

## **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 xx day of February 2, A.D., 2016.

---

Mayor

---

Chief Administrative Officer

---

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 18<sup>th</sup> 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/Plowing Across Streets

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.

During the Snow Clearing Period, no person shall, by means of a truck, ATV, tractor or any form of snow plow, plow snow across a town owned street. Such activity can cause dangerous slippery patches on the town's streets.

6. Liability for Damages

The town will consider claims of damage, as a result of snow clearing, as incidents occur. Items such as mobile or portable articles, garbage boxes, buildings, fences, trees, shrubs, hedges, rock walls and lawns on private property that are damaged by equipment operated by employees of the town or by contractors during snow clearing operations by or on behalf of the town will be considered for damage claims. Claims for items located inside the town’s applicable street reservation will not be approved. The town’s street reservations are outlined in the Town of Marystown’s Development Regulations, Page 103, Schedule E, as noted below;

*SCHEDULE E – TABLE OF STREET RESERVATIONS*

*NOTE: This table lists the class of streets and prescribes the minimum street reservations width applicable to each class of street. Where an existing street reservation has a width exceeding the prescribed minimum width, the existing street reservation width shall be retained.*

<i>CLASS OF STREET</i>	<i>MINIMUM RESERVATION WIDTH</i>	<i>APPLICABLE STREETS</i>
<i>Highway</i>	<i>40 meters</i>	<i>Route 210, McGettigan Boulevard, Columbia Drive.</i>
<i>Arterial</i>	<i>30 meters</i>	<i>Ville Marie Drive, Creston Boulevard.</i>
<i>Collector</i>	<i>20 meters</i>	<i>Marine Drive, Harris Drive.</i>
<i>Local Streets</i>	<i>15 or 12.5 meters</i>	<i>Other Streets, except existing streets determined by resolution of council to be minor streets.</i>
<i>Minor Streets</i>	<i>10.2 meters</i>	<i>Existing local streets where, for practical purposes as determined by resolution of Council, a wider street reservation cannot be provided.</i>

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 snow clearing 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 31<sup>st</sup> 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 2<sup>nd</sup> day of December, 2014, and come into effect on the 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2, 2014

Amended by Council: May 19, 2015

Amended by Council: February 2, 2016