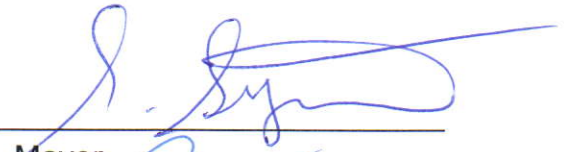



Town Council of the Town of Marystown (Snow Clearing) Regulations

Pursuant to the authority conferred by the *Municipalities Act, 1999, SNL 1999, C. M-24*, the following regulations were approved by the Town Council of the Town of Marystown on the 19 day of May A.D., 2015.



Mayor



Chief Administrative Officer

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1. These regulations may be cited as the Town of Marystown (Snow Clearing) Regulations.
 2. Definitions: In these regulations unless the context otherwise requires:
 - (a) "Council" means the Town Council of the Town of Marystown
 - (b) "Municipality" means the Town of Marystown as defined by Paragraph 2 of an Order-In-Council dated the 18th day of December A.D., 1951, and made under the provisions of the said Act
 - (c) "Street" means any public thoroughfare existing in the Town, whether or not the ownership of same is vested in Council and includes all public roads, streets, lanes, bridges and street or road reserves.
 - (d) "Street Reservation" means an area determined by Council that is reserved for a highway, street, future street, future street improvements, lane or sidewalk.
 - (e) "Vehicle" means a device in or upon which a person or property can be transported or drawn upon a highway.

3. Snow Clearing Period

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'.

The 'Snow Clearing Period' shall include the first day of December and the last day of April.

4. Parking

(a) No person shall park an unattended vehicle on any street, street 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 Municipality:

(i) between the hours of 12:00 midnight and 8:00 a.m. during the Snow Clearing Period regardless of weather conditions; or

(ii) during a snow storm; or

(iii) during the twelve 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) Any unattended vehicle parked on any street reservation within the Municipality is in contravention of the regulations and will be immediately removed by, or on behalf of, Council and impounded with the cost of such removal and impounding being recoverable from the owner as a civil debt.

(d) Neither the Town nor its authorized agents shall accept responsibility for damages caused to any vehicle in the enforcement of these Regulations.

5. Depositing of Snow

During the Snow Clearing Period, 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 street reservation within the Municipality.

6. Liability for Damages

Claims, against the Municipality for damage to mobile or portable articles, garbage boxes, buildings, fences, trees, shrubs, hedges, rock walls and lawns on private property will be accepted by the municipality when they occur, as a result of being struck by equipment, operated by employees of the Municipality, or by contractors, during the periods of time they are engaged in work on behalf of the Municipality, and where they occur outside the street reservation of the Town Street the distance of same from the centre line being dependent on the street reservation of the street where the damage occurred, or where the mobile or portable articles, garbage boxes, buildings, fences, trees, shrubs, hedges, rock walls and lawns had been indicated by clearly visible markers.

7. Disclaim of Damages

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

- (a) the damages occurred to property located within the street reservations of the Municipality; or
- (b) the damages occurred as a result of snowclearing on streets where there is insufficient space to operate Town equipment and where roads are not up to town standards, or
- (c) 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
- (d) lawns become brown or decayed, as a result of the deposit of snow and/or ice and/or salt/sand; or
- (e) rocks and/or sand is deposited on lawns as a result of snow clearing, salting/sanding or widening of the streets; or
- (f) a claim for damages is received by the Council, after May 31st of the year, in which, the snow clearing period ends.

8. Penalties

- (a) Every person who violates or fails to comply with any provisions of these Regulations is guilty of an offence and on summary conviction is liable to a fine not exceeding one thousand dollars (\$1,000.00) or in default to a period of imprisonment not exceeding ninety days or to both such fine and period of imprisonment.

- (b) The conviction of a person under subsection (a) does not operate as a bar to further prosecution for the continued failure on the part of a person to comply with these Regulations.

9. Prosecution

Prosecution under these Regulations may be taken summarily by a Municipal Enforcement Officer, Police Constable or by any person authorized by Council.

These regulations were adopted by resolution of Council at a meeting held on the 2nd day of December, 2014, and come into effect on the 2nd day of December, 2014.

10. Previous Regulations

All previously adopted (Snow Clearing) regulations for the Municipality are hereby repealed and replaced.

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. Effective Date

These Regulations shall come into effect on the 2nd day of December, A.D. 2014, and may be cited as the Town Council of the Town of Marystown (Snow Clearing) Regulations.

Adopted by Council: December 2nd, 2014

Amended by Council: May 19, 2015