TOWN OF CHANNEL - PORT AUX BASQUES

Pursuant to the authority conferred by Section 414 of The Municipalities Act, Chapter M-24, RSN 1999, the Town Council of Channel - Port aux Basques hereby enacts the following Regulations which were adopted at a Public Council Meeting held on the 20th day of January A.D. 2015.

Lloyd Mushrow
Mayor

TOWN OF CHANNEL - PORT AUX BASQUES
SNOW CLEARING REGULATIONS

1. These regulations may be cited as the Town of Channel - Port aux Basques Snow Clearing Regulations, 2015.

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

(a) "Council" means the Town Council of Channel - Port aux Basques

(b) "Municipality" means the Town Council of Channel - Port aux Basques

(c) "Highway" means highway as defined by the Highway Traffic Act and for the purposes of these regulations means a highway under the jurisdiction of Council.

(d) "Street Reservation" means the land reserved by Council for a highway, street, lane, or sidewalk.

(e) "Vehicle" means a device in or upon which a person or property be transported or drawn upon a highway.

3. SNOW CLEARING PERIOD

During the period between the first day of December in each year and the last day of April, in the year following both days inclusive, and any other period when unusual snow and/or ice conditions prevail, shall be known as the "Snow Clearing Period".

4. PARKING

No person shall park an unattended vehicle upon any street or street reservation within the Municipality:

(a) between the hours of 12:00 midnight and 8:00 a.m., during the snow clearing period, or

(b) during or for the twelve hours immediately following a snow storm, or

(c) for such other period as may be declared by Council, to enable clean up, after a particularly severe storm or snowfall.

5. DISPOSITION 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 street reserve, within the Municipality.

6. LIABILITY FOR DAMGES

Claims against the Municipality for damages 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. Damaged items will be repaired to a condition consistent with conditions prior to the incident.

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 reservation of the town, unless indicated by clearly visible markers, or

(b) 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, rockwalls 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 Council after May 31st of the year in which the snow clearing period ends.

8. PENALTIES

(a) Any unattended vehicle, parked in contravention of these regulations, within the Municipality, may be removed by or on behalf of the Council and impounded, and the total cost of the removal and impounding, shall be recovered from the owner of the vehicle, as a civil debt.

(b) 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.

(c) The conviction of a person under subsection (b) 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 an Enforcement Officer, Police Constable or by any person authorized by Council.

10. ENACTMENT

All Previous Municipal snow clearing regulations or amendments thereto are hereby rescinded.

These Regulations shall come into effect on March 17th, A.D., 2015.

In witness whereof the Seal of the Town of Channel - Port aux Basques has been affixed hereto and these Regulations have been signed by the Mayor and Town Manager on behalf of the Council on this 17h day of March A.D., 2015.

Mayor

Town Manager