

SNOW CLEARING REGULATIONS

PUBLISHED BY AUTHORITY

Pursuant to the powers conferred by Section 414 (2) (nn) of the Municipalities Act, the Town Council of the Town of Whitbourne has made the following Regulations.

Hilda Whelan
Mayor

1. Title

These Regulations shall be known as the "Town of Whitbourne Snow Clearing Regulations".

2. Definitions

- (a) "Regulation" shall mean the Town of Whitbourne Snow Clearing Regulations.
- (b) "Council" shall mean the Town Council of the Town of Whitbourne
- (c) "Enforcement Officer" shall mean a person designated under section 179 (1) & (2) of the Municipalities Act, 1999.
 - (i) A council may appoint one or more municipal enforcement officers.
 - (ii) A municipal enforcement officer appointed under subsection (1) has the powers of a member of the RCMP with respect to the enforcement of this act and regulations made under this act within the Municipality for which he or she is appointed.
- (d) "Street" shall mean any street, road or highway or any other way designed or intended for public use for the passage of vehicles and pedestrians, owned by the Authority or other public agency and maintained at public expenses and is accessible to Fire Department vehicles and equipment.
- (e) "Road Reservation" shall mean an area determined by Council that is reserved for a street, a future street or future street improvements and shall be a minimum of 12.2 metres (40 feet) in total width and 6.1 metres (20 feet) measured from the centreline.
- (f) "Town" shall mean the Town of Whitbourne.

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- (g) "Motor Vehicle" means a vehicle propelled, driven, or controlled otherwise than by muscular power, other than a trailer or a vehicle running upon fixed rails.
- (h) "Vehicle" means a device in, upon or by which a person or thing may be transported or drawn upon a highway but does not include devices used exclusively upon fixed rails.

3. Snow Clearing Period

The "Snow Clearing Period" shall include the first (1st) day of December and the last day of April (30th). The period between the first day of December in each year and the last day of April in the year following and any other period when unusual snow and/or ice conditions prevail, shall be known as the "Snow Clearing Period".

4. Parking

- (a) No person shall park an unattended vehicle on any street, road reservation or municipal parking areas in such a way as to interfere with, hinder or obstruct snow clearing operations.
- (b) No person shall park an unattended vehicle on any street or road reservation within the Town:
 - (i) during a snowstorm; or
 - (ii) during the 24 hours immediately following a snowstorm; or
 - (iii) during such other period as may be declared by Council to enable clean-up after a severe storm or snowfall.
 - (iv) List of Provisions that it does not apply: RCMP, Ambulances, NL Hydro, NL Power, Fire & Rescue. Telecommunication companies when conducting normal business operations.

5. Liability for Damages

Claims against the Town for damage to mobile or portable articles, garbage boxes, buildings, fences, trees, shrubs, ledges, rock walls and lawns on private property will be accepted by the Town 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 and where they occur at a

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distance not less than 6.1 metres (20 feet) from the center line of the street.

6. Disclaim of Damages

No claims for damages to property will be accepted by the Town where:

- (a) the damages occurred on or to property located within 6.1 metres (20 feet) from the center line of the street; or
- (b) 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; or
- (c) lawns become brown or decayed as a result of the deposit of snow and/or ice; or
- (d) a claim for damages is received by the Town after May 31 of the year in which the snow clearing period ends.
- (e) No person, whether occupant or owner, when keeping his pathway, driveway or any other portion of his land free of snow or ice, shall throw, scoop, dump or place any snow or ice onto the roadway, sidewalk and at fire hydrant locations such that it interferes with, hinders, impedes or obstructs pedestrians or vehicular traffic or access to fire hydrants by Town personnel.

7. Penalties

- (a) Any unattended vehicle parked in contravention of these Regulations within the Town may be removed by or on behalf of the Town and impounded, and the total cost of removal and impounding may be recovered from the owner of the vehicle as a civil debt.
- (b) Every person who violates or fails to comply with any provisions of these Regulations is guilty of an offence and shall be liable on summary conviction to a fine as prescribed in the Town of Whitbourne Traffic Regulations.
- (c) Pursuant to Section 420 of the Municipalities Act 1999, any person who is guilty of an offence against these Regulations or who acts in contravention of or fails to comply with any provision thereof or neglects or refuse to do so shall be liable on summary conviction;

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(i) 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;

(ii) 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.

8. Prosecution

Prosecution under these Regulations may be taken summarily by an Enforcement Officer, RCMP or by any person authorized by Council.

9. Previous Regulations

All previous Town of Whitbourne Snow Clearing Regulations and amendments are repealed.

10. Compliance with other Acts and Regulations

Nothing in these Regulations served to exempt any person from obtaining any license, permission, permit, authority or approval required by any other regulations of the Town or any statute or regulation of the Province of Newfoundland and Labrador, and in such cases where more than one regulation or statute applies the more restrictive regulation or statute shall apply.

11. Effective Date

These Regulations shall come into force on the 17th day of February 2020.

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In witness whereof, the Seal of the Town of Whitbourne has been affixed herewith and the Mayor and Town Clerk have signed these Regulations on behalf of the Town Council of the Town of Whitbourne.

On this 20th day of February 2020.

Mrs. Hilda Whelan
Mayor
Town of Whitbourne

Crystal Peddle
Town Clerk
Town of Whitbourne