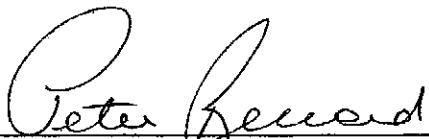


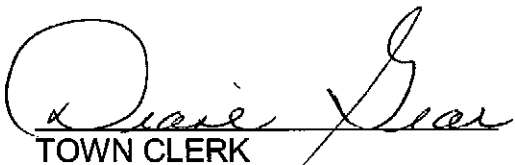


SNOW CLEARING REGULATIONS, 2012

Adopted by the Town Council of the Town of Labrador City on the 17th day of July, 2012 and to come into effect as of the 17th day of July, 2012.

A copy of these Regulations was forwarded to the Minister of Municipal Affairs on the 18th day of July, 2012.


DEPUTY MAYOR

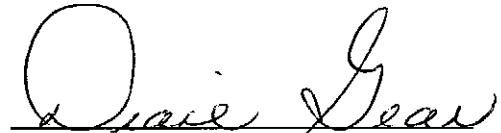

TOWN CLERK

PUBLISHED BY AUTHORITY

Pursuant to the authority delegated by the Minister of Transportation and Works under Section 189 of the Highway Traffic Act and pursuant to the authority conferred by Section 414 and any other sections found enabling under the Municipalities Act, 1999 SNL 1999 Chapter M-24 as amended and the Highway Traffic Act RSNL 1990 Chapter H-3 as amended, the Town of Labrador City enacts the following Regulations in relation to the winter maintenance of highways and snow clearing as adopted by Council on the 17th day of July, 2012 and to come into effect as of the 17th day of July, 2012.

A copy of these Regulations was forwarded to the Minister of Municipal Affairs on the 18th day of July, 2012.


DEPUTY MAYOR


TOWN CLERK

SNOW CLEARING REGULATIONS, 2012

Title

1. Title

These Regulations may be cited as the "Town of Labrador City Snow Clearing Regulations, 2012":

Definitions and Application

2. Definitions

For the purpose of these Regulations unless the context otherwise requires:

(a) "Act" means the Municipalities Act, 1999 SNL 1999 Chapter M-24 as amended;

(b) "Council" means the Town Council of Labrador City;

- (c) "Enforcement Authority" means Council or its authorized administrator;
- (d) "Highway" means a place or way, including a structure forming part of the place or way, designed and intended for, or used by, the public for the passage of traffic or the parking of vehicles and includes all the space between the boundary lines of the place or way and shall include all municipal streets and right-of-ways;
- (e) "Municipal Authority" means the Town of Labrador City Council constituted or continued under the Town of Labrador City;
- (f) "Municipal Enforcement Officer" means the Municipal Enforcement Officer appointed by the Town of Labrador City;
- (g) "Owner" means any person, firm, or corporation controlling the property under consideration;
- (h) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind;
- (i) "Police Officer" means a member of the Royal Newfoundland Constabulary or a Municipal Enforcement Officer of the Town of Labrador City;
- (j) "Road Reservation" means the street right-of-way (ROW) as established by the Municipal Authority to set the horizontal distance from either side of the center line of the street, a future street or future street improvements, to the property line of an adjacent parcel of land;
- (k) "Schedule "A" – Municipal Fees" shall mean the schedule of fees adopted by the Town of Labrador City from time to time;
- (l) "Street" means 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 Town or other public agency and maintained at public expense and is accessible to Fire Department vehicles and equipment;
- (m) "Town" means the Town of Labrador City as defined by Order-in-Council dated the 27th day of June, 1961, and any amendments thereto, according to the Municipalities Act;

(n) "Unattended Vehicle" means a vehicle not under the control of a person authorized to operate the vehicle, and in the case of a motor vehicle not under the control of a person holding a valid and subsisting driver's license issued under and in accordance with the Highway Traffic Act RSNL 1990 Chapter H-3 and the Regulations made under said Act.

3. *Application*

- (a) These Regulations shall apply to all highways contained within the municipal boundaries of the Town of Labrador City.
- (b) If there is a conflict between a provision of these Regulations and a provision of any other act or regulation in force within the municipal boundaries, the provisions as established under these Regulations shall prevail.

General Duties and Obligations

4. *Snow Clearing Period*

The period between the 15th day of October 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".

5. *Parking*

During the Snow Clearing Period, no person shall park an unattended vehicle on any street, road reservation or municipal parking areas within the limits of the Town in such a way as to interfere, hinder or obstruct snow clearing operations.

6. *Depositing of Snow*

- (a) No person shall deposit, throw, sweep, or place any accumulation of snow or ice on any street, sidewalk or parking lot which street, sidewalk, or parking lot is cleared of snow or ice by the Town.
- (b) No person engaged in removing snow or ice from any property or other premises shall do so in any manner that obstructs vehicular traffic on a street or pedestrian traffic on a sidewalk.
- (c) The provisions of Section 6(a) and 6(b) shall not apply to employees or contractors of the Town while engaged in snow clearing operations.

7. Obstacles

No fence, barrier, or structure shall be placed that impedes or hinders winter maintenance of highways, street and snow clearing.

8. Liability for Damages

- (a) Claims against the Town for damage to mobile or portable articles, garbage containers, buildings, fences, trees, shrubs ledges, rock walls and lawns will be considered by the Town when they occur, 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 provided the damage occurred on private property beyond the municipal road reservation and the location of the article or structure at the time the damage was incurred, was not in contravention with any other act or regulation in force within the municipal boundaries.
- (b) Claims against any contractor whether engaged in snow clearing operations on behalf of the Town or otherwise, shall be filed by the claimant directly with the contractor.

9. 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 municipal road reservation; or
- (b) The damages occurred as a result of the weight of the snow and/or ice deposited on mobile or portable articles, garbage containers, 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.

Powers of Enforcement Authority and Compliance

10. Enforcement

- (a) Enforcement and prosecution under these Regulations may be undertaken by any Police Officer or by any other person so authorized by the Enforcement Authority.

- (b) Every person requested by a Police Officer or person authorized to enforce these Regulations shall upon request, forthwith give his/her proper name and address.
- (c) Pursuant to Section 404(1) of the Act, the Enforcement Authority may serve upon the owner or any other person in violation of a provision of these Regulations, a serially numbered notice advising the nature of the violation and required action to conform with the standards as set out in these Regulations.
- (d) The owner shall carry out the directions of the Enforcement Authority referred to in Section 10(c) at the cost of the owner and within the time specified.
- (e) Where the Enforcement Authority has placed or caused the placing of a sign, placard, or notice upon any premises under the authority of these Regulations or any other applicable law, by-law, or regulation, no person shall remove such sign, placard, or notice except with the consent of the Enforcement Authority.
- (f) Any cost to the Town for all works including but not limited to the impounding of vehicles and removal of snow or ice deposited in violation of these Regulations shall, in addition to any penalty prescribed hereunder, be recoverable from the person in contravention of these Regulations.
- (g) In carrying out its duties as prescribed by these Regulations, the Town, its employees, servants or agents, shall not be liable for any claims arising out of the actions of the Town, its employees, servants or agents, except in the case of gross negligence.

11. *Impounding of Vehicles*

- (a) Any vehicle which is left standing upon a public road, sidewalk, or bridge in such a position that it may hinder or impede the ploughing of or removal of snow or ice therefrom, shall be removed to a place designated by the Enforcement Authority and impounded therein by a Police Officer or anyone authorized by the Enforcement Authority to enforce these Regulations.

- (b) The owner of any vehicle removed under the provisions of Section 11(a) shall not be permitted to claim the vehicle and remove it from the place of impoundment until such time as all towing and administration charges levied in accordance with Schedule "A" – Municipal Fees and any expenses incurred by the Town are paid by the owner pursuant to these Regulations.
- (c) A vehicle impounded shall be held for a period up to three (3) months, during which time the Enforcement Authority shall make reasonable effort to contact the owner.
- (d) After the expiry of the period specified in subsection (c), the Enforcement Authority may dispose of the vehicle and any outstanding amount payable to the Town shall be recoverable from the proceeds of said disposal and any outstanding amount payable to the Town shall be recoverable from the owner as a civil debt.

12. Failure to Comply

- (a) Pursuant to Section 404(5) of the Act, where a person to whom an order is directed does not comply with the order, 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 Council in carrying out the terms of the order are recoverable from the person against whom the order was made as a civil debt owed to Council and shall attach to the property as a secured claim.
- (b) Council may delegate to an official or employee of Council the power to issue orders under this section.
- (c) The owner shall save harmless Council, its employees, servants or agents from any and all claims arising out of the actions of Council, its employees, servants or agents in the process of inspecting and/or carrying out work under these Regulations, except in the case of gross negligence.

13. Right of Entry

Pursuant to Section 158 of the Act, Council or its duly authorized agents have the authority to enter a property for the purposes of inspection and enforcement as required under these Regulations.

14. Offence and Penalty

- (a) Pursuant to Section 419 (2) of the Act, each day upon which the same offence is committed or continued is a separate offence;
- (b) Every person who commits an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:
 - i. Shall be liable to penalties pursuant to Section 421.1 of the Act or,
 - ii. Shall be liable on summary conviction to a fine pursuant to Section 420 or 421.2 of the Act.
- (c) The conviction of a person for failing to comply with a requirement or obligation referred to in subsection (b) shall not operate as a bar to further prosecution under these Regulations for the continued failure on the part of the person to comply.
- (h) In addition to the penalty prescribed under subsection (b), a Provincial Court judge who convicts a person of an offence referred to in that subsection may order that person to carry out all work in accordance with these Regulations. If that person does not carry out that order within the time prescribed by the Provincial Court judge, the judge may designate a person to carry out the order and the cost of carrying out the order shall be borne by and may be recovered as a civil debt from the person convicted and shall attach to the property as a secured claim.

15. Severability

If a court of competent jurisdiction should declare any section or part of a section of these Regulations to be invalid, such declaration shall not affect the remainder of these Regulations and the remainder of these Regulations should be valid and shall remain in force.

Repeal of Previous Regulations

16. Repeal

All previous snow clearing regulations for the Town of Labrador City are hereby repealed.