purpose.
  - b. The Recreation Director or his designate may, at his or her discretion, prohibit the lighting of fires anywhere in park land.
15. No person shall by their conduct endanger, disturb, annoy other users, birds, animals or fish contained with the park.
16. The hunting, trapping, or snaring or in pursuit of all animal life and bird life is prohibited in all park land.

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- 17. Subject to provisions of the Liquor Control Act, R.S.N.B., 1973, Chap. L-10 and amendments thereto, no person is to possess or consume alcoholic beverages or drugs in a park land.
- 18. Nothing herein contained shall be deemed to prohibit a person from moving directly through a park without stopping at anytime of the day or night.
- 19. a. No person shall own, possess or have control of a dog on or about any parkland unless said dog shall be detained by means of a proper leash.  
b. All persons owning, possessing or having control of a dog on or about any parkland must also possess the means with which to properly dispose of any animal waste that dog may create.

**Penalties**

- 20. a. A person who commits any breach of the provisions of Sections 2 (a) or 3(a) of this By-Law commits an offence punishable under Part II of the Provincial Offences Procedure Act as a category B offence.  
b. A person who commits any other breach of the provisions of this By-Law is guilty of an offence and is liable on summary conviction to a fine of not more than \$100.00

**Repeal**

- 21. This By-Law will repeal the following By-Law:
  - a. By-Law No. 60, "A By-Law of the City of Miramichi Respecting Loitering and Public Nuisance", enacted July 27, 2000 and amendments thereof;

**Enactment**

- 22. This By-Law shall come into effect on the date of the final reading by Title and enacting thereof.

READ THE FIRST TIME BY TITLE: September 27, 2001

READ THE SECOND TIME BY TITLE: October 24, 2001

READ IN ITS ENTIRETY IN COUNCIL: October 24, 2001

READ THE THIRD TIME BY TITLE: October 24, 2001

**AND ENACTED: October 24, 2001**

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City Clerk

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Mayor

**SCHEDULE "A"**

**PARKS**

Benson Park

Bi-Centennial Park

Ellis Park

Elm Park

England's Hollow

Farrah Park

Ferry Dock Park

French Fort Cove

Hill and Wellington

Hill School and Hill Graveyard

LeBreton Street Park

Loggiewille Cenotaph

Loggiewille Community Center

Lowertown Park

Middle Island Irish Historical Park

Ritchie Wharf

Riverview Trail and Lookout

St. Andrew's Point

St. Mary's Park (Courthouse)

Silverwood Park

Town Square

Waterford Green

**SCHEDULE "B"**

**TRAILS**

Chatham Waterfront Trail

French Fort Cove

Lagoon Trail

Loggieville to Chatham

Middle Island Irish Historical Park

Millbank Trails

NB Trail System (City Limits)

Strawberry Marsh

**SCHEDULE "C"**  
**PLAYGROUNDS**

Benson Park

Croft Playground

Ellis Street park

French Fort Cove

Harkins Elementary

Hill and Wellington

Loggieville Playground

Lowertown Park

Mallview Tot Lot Playground

Ritchie Wharf

Silver Birch Subdivision Playground

**SCHEDULE "D"**

**BALLFIELDS**

Base #1 Field

Base #2 Field

Benny Vautour Field

Bramalea Field

Cardinal Field

Croft Field

Falcon Field

Gerald King Memorial Field

Gretna Green A Field

Gretna Green B Field

Health Steele Field

Ironmen Field

James M. Hill Field

Little League Field

Loggieville Field

MVHS Field

Memorial Field

Merlin Doyle Field

Willie Jardine Field