



## TOWN OF POUCH COVE

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## TOWN OF POUCH COVE SNOW CLEARING REGULATIONS

Pursuant to the authority conferred by Section 414 (2) (nn) of the Municipalities Act, 1999, the Town of Pouch Cove hereby enacts the following Snow Clearing Regulations which were adopted at a Public Council Meeting held on the 17 day of February, 2020.

### 1. TITLE

These Regulations shall be known as the “Town of Pouch Cove Snow Clearing Regulations”.

### 2. DEFINITIONS

- (a) “Regulations” shall mean the Town of Pouch Cove Snow Clearing Regulations.
- (b) “Council” shall mean the Town Council of the Town of Pouch Cove.
- (c) “Persons” means any person, firm, partnership, association, corporation or any organization of any kind.
- (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, unless specified otherwise, shall be a minimum of 9 meters in total and 4.5m meters measured from the centerline of the street.
- (f) “Town” shall mean the Town of Pouch Cove.

### 3. SNOW CLEARING PERIOD

- (a) The period between the 15th day of November 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”.
- (b) The “Snow Clearing Period” shall include the 15<sup>th</sup> day of November and the last day of April.

### 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) between the hours of 12:00 midnight and 10:00 a.m. during the Snow Clearing Period regardless of weather conditions; or

(ii) during a snowstorm; or

(iii) during the 24 hours immediately following a snow storm; or

(iv) during such other period as may be declared by Council to enable clean-up after a severe storm or snowfall.

(c) No person shall park an unattended vehicle in a driveway or parking lot during the Snow Clearing Period if informed by an employee of the Town through verbal or written means where, in the opinion of the employee, the vehicle is impeding or hindering any aspect of snow clearing operations.

## 5. REMOVAL OF VEHICLES

(a) The Town may authorize the removal of any vehicle parked upon a public highway, sidewalk, or bridge in accordance with Section 172 of the Municipalities Act, 1999.

(b) Before a vehicle is returned to its owner, the owner shall pay the costs of its removal and storage as determined by the council.

(i) 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.

(c) 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.

(d) 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.

## 6. DEPOSITING OF SNOW

No person 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 street or road reservation within the Town.

## 7. 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 received and evaluated by the Town when they occur on a case-by-case basis, as a result of being ***struck by equipment*** operated by

employees of the Town during the periods of time they are engaged in work on behalf of the Town and where they occur outside of the Road Reservation or, where the Road Reservation is less than 9 meters, at a distance not less than 4.5 meters from the centerline of the street. Claims involving snow clearing contractors hired by the Town shall be directed to the applicable contractor.

The Town may file a claim for damages against a property owner if damage occurs to equipment as a result of a structure or object being **struck by equipment** operated by employees of the Town during the periods of time they are engaged in work on behalf of the Town, where they occur inside a distance of 4.5 meters from the centerline of the street. Claims involving snow clearing contractors hired by the Town may be directed to the applicable property owner.

## **8. 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 the Road Reservation or, where the Road Reservation is less than 9 meters, at a distance less than 4.5 meters from the centerline of the street; or
- (b) 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; 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.

## **9. OFFENCES AND PENALTIES**

- (a) In accordance with section 419 (j) of the Municipalities Act, 1999, a person who contravenes these Regulations commits an offense.
- (b) Each day upon which the same offense is committed or continued is a separate offense.
- (c) Penalties for offenses may be issued in accordance with section 420 of the Municipalities Act, 1999.
- (d) The pursuit of charges and penalties may be made in addition to recovery of other enforcement costs associated with clean-up, impounding, or otherwise.

## **10. PREVIOUS REGULATIONS**

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

**11. COMPLIANCE WITH OTHER ACTS AND REGULATIONS**

Nothing in these Regulations serves 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.

**12. ADOPTION AND REVIEW**

This policy was formally adopted by the Town Council of Pouch Cove on the 17 day of February, 2020.

This policy will be reviewed at least every three (3) years and updated as necessary following new knowledge or new experience.

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Brian Peach  
Chief Administrative Officer

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Joedy Wall  
Mayor

\_\_\_\_\_  
Date

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Date

