

**PUBLISHED BY AUTHORITY**

The following regulations have been made by the Town of Gander under the provisions of Section 174, Section 178, and *Sections 414 (2) (s) 414 (2) (jj) (iv), 414 (vv)* and any other section found enabling, of the Municipalities Act, 1999, as amended.

Amended and adopted by the Town of Council of the Town of Gander on the 16 day of July, 2008.

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**MAYOR**

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**TOWN CLERK**

**PLAYGROUND & RECREATIONAL AREAS REGULATIONS**

1. These regulations may be cited as the Town of Gander Playground and Recreational Areas Regulations.
2. In these regulations unless the context otherwise requires;
  - a. “ACT” means the Municipalities Act, **1999**, Chapter (**M-24**) and as amended;
  - b. “COUNCIL” means the Town Council of the Town of Gander;
  - c. “TOWN” means the Town of Gander as defined by paragraph 2 of the order-in-council dated *on* 16<sup>th</sup> of December, 1958, A.D., or any amendments thereto made or continued under the Act.
  - d. “DEPARTMENT OF PARKS AND RECREATION” means the Department of Parks and Recreation of the Town of Gander;
  - e. “PLAYGROUND” means an area owned by the Town, either fenced or unfenced, which is set aside for use as a play area for children and which contains special equipment for that purpose, which areas are more particularly described in Schedule “A” hereto annexed;
  - f. “RECREATIONAL AREA” means an open space owned by the Town which is set aside as a green belt or for other recreational use, but which is not equipped with items for use by children at play and is not intended specifically for use by children. For greater certainty, the phrase “Recreational Area” shall include all those areas more particularly described in Schedule “B” hereto annexed;
  - g. “RECREATION DIRECTOR” means the Recreational Director of the Town of Gander;

- h. “MUNICIPAL ENFORCEMENT OFFICER” shall mean for the purpose of the Regulations only to be deemed a Peace Officer in accordance with Sections 179 and 180 of the Municipalities Act and as amended;
  - i. “RECREATION FACILITY” shall mean park areas, playground areas, tot lots, multi-purpose play areas, outside tennis courts, basketball courts, soccer field, softball/baseball fields, open areas, linear walkways, green belts, for the purpose of recreation;
  - j. “LITTER” means any obnoxious substance, waste or unsanitary matter, refuse, garbage, rubbish, ashes, street cleanings, dead animals, paper wrappings, cardboard boxes, tin cans, leaves, wood bedding, crockery, glass bottles and glass in all forms, cement bags, and bags of all description and other matter or thing which if thrown or deposited as herein prohibited tends or is likely to cause or causes unsightliness within the Town or creates a danger to health, welfare, or public safety and includes abandoned vehicles and appliances;
  - k. “CONTROL” means under control by having the animal on leash or tether; and
  - l. “GAMES OF CHANCE” means any game that does not involve an element of skill.
- 3. Unless otherwise provided, these regulations shall apply to all playgrounds and recreational areas situated within the boundaries of the Town as described in Schedules “A” and “B” hereto annexed.
  - 4. Unlit playgrounds and recreational areas shall be used between the hours of 8:00 a.m. and 9:30 p.m. only, and any use of these areas after 9:30 p.m. and before 8:00 a.m. is prohibited, without temporary written authorization from the Town Clerk.
  - 5. Lighted playgrounds and recreational areas shall be used between the hours of 7:00 a.m. and 11:00 p.m. only and any use of these areas after 11:00 p.m. is prohibited, without temporary written authorization from the Town Clerk.
  - 6.
    - a. No person(s) should drive or operate a vehicle as defined in the Newfoundland and Labrador Motorized Snow Vehicles and All Terrain Vehicles Regulations or any motor vehicle registered under the Highway Traffic Act in any Playground or Recreational Area as described in Schedule “A” and “B” hereto attached excluding Cobb’s Pond Rotary Park as defined in Article 27 of the Town of Gander Playground and Recreational Areas Regulations.
    - b. No bicycles, tricycles or other similar non-motorized vehicles shall be operated on or brought on to any of the Playgrounds.
    - c. Any vehicle which is being driven or parked in violation of Section 6 may be removed and

impounded by the Town or its representatives, and all costs incurred will be the responsibility of the owner;

- d. No person shall operate any type of motorized water craft on Cobb's Pond or within confines of the Park boundary.
  - e. Notwithstanding Regulation 5 (a) hereof, Council may designate areas within the Playgrounds and Recreational Areas where vehicles or motor vehicles may be parked or operated.
7. The provisions of Section 5 of these Regulations shall not apply to:
- a. Municipal vehicles engaged in municipal works;
  - b. Emergency vehicles; and
  - c. Vehicles / Operators that have been given explicit authorization through the Town Clerk's office;
  - d. Motorized Snow vehicles and All Terrain vehicles which are operated from November 1<sup>st</sup> to April 15<sup>th</sup> any given year, with the exception of the Park board walk sections and the playground area which are restricted at all times.
8. No person shall ride a horse or drive a horse-drawn vehicle on or over any recreational facility within the Town Boundaries.
- 9.
- a. Fires are prohibited in all Playgrounds and Recreational Areas; and
  - b. Campstoves, lamps and all other equipment of this nature are prohibited in the Playgrounds and Recreational Areas except on Cobb's Pond Rotary Municipal park and Little Harbour Marina and Recreational Area.
10. No person shall willfully, or carelessly, or negligently discharge any fire crackers, fireworks, firearms, or any other missiles in any way to cause or likely to cause danger, injury or damage to others in or on any recreation facility, unless explicit authorization is obtained through the Town Clerk's Office.
11. Alcoholic beverages are prohibited in all Playgrounds and Recreational Areas except where a special permit or licence is granted by the Town and any other necessary governing authority.

12. All equipment and other items provided for the use and convenience of the user of the Playground and Recreational Areas by the Town shall be respected and used in the manner for which they are intended. Any interference with such property, either by moving, removing, defacing, damaging or destroying it, is a breach of these regulations and will be dealt with in accordance with Regulation 31 below. If the interference is serious enough to constitute mischief under the Criminal Code of Canada it will be prosecuted under the Criminal Code.
13. No person shall drop or throw down in the Playgrounds and Recreational Areas any burning match, lighted cigar or cigarette, lighted ash or other burning substance without immediately and completely extinguishing it.
14.
  - a. No person shall throw or leave litter of any nature in the Playgrounds and Recreational Areas except in the receptacles provided for such materials; and
  - b. Any person depositing any waste material in Playgrounds and Recreational Areas contrary to this regulation shall be subjected to prosecution in accordance with Regulation 28 below, and the severity of the fine shall be in accordance with the amount and nature of the waste material deposited.
15. No person shall soil, defile, deface, injure, remove, destroy, cut, mutilate, dispose of, intentionally trample, pluck or otherwise interfere with any shrubs, flowers, plants, ferns, flower beds, or trees growing within the Playground and Recreational Areas.
16. No person shall remove the bark or rind from any tree in the Playground and Recreational Areas, or cut off any part of a tree branch, or cut a tree down, partially or completely.
17. No person shall pollute, contaminate, or injure the waters of any pond, river, or stream, or deposit any litter in any such pond, river, or stream.
18. No person shall remove, deface, damage, destroy, or write on any sign-board, sign or notice erected or posted in or near a Playground or Recreational Area under authority from the Recreational Director or any employee of the Town.
19. No person shall in or on any recreation facility or Town's property cause a disturbance by:
  - a. Fighting, screaming, shouting, swearing, singing or using insulting or obscene language;
  - b. Being drunk or in an intoxicated condition;
  - c. Impeding or molesting other persons;

- d. Openly exposes or exhibits an indecent exhibition on or near any recreation facility;
- e. Loitering in any recreation facility after closing hour; and
- f. Disturbing the peace and quiet of the owners of private nearby property is prohibited in the Playgrounds and Recreational Areas.

Any person exhibiting such conduct or behaviour in the Playgrounds and Recreational Areas may be removed immediately, in addition to being subject to prosecution and punishment under Regulation 31 below.

- 20. No person shall carry on or be engaged in any business in the Playgrounds and Recreational Areas except under and in accordance with a permit in writing issued by the Town.
- 21. No money shall be solicited or collected on any recreation facility except by permission of Council.
- 22.
  - a. Games of chance within or on any recreation facility is prohibited unless a license is obtained from the provincial government's licensing board and permission is granted by Council.
  - b. Permission to operate games of chance may be granted for a period of time which is approved by Council.
- 23. No person shall display or broadcast any advertising material without the proper approval of Council.
- 24. Games may be prohibited in any area designated for games when in the opinion of the Town Manager or his representative(s) the state of the ground or any other cause makes it unfit for or undesirable to use.
- 25. No person shall willfully obstruct, disturb, interrupt, or annoy;
  - a. Any other person in his proper use and enjoyment of the recreation facilities; and
  - b. A peace officer, a Council employee, or any authorized agent of Council in the proper execution of his duties.

26. Use of all Playgrounds other than the Elizabeth Drive Playground is restricted to children of the age 10 years or less. Use of these Playgrounds by persons older than age 10 is prohibited except that persons above age 10 are permitted to use the Playgrounds accompanying and supervising children age 10 or under. The Elizabeth Drive Playground is restricted to children age 14 and under, and any adults accompanying such children. All other persons are prohibited from using the Elizabeth Drive Playground.
- 27.
- a. All animals with the exception of dogs, cats and birds are prohibited in the Playgrounds and Recreational Areas;
  - b. Dogs and cats shall be permitted in the Playgrounds and Recreational Areas provided that any dog or cat in the Playground or Recreational Areas shall be under the strict control of the person in possession of it, by means of a leash; and
  - c. Any domestic animal found in a Playground or Recreational Area which is not controlled by some person may be taken into custody and if necessary destroyed.
28. Hunting (shooting) and Trapping is hereby prohibited in that part of the Island of Newfoundland known as Cobb's Pond Park, and described as follows:
- “Commencing at the intersection of the right of way of Magee Road and the north boundary of NLHC or assigns (Carr Crescent Industrial Park). Thence by land of NLHC (or assigns) N 71-09 W 194.02 metres; thence by land of NLHC (or assigns) N 74-02 W 1107.79 metres; thence by land of NLHC (or assigns) south 105.99 metres to a point 10 metres north of the shore line of Little Cobb's Pond; thence following 10 metres back along the sinuosities of the shore line of Little Cobb's Pond in a southerly direction to a point 10 metres back from the shore line of Little Cobb's Pond 174.11 metres south of the previous point; thence by land of NLHC (or assigns) and Public Works south approximately 230 metres; thence through Crown Land and along the north boundary of Stanley Tulk N 82-06 W approximately 535 metres; thence along the east boundary of CBC and through Crown Land N 03-40 W approximately 633 metres to the north boundary of Terra Transport; thence along the north boundary of Terra Transport S 74-02 E approximately 325 metres; thence along the south east cut line of the power line approximately N 65 E approximately 1570 metres; thence along the south cut line of the power line approximately 2 56 E approximately 845 metres; thence along the north west boundary of the Magee Road right of way to the starting point.
29. The Town Manager, or his representative(s) or any peace officer may remove from any recreation facilities any person or persons who fail to comply with any provision of these Regulations.

30. Council may by resolution designate further areas as playgrounds or recreational areas and effective at the time of such designations these regulations shall apply to such areas.
31. A person who commits an offence or who otherwise contravenes these regulations, is liable on summary conviction.
  - (a) for a first offence to a fine of not less than \$100 and not more than \$500 or to a term of imprisonment of not more than one month or to both the fine and imprisonment;
  - (b) for a subsequent offence to a fine of not less than \$500 and not more than \$1,000 or to a term of imprisonment of not more than 3 months or to both the fine and imprisonment.
32. Where a fine imposed under subsection (31) is not paid within the time allowed for payment, or immediately if no time is allowed, the council or local service district committee or a person acting on the council's or committee's behalf, may, by filing the conviction, enter as a judgement in the Trial Division the amount of the fine, together with an applicable late payment penalty, and the judgement is enforceable against the convicted defendant in the same manner as if it were a judgement rendered against the defendant in that court in a civil proceeding.
33. A fine recovered under this Act shall be forwarded by the court imposing the fine to the council to which it relates.
34. A penalty or imprisonment, and a conviction for an offence, does not operate as a bar to the recovery of another penalty, or to a prosecution or proceeding to which the person would otherwise be liable.
35. These regulations shall come into effect on July 16, 2008 , A.D.
36. All previous Playground and Recreational Area Regulations for the Town of Gander are hereby remedied.

**SCHEDULE "A"**  
**PLAYGROUNDS**

<b>Elizabeth Drive/Tennis Courts Skateboard Park</b>	At the corner intersection of Memorial and Elizabeth Drive
<b>Nungesser</b>	Nungesser Avenue
<b>Henley</b>	Henley Street
<b>Rickenbacker</b>	At the corner of Rickenbacker and Gordon Street
<b>Magee Road</b>	Cobb's Pond Rotary Park
<b>Tilley</b>	Tilley Place
<b>Raynham</b>	Raynham Avenue
<b>Rowsell</b>	Rowsell Boulevard
<b>Airport</b>	Basketball Courts
<b>TCH (West)</b>	Cross Country Ski Trails - Gander Lake area



**SCHEDULE "B"**  
**RECREATIONAL OPEN SPACES**

Solberg	Corner of Rickenbacker Road and Solberg Crescent
Carling and Wood	South of Carling Crescent
Area Adjacent to TCH	Corner of TCH and Magee Road on the North/East side of TCH
Adjacent to Wilcockson	Entrance off Bennett Drive
Cobb's Pond Rotary Park	Magee Road, North side of Terra Transport rail line
Little Harbour Marina and Recreational Area	South side of Trans Canada Highway going west on Trans Canada Highway, end of Gander lake approximately 7 km from Gander
Comprehensive Development Area 2	Area east of Tourist Chalet between Trans Canada Highway and Gander Lake including Gander Golf Course
Residential Easement Lines	Power and utility easement lines within the boundaries of Gander
Rowsell (Spruce Court)	Off Rowsell Boulevard and behind Tully Place