

**PUBLISHED BY AUTHORITY**

The following regulations have been made by the Town Council of the Town of Carbonear under the provisions of Section 414 of the Municipalities Act, 1999 and Section 189 of the Highway Traffic Act.

Adopted by the Town Council of the Town of Carbonear on the 17<sup>th</sup> day of March, 2015.

MAYOR

TOWN CLERK

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**TOWN OF CARBONEAR SNOW CLEARING REGULATIONS**

1. These regulations may be cited as the Town of Carbonear Snow Clearing Regulations.
2. In these regulations, the following words, unless the context otherwise requires, shall have the following meanings:
  - (a) **"Act"** means the Municipalities Act, 1999, as amended;
  - (b) **"Council"** means the Town Council of the Town of Carbonear;
  - (c) **"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.
- (d) **"Highway"** includes a place, road, street or way including a structure forming part of the place, road, street or way, designed and intended for, or used by, the public for the passage of traffic or the parking of vehicles and includes the highway reservation and all the space between the boundary lines of the place, road, street or way;
- (e) **"Highway Reservation"** shall mean an area determined by Council that is reserved for a highway, a future highway or future highway improvements;
- (f) **"Motor Vehicle"** means a vehicle propelled, driven or controlled otherwise than by muscular power.
- (g) **"Municipal Enforcement Officer"** for the purpose of these regulations means person appointed by the Council under Section 179 of the Municipalities Act, 1999, as amended;
- (h) **"Municipality"** means the Town of Carbonear.
- (i) **"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
- (j) **"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 at the direction of a traffic officer.
- (k) **"Stop"** when required means the complete cessation of movement.
- (l) **"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.

- (m) **"Town"** means the Town of Carbonear as defined by O.C. 2007-282;
  - (n) **"Trailer"** means a vehicle, whether or not enclosed, which has no motive power of its own and which is attached to or capable of being attached to a motor vehicle.
  - (o) **"Vehicle"** means a device in, upon or by which a person or thing may be transported or driven upon a highway,
3. No person shall park a motor vehicle or trailer on any highway or highway reservation:
- (a) in such a manner so as to hinder, impede, inconvenience or prevent the plowing and/or removal of snow or ice from the highway;
  - (b) 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 1:00 a.m. and 8:00 a.m., or
  - (c) During a 12 hour period immediately following a snow fall, or
  - (d) For such other period as may be declared by the Town, to enable clean up, after a snowfall.
4. No person, whether occupant or owner, agent or employee, shall deposit or cause or permit to be deposited any snow and/or ice from driveways, sidewalks, parking lots or any other property under their ownership or control, onto any highway or highway reservation, within the Municipality.
5. 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 highway 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 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;
- 6. (a) Where any person has let stand, stop and or park a motor vehicle or trailer upon a highway within the Town, in contravention of these Regulations, the Council or any person authorized for the purpose by Council, may remove and impound such vehicle or trailer, at the owner's risk and expense, to a place determined by the Council or person so authorized and the owner thereof may reclaim the vehicle or trailer upon payment of the towing and impounding costs as may be determined by Council.
- (b) The Council may dispose of, by public auction or public tender, any vehicle or trailer removed and impounded under these regulations if the vehicle is not reclaimed by the owner within ninety (90) days of removal and impound, to satisfy such costs hereunder including the costs of and incidental to the public sale or public auction.
- 7. Neither Council nor its authorized agents shall be responsible for damages caused to any vehicle in the enforcement of these regulations.
- 8. Pursuant to Section 420 of the Act, 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 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.
- 9. Enforcement of these Regulations may be taken summarily by a Police Constable, Municipal Enforcement Officer and/or council employee specifically authorized and/or duly appointed agent representing Council.
- 10. These regulations shall come into effect on the 3<sup>rd</sup> day of March, 2015.
- 11. All previous Carbonear Snow Clearing Regulations and amendments are hereby repealed.