



**TOWN OF PORTUGAL COVE-ST. PHILIP'S  
SNOW CLEARING REGULATIONS**

**PUBLISHED BY AUTHORITY**

Pursuant to authority delegated by the Minister of Works, Services and Transportation under the Highway Traffic Act, R.S.N., 1990, Chapter H – 3, and Amendments, and pursuant to the authority delegated in accordance with the Municipalities Act, Chapter M-24, S.N., 1999, and Amendments, the Town of Portugal Cove-St. Philip's has made the following Regulations:

**DEFINITIONS/INTERPRETATIONS:**

In these Regulations, unless the context otherwise requires, words defined in the Highway Traffic Act, R.S.N., 1990 and the Municipalities Act, Chapter M-24, S.N., 1999 as amended or any regulations made thereunder shall have the meaning assigned by the said Act or Regulations, and the following words shall have the following meanings:

- a) "Council" shall mean the Town Council of the Town of Portugal Cove-St. Philip's.
- b) "Town" shall mean the Town of Portugal Cove-St. Philip's as defined by order in Council dated February 1<sup>st</sup>, 1992.
- c) "Highway Traffic Act" means the Highway Traffic Act, R.S.N., 1990 as amended and any regulations made thereunder.
- d) "Traffic Officer" in addition to its meaning in the Highway Traffic Act, includes any person designated by council as a Traffic Officer for purpose of the Regulations by whatever name or title such person is known.
- e) "Street/Highway" shall mean any way to which the public has access, and bridges over which a highway passes, and shall also include every place to which the public has access as a parking place for motor vehicles.

- f) "Street Reservation" shall mean the entire width between the boundary lines of a street designed or ordinarily used for vehicular traffic.
- g) "Vehicle" shall mean a device in, upon, or by which a person or property may be transported or drawn upon a Street.
- h) "Driveway" shall mean a clearly defined private road, way, drive, path or passage or a like opening which is wide enough, but not wider than is necessary for the passage of a motor vehicle whereby the owner, occupier or user of a property has vehicular access from a roadway to a point within the property.
- i) "Parking Lot" shall mean a clearly defined area of land provided by the owner, occupier or user of a business premises for the use of the general public for the parking of motor vehicles.

## **REGULATIONS:**

- 1. During the period from November 1<sup>st</sup>, in each year to the 30<sup>th</sup>, day of April in the succeeding year, both days inclusive, no person shall park, leave or abandon any vehicle or any portion of any vehicle upon any Street Reservation within the Town:
  - a) Between the hours of 12:00 Midnight to and including 8:00 a.m.; and
  - b) At any time when there is a snowfall and for twelve hours after the snowfall has ceased.
- 2. Highway Traffic Snow Clearing Regulations (O.C. 96-136) states, "Subject to Act or regulation in force respecting the parking, drawing up or standing of vehicles in a city, municipality or other designated area of the province, a person shall not, during the period in each year that this regulation is in force, leave a vehicle unattended on a highway between the hours of 12 midnight and 8 a.m.;"
  - (a) within 3 meters of the paved portion of the highway; or
  - (b) if the highway is not paved, within 3 meters of the edge of the travel surface of the highway.
- 3. During the period from November 1<sup>st</sup>, in each year to the 30<sup>th</sup>, day of April in the succeeding year, both days inclusive, no person shall shovel, plow, blow or cause to be shoveled, plowed or blown any residue snow or ice from a driveway or parking lot unto any Street within the Town.

## **SNOW CLEARING DAMAGE**

- 4. The Town will not be responsible for any damage caused within the Street Reservation, or at the very least, 20 feet from the road center line. This includes damage to fences, garbage boxes, trees, private mailboxes, etc.

5. The Town will not be responsible for damage caused by "weight of snow" or "lawn browning".
6. The Town will not be responsible for damage caused to trees on private property, all trees should be properly marked and protected i.e. painted poles (minimum height of four feet) alongside trees, to mark location.
7. All Claims for damage must be made in writing to the Town Office no later than May 15<sup>th</sup>, of the same year, of the snow clearing period (Verbal claims will not be responded to.). Claims received after this date, will not be considered.
8. When making a Claim the following information should be included to enable the processing of your Claim. If sufficient information is not provided this could result in your Claim not being honored:
  - a) Time that damage occurred (e.g. 12:01 a.m., Thursday, November 1<sup>st</sup>, 2001)
  - b) Type of equipment that caused the damage
  - c) Type of damage and approximate amount in dollars of the Claim
  - d) If possible, a picture of the property before the damage was done

## **PENALTIES**

9. Any unattended vehicle parked upon any Street within the Town in contravention of Section 1, (a) and (b) of these Regulations may be removed and impounded by Council and the cost of such removal and storage shall be recovered from the owner as per Section 172 (1), (2) and (3) of the Municipalities Act, 1999.
  - a) Before the vehicle is returned to its owner, the owner shall pay the costs of its removal and storage as determined by the Council and where those costs are not paid by the owner, that council may, after giving notice to the owner, sell the vehicle by public auction to satisfy those costs.
  - b) Neither Council nor its authorized agent shall accept responsibility for damages caused to any vehicle in the enforcement of these Regulations.
10. Any unattended vehicle parked upon any Street within the Town as to obstruct traffic and in contravention with Section 2 shall be found guilty of an offence and shall be liable to a fine not less than \$45.00 and not more than \$180.00 and in default of payment of a fine to imprisonment for a period not exceeding ten days and not less than two days as prescribed by the Highway Traffic Act R.S.N., 1990, and Amendments.
11. Any person in violation of Section 3, which states, "During the period from November 1<sup>st</sup>, in each year to the 30<sup>th</sup>, day of April in the succeeding year, both days inclusive, no person shall shovel, plow, blow or cause to be shoveled,

plowed or blown any residue snow or ice from a driveway or parking lot unto any Street within the Town".) shall be liable of a fine, as may be prescribed by the Municipalities Act, Chapter M-24, S.N. 1999, Section 419 (1) and Section 420 (1), (a) and (b).

12. The Municipalities Act, Chapter M-24, S.N. 1999, Section 419 (1) states, "A person who contravenes this Act or a regulation made under this Act commits an offence".
13. The Municipalities Act, Chapter M-24, S.N. 1999, Section 420 (1) states, "A person who commits an offence under section 419 or who otherwise contravenes this Act is liable on summary conviction;
  - (a) For a first offence to a fine of not less than \$100.00 and not more than \$500.00 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 \$500.00 and not more than \$1000.00 or to a term of imprisonment of not more than 3 months or to both the fine and imprisonment.

### **COUNCIL'S ADOPTION**

These Regulations will come into effect on December 9<sup>th</sup>, 2003, and may be cited as the Town of Portugal Cove – St. Philip's "Snow Clearing Regulations".

Dated this 9<sup>th</sup> day of December 2003.

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MAYOR

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TOWN CLERK