



TOWN OF POUCH COVE

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COMMERCIAL VEHICLE AND PARKING LOT REGULATIONS

Pursuant to the authority conferred to the Town of Pouch Cove under section 414(1)(t) of the Municipalities Act, 1999, the following regulations have been made by the Town Council of Pouch Cove and were approved on March 4th, 2019.

1. Title

These Regulations shall be known and cited as the Town of Pouch Cove *“Commercial Vehicle and Parking Lot Regulations”*.

2. Interpretations: In these regulations unless the context otherwise requires:

In these Regulations, unless the context otherwise requires:

- (a) “Bus” means a motor vehicle designed or used for carrying more than (14) passengers in addition to the driver.
- (b) “Commercial Motor Vehicle” means any vehicle designed, maintained, or primarily used for the transportation of property and persons, and includes a bus, truck (excluding 1 ton and under), delivery van or wagon, tractor, truck tractor, and trailer, heavy equipment, construction equipment, but does not include a taxicab, jitney bus, or recreational vehicle.
- (c) “Council” means the Council of the Town of Pouch Cove.
- (d) “Development Regulations” means the Town of Pouch Cove Development Regulations in force as amended or renewed in accordance with the Urban and Rural Planning Act.
- (e) “Highway” has the meaning assigned to it in Section 2 of The Highway Traffic Act, R.S.N. 1990, c.H-3.
- (f) “Operational Vehicle” means a vehicle that is fully and immediately capable of driving with active motor vehicle registration and that is not in any wrecked, discarded, abandoned, or work-in-progress condition.
- (g) “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.
- (h) “Parking Lot” means any designated area approved for the parking of 1 or more vehicles, whether that be for private or public use, a permit for which is required in the Town of Pouch Cove.

- (i) "Persons" means any person, firm, partnership, association, corporation, or organization of any kind.
- (j) "Residential Zone" means residential areas of the Town of Pouch Cove designated in the Town of Pouch Cove Development Regulations and shall also include non-residential areas if the actual land use for property in that zone is for residential purposes.
- (k) "Town" shall mean the Town of Pouch Cove.

3. Exemptions

These Regulations shall not apply to:

- 1) The operation of emergency vehicles upon any street in the Town.
- 2) The operation of Commercial Motor Vehicles owned or operated by the Town, Province of Newfoundland and Labrador, Government of Canada, public utilities, or any contractor or material person while engaged in the repair, delivery of materials, maintenance or construction of streets, street improvements, or street utilities within the Town of Pouch Cove.
- 3) The lawful parking of Operational Vehicles in residential driveways or on public highways that are either:
 - a. Non-Commercial Motor Vehicles; or
 - b. Single night, weekend, or other short-term parking (less than 1 week) of 1 Commercial Motor Vehicle directly related to the primary daily occupation of a resident (such as a bus driver parking a school bus or a truck driver parking a commercial truck)

4. Parking Lot Permits

- 1) Unless otherwise exempted in accordance with section 3 of these regulations, no person shall park any motor vehicle anywhere in the Town unless the area has been approved to operate as a Parking Lot with conditions that permit the parking of such vehicles.
- 2) An application for a Parking Lot permit shall be made to the council and every applicant for a permit shall furnish with the application such information as council may require.
- 3) In addition to default parking conditions which may be defined in the Development Regulations, the council may attach to a Parking Lot permit any additional such conditions as it deems fit for the parking of commercial motor vehicles and may permit parking for such limited time as it deems fit.
- 4) Parking Lot permits in residential zones shall not be valid for more than one year, shall not be transferable, and shall not permit the parking of more than 1 Commercial Motor Vehicle outside of an enclosed garage.

- 5) Parking Lot permits in non-residential zones shall be valid for so-long as the associated business has an active business permit from council, unless a shorter time has been defined by council.
- 6) A stop work order issued against a business will also include a stop use of any associated Parking Lots to the business operations.
- 7) The parking of non-Operational Vehicles, other than in an enclosed garage, shall be prohibited in all Parking Lots unless expressly permitted in the conditions of a Parking Lot permit issued by council.

5. Orders

In accordance with section 404 of the Municipalities Act, 1999:

- 1) Council may make an order that the owner or occupier of a parking lot constructed or operated without a permit or not in accordance with the regulations of council and the terms of a permit, to stop operations and return the property to its original state or maintain it;
- 2) A person ordered to carry out an action or to stop an action under subsection (1) shall be served with that order and shall comply with that order at that person's own expense.
- 3) Where a person to whom an order is directed does not comply with the order or a part of an order made under subsection (1), the council may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by the council in carrying out the terms of the order are recoverable from the person against whom the order was made as a debt owed to the council.

6. Vehicles – Towing, Impounding, and Auctioning

- 1) In addition to any clean-up action deemed necessary by council in relation to these regulations, a person authorized by council may remove vehicles to a place selected by the authorized person.
- 2) Before a vehicle is returned to its owner, the owner shall pay the costs of its removal and storage as determined by the council.
 - a. Where the impound yard is maintained by another municipality, the associated administrative and daily fees imposed by the Town shall be similar to those typically imposed by that municipality.
- 3) Where the costs for towing and impounding are not paid by the owner within 30 days from the date of removal, the council may, after giving notice to the owner, sell the vehicle by public auction to satisfy those costs.
- 4) A sale under this manner shall clear title in the purchaser free from all encumbrances and residual amounts received over and above the costs of its removal, storage and sale shall be paid over to the owner or to a person who satisfies the council that he or she has a prior encumbrance.

7. Offenses and Penalties

- 1) In accordance with section 169(2) of the Municipalities Act, 1999, a person shall not, within a municipality, operate or construct a parking lot except under and in accordance with a written permit from the council.
- 2) In accordance with section 419 of the Municipalities Act, 1999, a person who contravenes section 169(2) of the Municipalities Act, 1999 or the *Commercial Vehicle Parking Regulations* commits an offense.
- 3) Each day upon which the same offense is committed or continued is a separate offense.
- 4) Penalties for offenses may be issued in accordance with section 420 of the Municipalities Act.
- 5) The pursuit of charges and penalties may be made in addition to recovery of other enforcement costs associated with clean-up, impounding, or otherwise.

8. Adoption

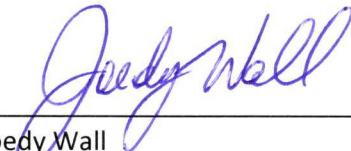
Under section 413 of the Municipalities Act 1999, the Town Council of Pouch Cove adopts the Town of Pouch Cove Commercial Motor Vehicle Regulations as approved (or as amended).



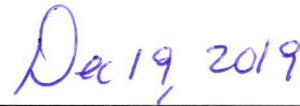
Brian Peach
Chief Administrative Officer



Date



Joedy Wall
Mayor



Date