

TRAFFIC REGULATIONS

PUBLISHED BY AUTHORITY

Pursuant to the power delegated by the Minister of Transportation and Works under section 189 of the Highway Traffic Act, and pursuant to the authority conferred by sections 414(2) and 421.1 of the Municipalities Act, 1999, the Town of Carbonear hereby enacts the following Regulations which were adopted at a Public Council Meeting held on the 19th day of January A.D. 2015.


MAYOR

TITLE

1. These Regulations shall be known and cited as "The Town of Carbonear Traffic Regulations."

DEFINITIONS

2. In these Regulations, the following words, unless the context otherwise requires, shall have the following meanings:
 - (a) **"Bus"** means a motor vehicle designed or used for the transportation of passengers with a seating capacity of 10 or more in addition to the driver, but excluding those motor vehicles when used for personal transportation by the owner or with the owner's permission.
 - (b) **"Commercial Vehicle"** means any vehicle that is used or designed for business use or is used in conjunction with a business, trade or profession and includes a bus, truck, delivery van, wagon, tractor, truck tractor, and trailer whether attached to a truck or not, heavy equipment, and construction equipment, but does not include a passenger car, light truck or van rated to carry less than 1.6 tonnes, or recreational vehicle.

- (c) **"Council"** means the Town Council of Carbonear
- (d) **"Crosswalk"** means:
 - (i) Any part of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface; or
 - (ii) The part of a roadway at an intersection that is included within the connection of the lateral lines of the sidewalks of the opposite sides of a highway, measured from the curbs, or in the absence of curbs, from the edge of the roadway.
- (e) **"Driveway"** means a clearly defined private roadway, path or passage or a like opening or space which is wide enough, but not wider than is necessary for the passage of a motor vehicle, whereby the owner, occupier or user of property has vehicular access from the roadway to a point within the property.
- (f) **"Emergency Vehicle"** means:
 - (i) A motor vehicle driven by a constable or by a member of the police branch of any of Her Majesty's Armed Forces or a peace officer being a member of the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police where there is an urgent emergency justifying a rate of speed in excess of any maximum rate of speed provided for in these Regulations;
 - (ii) A motor vehicle that is carrying firefighting equipment in response to an alarm or fire;
 - (iii) An ambulance responding to a call or transporting a patient where there is an urgent emergency justifying a rate of speed in excess of any maximum rate of speed provided for in these Regulations; or
 - (iv) A motor vehicle being used to alleviate an urgent emergency.

- (g) **"Highway"** means the entire width between the boundary lines of a highway or road or street, including the highway or road and or street reservation therefor, avenue, thoroughfare, right of way, parkway, driveway, lane, alley, square, place, bridge, culvert, viaduct, trestle, or causeway, whether or not it is publicly or privately owned and whether or not it is designated or intended for use by the public, if the whole or any part of it is used by the public for passage of motor vehicles; but does not include a highway that is under the jurisdiction or control of the Minister of Transportation and Works."
- (h) **"Intersection"** means the area enclosed within the prolongation or connection of the lateral curb lines or if there are no curb lines, the lateral boundary lines of two or more highways that join one another at an angle, whether or not one of the highways cross the other.
- (i) **"Motor Vehicle"** means a vehicle propelled, driven or controlled otherwise than by muscular power, other than a trailer or a vehicle running on fixed rails.
- (j) **"Municipal Enforcement Officer"** means for the purpose of these Regulations a peace officer with the powers as outlined in the Municipalities Act, M-24, RSN 1999 and amendments and as outlined in the Highway Traffic Act, RSN 1990 Chapter H-3 and amendments and includes any person so designated by Council
- (k) **"Operator"** means a person driving a motor vehicle on a highway or who has the care or control of the motor vehicle on a highway whether in motion or not.
- (l) **"Owner"** means:
 - (i) The person who holds the legal title to a vehicle; or
 - (ii) In the case of a vehicle that is registered, the person in whose name it is registered; and
 - (iii) that term as defined by s.2(vv) of The Highway Traffic Act

- (m) **"Park"** means to permit a vehicle whether occupied or not, to stand otherwise than temporarily for the immediate purpose of and while actually engaged in loading or unloading goods or taking up or setting down passengers or in obedience to traffic Regulations or traffic signs or the direction of a traffic officer.
- (n) **"Pedestrian"** means a person on foot, a handicapped person in a wheelchair, or a child in a carriage or on a sleigh being pushed or pulled.
- (o) **"Person"** means any person, firm, partnership, association, corporation, or any organization of any kind.
- (p) **"Regulations"** means Carbonear Traffic Regulations made under the authority of the Highway Traffic Act and amendments thereto and the Municipalities Act, 1999 and amendments thereto
- (q) **"Roadway"** means a portion of a highway that is improved, designed, or ordinarily used for vehicular traffic, but does not include the shoulder unless the shoulder is paved, and where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively.
- (r) **"School Bus"** means a motor vehicle:
 - (i) Designed or used to carry 7 or more passengers, in addition to the driver;
 - (ii) Owned, operated by or contracted to a school board or agent of a school board; and
 - (iii) Used to transport children to or from school or to and from places other than school for the purpose of school related activities.
- (s) **"Sidewalk"** means that portion of a highway between the curb lines or the lateral lines of a roadway and the adjacent property lines set apart for the use of pedestrians and includes any part of a highway set apart or marked as being for the exclusive or intended use of pedestrians and is considered to include an

area of a highway lying between the curb lines or the lateral lines of a roadway and that portion of a highway set apart for the use of pedestrians.

- (t) **"Stop"** when required means the complete cessation of movement.
- (u) **"Stop" or "Stand"** when prohibited means any stopping or standing of a vehicle whether occupied or not except when necessary to avoid conflict with other traffic or in compliance with the direction of a traffic officer or traffic control device or signal.
- (v) **"Street"** means and includes a roadway or highway.
- (w) **"Town"** means the Town of Carbonear as defined by O.C.2007-282.
- (x) **"Traffic"** includes vehicles, pedestrians and animals while using a highway for the purpose of travel.
- (y) **"Traffic Officer"** means any person appointed by Council to enforce these Regulations, and includes a Municipal Enforcement Officer.
- (z) **"Traffic Sign"** includes all traffic control signals, warning sign posts, direction posts, signs, lines, marks or other devices for the guidance or persons using highways.
- (aa) **"Vehicle"** means a device in, upon or by which a person or property may be transported or driven upon a highway.
- (bb) **"Violation Notice"** means a notice pursuant to s.421.1 of the Municipalities Act, 1999

COUNCIL AUTHORITY

- 3. (a) The Council may cause or permit traffic lights or signs to be placed on or near any highway within the limits of the Town.
- (b) Traffic lights or signs erected or authorized under subsection (1) of these Regulations may be signs for any of the following purposes;

- (i) To regulate the movement of traffic;
- (ii) To indicate the route to be followed by traffic;
- (iii) To restrict or prohibit the use of any part of any highway, other than a main or other highway designed as such by the Minister of Transportation and Works, within the limits of the Town;
- (iv) To indicate maximum speed limits in any area or on any part of any highway within the limits of the Town, so that vehicles driven in excess of such speed shall be taken to have failed to conform to the indication given by the sign;
- (v) To restrict or prohibit the parking of vehicles in any area or on any part of any highway within the limits of the Town;
- (vi) To restrict or prohibit temporarily the use of any highway, other than a main highway or other designated as such by the Minister of Transportation and Works, or any part of any highway within the limits of the Town, whenever, owing to the likelihood of danger to the public or serious damage to the highway, it appears to the Council to be necessary; and to limit the loads of vehicles owing to the condition of the highway if the Council deems it necessary, provided that the traffic lights or signs shall not apply to any person granted a permit in writing by the Council to use the highway in case of an emergency;
- (vii) To warn users of the highway of the need for special caution;
- (viii) To convey information to users of the highway within the limits of the Town;
- (ix) To set out proper pedestrian crossing on any highway within the limits of the town; and
- (x) To restrict or reserve specific parking spaces for the sole use of a disabled person.

- (c) Any person who fails to comply with the directions, restrictions, prohibitions, or warnings given by traffic lights or signs erected in accordance with these Regulations shall be guilty of an offence against these Regulations.

PARKING

- 4. (a) No person shall stop, stand or park a vehicle on a highway so that the vehicle or any part of it is:
 - (i) On a sidewalk or an area generally used by or intended for use by pedestrians;
 - (ii) In front of a public or private driveway or in front of an authorized loading door designated as such;
 - (iii) Within 6 meters of an intersection;
 - (iv) Within 1.5 meters from any fire hydrant;
 - (v) Within a crosswalk;
 - (vi) Within 6 meters of the approach side of a crosswalk;
 - (vii) Within 8 meters upon the approach to any flashing beacon, stop sign, or traffic-control sign or signal located at any side of a roadway;
 - (viii) Within 6 meters either side of the entrance to or exit from a hotel, church, school, public meeting place, theatre, dance hall, swimming pool or playground;
 - (ix) Within 6 meters of a driveway entrance to a fire station;
 - (x) Alongside or opposite a street excavation or obstruction when stopping, standing or parking obstructs traffic;

- (xi) In a place in contravention of traffic control device that gives notice that stopping, standing or parking is there prohibited or restricted;
 - (xii) Parked on the left side of the highway in the direction it is heading, excepting where such parking is designated by proper signs erected by Council;
 - (xiii) Within 150 meters of any site where a fire is in progress unless permission has been obtained from a police constable, excepting a fire engine, ambulance, clergy car, police car, medical doctor's car or nurse's car;
 - (xiv) Parked in an area designated as a parking space for disabled persons only.
 - (xv) Parked on highway property between the curb or edge or the roadway and the boundary line of the highway;
 - (xvi) On any property classified as an easement or upon which Council grants a permit;
 - (xvii) For the purpose of displaying the vehicle for sale;
 - (xviii) For the purpose of washing, greasing or repairing the vehicle, except for such repairs as have been necessitated by an emergency;
 - (xix) Parked in such a manner as to interfere with, hinder or obstruct the normal flow of traffic;
- (b) No person shall double park any motor vehicle on any highway within the limits of the Town.
- (c) No person shall park or stop any vehicle on any roadway unless on the right hand side of the roadway having regard to the direction in which the vehicle was proceeding with the right front and rear wheels parallel to and not more than thirty (30) centimeters from the curb where there is a raised curb, or where there is no curb or a rolled curb, with the right front and rear wheels parallel to and as near the right hand limit of the roadway as is practical

without stopping or parking over a sidewalk or footpath or over any part of the road where grass is grown or which is not intended for the use of vehicles.

- (d) No person shall stand, stop or park or drive a vehicle upon any highway or public area within the Town in contravention to any signs that may be posted by Council.

COMMERCIAL VEHICLES

- 5. (a) The Council is hereby authorized to determine and designate from time to time by resolution those streets in the Town, access to which by commercial vehicles may be restricted or prohibited.
- (b) No person shall operate a commercial vehicle upon any street in a manner contrary to any restriction or prohibition.
- (c) No person shall park or cause to be parked a commercial motor vehicle on any street which street is not either located:
 - (i) within an area zoned industrial; or
 - (ii) within an area designated by the Town as a commercial loading zone, outside a zoned industrial area.
- (d) Subsection (c) shall not apply to a commercial vehicle while actively engaged in the process of delivery of or removal of, goods from any premises adjoining and or abutting such street.
- (e) No person shall park any commercial vehicle carrying hazardous, contaminated or dangerous substances or materials, waste, garbage, or which harbor vermin or pestilence, or which remit noxious or unwholesome odours on any street.
- (f) No person shall transfer hazardous, contaminated or dangerous substances or materials from one commercial vehicle to another within the Town of Carbonear except where written permit is provided by Council and in

accordance with approvals from applicable government departments and agencies.

- (g) The operator of a commercial vehicle loading or unloading freight within the Town shall,
 - (i) if practicable, place such vehicle off the highway into a private parking space;
 - (ii) where no private parking space is available; place such vehicle as near as possible to the curb or side of the highway and load or unload as quickly as possible;
 - (iii) in no case shall an operator place a commercial vehicle in such a position as to excessively hinder or obstruct the normal flow of traffic either vehicular or pedestrian.

- (h) These Regulations shall not prohibit:
 - (i) The operation of an emergency vehicle upon any street in the Town;
 - (ii) The operation of commercial motor vehicle owned or operated by the Town, Public Utilities or any contractor engaged in the repair, delivery of materials, maintenance or construction of streets, street improvements, or street utilities within the Town; or
 - (iii) The operation of commercial motor vehicles upon any officially established detour in the Town

SNOW CLEARING

- 6. (a) No person shall park a motor vehicle or trailer on any highway or street reservation:
 - (i) in such manner so as to hinder, impede, inconvenience or prevent the plowing and/or removal of snow or ice from the highway;
 - (ii) During the period from the first day of November in each year to the last day of April in the

succeeding year, both days inclusive, between the hours of 1:00am and 08:00 a.m., or

(iii) During a 12 hour period immediately following a snow fall

(b) No person, whether occupant or owner, agent or employee, when keeping a pathway, driveway, or any other portion of land free of snow or ice, shall throw, scoop, dump, or place any snow or ice onto a highway

7. (a) In the absence of proven negligence on the part of the town: the Town shall not be responsible for damage to mobile or portable articles, garbage boxes, buildings, fences, trees, shrubs, ledges, rock walls, and lawns on private property when they occur, as a result of being struck by equipment operated by employees of the Town or by Town contractors during the periods of time they are engaged in work on behalf of the Town where such damage occurs within the street reservation.

(b) In the absence of proven negligence on the part of the town: the Town shall not be responsible for damages occurring as a result of snow clearing where:

(i) the damages occurred to property located within the street reservation of the Town;

(ii) the damages occurred as a result of snow clearing on roads where there is insufficient space to operate the Town's equipment;

(iii) the damages occurred as a result of the weight of the snow and/or ice deposited on mobile or portable articles, garbage boxes, buildings, fences, trees, shrubs, hedges, rock walls and lawns;

(iv) lawns become brown or decayed as a result of the deposit of snow and/or ice;

OTHER LIMITATIONS

8.
 - (a) No structure, object or vehicle, other than a vehicle licensed under the Highway Traffic Act, shall be moved or operated, by any person, over a highway or bridge, within the Town, except with a written permit of Council, which permit may be subject to such conditions, if any, as Council may deem appropriate.
 - (b) Notwithstanding subsection (a), no vehicle that is propelled over tracks or other device, other than tires, shall be moved or operated, by any person, over a highway or bridge within the Town, except with a written permit of Council, which permit may be subject to such conditions, if any, as Council may deem appropriate.
 - (c) A person shall not cause or permit any vehicle which is wholly or partially on any street to be repaired, except for minor repairs in the event of a breakdown or emergency.
 - (d) A person shall not transport in any manner whatsoever on a street, sand, stone, earth, dirt, manure, lumber, metals or rubbish or any loose fluid or semi-fluid in such manner as to cause or permit the spilling or the scattering of same on a street.
 - (e) A person shall not place or caused to be placed anything upon any street or engage in action which will interfere with or tend to interfere with the free and/or uninterrupted and/or unobscured passage of persons and/or vehicles over a street, except as may be permitted in these regulations, and without restricting the generality of the foregoing, no owner of property shall permit a plant or shrubbery on that person's property to grow into or over a street and/or sidewalk and/or street reservation in such a way that it will interfere with the free and uninterrupted and/or unobscured passage of the public and/or vehicles over a street or sidewalk.
9. No person shall let stand, stop or park a motor vehicle upon a highway, bridge or sidewalk within the Town in such a position that it does or may:

- (a) Interfere with pedestrian or vehicular traffic;
 - (b) constitute a hindrance to the maintenance, repair or improvement thereof; or
 - (c) Hinder or impede the carrying out of any undertaking of the Council.
10. (a) Where any person has let stand, stop and or park a motor vehicle upon any highway within the Town, in contravention of these Regulations, or where any motor vehicle has been appearantly abandoned upon a highway within the Town for longer than twenty-four hours, the Council or any person authorized for the purpose by the Council, may remove that vehicle, at the owner's risk and expense, to a place selected by the Council or person so authorized.
- (b) The Council may dispose, in the manner outlined in section 10(c) of these Regulations, of any vehicle removed and stored under these regulations, if the vehicle is not claimed by the owner within ninety (90) days of removal and storage and the requirements of paragraph 10(c) of these Regulations are not met.
- (c) Prior to the return of the vehicle to its owner the owner shall pay the costs of its removal and storage as determined by the Council and where such costs are not paid by the owner, the Council may sell the vehicle by public sale or public auction to satisfy such costs including the costs of and incidental to the public sale or public auction.

Street Litter

11. (a) A person shall not throw or deposit or cause to be thrown, deposited or left on a highway, glass, nails, tacks, scraps of metal or other material which may injure tires of vehicles, or rubbish, or refuse or waste.
- (b) A person who removes a wrecked or damaged vehicle from a highway shall remove glass or any injurious substance or thing dropped upon the highway from the vehicle.

- (c) No person shall place any object or structure including objects or structures used for street sports), on any street which interferes with the flow of traffic. Any object or structure so placed may be removed by any person authorized by Council, at the owner's expense.

- 12. Neither Council nor its authorized agents shall be responsible for damages caused to any vehicle in the enforcement of these regulations;

OFFENCE

- 13. (a) Any person who violates or otherwise contravenes any of the provisions of these Regulations, shall be guilty of an offence and shall be liable on summary conviction to a fine or not more than the maximum and not less than the minimum amount as prescribed for the offence in Schedule "A" to these Regulations and appearing in that Schedule opposite the number or letter or both of the Regulations, subsection or paragraph concerned.
- (b) Each separate day upon which the same offence is committed or continued is a separate offence

ENFORCEMENT

- 14. (a) Enforcement of these regulations may be taken summarily by a Police Constable, Municipal Enforcement Officer and/or Town employee specially authorized for such purpose and or by any other individual duly appointed as an agent representing the Town for such purpose.
- (b) Any person referred to paragraph 14(a) of the regulation may issue a violation notice to a person who contravenes any regulation herein.
- (c) Any offence under these regulations may be prosecuted by means of a traffic ticket issued under these regulations pursuant to the provisions of the Provincial Offences Act.

- (c) No person shall place any object or structure including objects or structures used for street sports), on any street which interferes with the flow of traffic. Any object or structure so placed may be removed by any person authorized by Council, at the owner's expense.
12. Neither Council nor its authorized agents shall be responsible for damages caused to any vehicle in the enforcement of these regulations;

OFFENCE

13. (a) Any person who violates or otherwise contravenes any of the provisions of these Regulations, shall be guilty of an offence and shall be liable on summary conviction to a fine or not more than the maximum and not less than the minimum amount as prescribed for the offence in Schedule "A" to these Regulations and appearing in that Schedule opposite the number or letter or both of the Regulations, subsection or paragraph concerned.
- (b) Each separate day upon which the same offence is committed or continued is a separate offence

ENFORCEMENT

14. (a) Enforcement of these regulations may be taken summarily by a Police Constable, Municipal Enforcement Officer and/or Town employee specially authorized for such purpose and or by any other individual duly appointed as an agent representing the Town for such purpose.
- (b) Any person referred to paragraph 14(a) of the regulation may issue a violation notice to a person who contravenes any regulation herein.
- (c) Any offence under these regulations may be prosecuted by means of a traffic ticket issued under these regulations pursuant to the provisions of the Provincial Offences Act.

COMPLIANCE WITH OTHER ACTS AND REGULATIONS

15. Nothing in these Regulations serves to exempt any person from obtaining any license, permission, permit, authority or approval required by any other regulation of the Town or by any statute or regulation of the Province of Newfoundland and Labrador, or of Canada.

REPEAL OF PREVIOUS REGULATIONS AND AMENDMENTS

16. All Previous Town of Carbonear Traffic Regulations and amendments are repealed.

These Regulations shall come into force on 31st day of January, 2015.

In Witness Whereof the Seal of the Town of Carbonear has been affixed hereto and these regulations have been signed by the Mayor and the Chief Administrative Officer on behalf of Council on this 31st day of January, 2015.

George Beatt

Mayor

C. A. Davis

Town Administrator

SCHEDULE A

Town of Carbonear

Schedule of Fines

Section	Subsection		Offence	Fine
4	(a)	(i)	Parking on sidewalk	\$50.00
		(ii)	Parking in front of public or private driveway	\$50.00
		(iii)	Parking within 6 meters of intersection	\$50.00
		(iv)	Parking within 1.5 meters of fire hydrant	\$50.00
		(v)	Parking within a crosswalk	\$50.00
		(vi)	Parking within 6 meters of a crosswalk	\$50.00
		(vii)	Parking within 8 meters of a traffic control device	\$50.00
		(viii)	Parking within 6 meters of an entrance or exit to hotel, church, school, public meeting place, theatre, dance hall, swimming pool or playground	\$50.00
		(ix)	Parking within 6 meters of a fire station	\$50.00
		(x)	Parking opposite or beside a street excavation	\$50.00
		(xi)	Parking contrary to signs and/or traffic lights	\$50.00
		(xii)	Parking on left side of highway	\$50.00
		(xiii)	Parking within 150 meters of the site of a fire	\$50.00
		(xiv)	Parking in area for disabled persons	\$400.00
		(xv)	Parking on highway property outside curb	\$50.00

		(xvi)	Parking on property classified as easement	\$50.00
		(xvii)	Parking on highway to display vehicle for sale	\$50.00
		(xviii)	Parking on highway for repairs	\$50.00
		(xix)	Parking as to obstruct passage of persons or vehicles over a street and/or sidewalk	\$50.00
	(b)		Double Parking	\$50.00
	(c)		Parking away from the curb	\$50.00
	(d)		Stop stand or park in area prohibited by signs	\$50.00
5	(c)		Commercial motor vehicles parking on a street contrary to any restriction or prohibition	\$100.00
	(e, f, g)		Operation of a commercial vehicle contrary to any restriction or prohibition.	\$100.00
6	(a) (i)		Parking so as to obstruct snow clearing	\$50.00
	(a) (ii)		Parking on a street or street reservation between 1:00am and 08:00 am	\$50.00
	(a) (iii)		Parking on a street during the 12 hour period immediately following a snowfall	\$50.00
	(b)		Throwing, scooping, dumping or placing snow and/or ice onto a highway	\$50.00
8	(a)		Movement of structure, object or vehicle not licensed under the Highway Traffic Act without Council approval.	\$50.00
	(b)		Movement of vehicle not on tires without	\$50.00

			approval of Council	
8	(c)		Repairing a vehicle on a street	\$100.00
	(d)		Transporting of substances in a manner to permit spilling unto street	
	(e)		Placing object or structure on a street or within a street reservation	\$100.00
9	(a)		Parking or stopping a motor vehicle that interferes with pedestrian or vehicular traffic	\$50.00
	(b)		Parking or stopping a motor vehicle that hinders maintenance, repair or improvement of a highway, bridge or sidewalk	\$50.00
	(c)		Parking or stopping a motor vehicle that hinders or impedes undertaking of Council	\$50.00
11	(a)		Throwing injurious materials or rubbish on highway	\$100.00
	(b)		Failure to remove glass and/or injurious substance dropped upon the highway from a wrecked vehicle and/or deposited by a person	\$100.00
	(c)		Placing object or structure on a street	\$50.00