

SNOW CLEARING REGULATIONS

1. TITLE

- 1.1 These Regulations may be cited as the "*Town of Torbay Snow Clearing Regulations*"

2. DEFINITIONS

- (a) "Act" shall mean the *Highway Traffic Act*, RSNL 1990 c H-3, as amended.
- (b) "Council" shall mean the Town Council of the Town of Torbay.
- (c) "Highway" shall mean a highway as defined in the Act which falls within the municipal boundaries of the Town, and includes without limitation, any street, way or traffic access route which is serviced by the Town's snow clearing equipment, and includes a Highway Reservation
- (d) "Highway Reservation" shall mean an area reserved in respect of a street, future street, or future street improvements which shall be a minimum of 12.2 meters (40 feet) wide in total and 6.1 meters (20 feet) measured from the centreline of the highway.
- (e) "Municipalities Act" shall mean the *Municipalities Act*, 1999, SNL 199 c M-24, as amended.
- (f) "Regulations" shall mean the *Town of Torbay Snow Clearing Regulations*.
- (g) "Road Reservation" shall mean an area determined by Council that is reserved for a street, a future street or future street improvements and shall be a width of 15m for urban local road classifications and 20.6-23.6m for rural local road classifications, as defined in the Town of Torbay Engineering Design Guidelines.
- (h) "Town" shall mean the Town of Torbay.
- (i) "Violation Notice" shall mean a notice issued pursuant to section 421.1 of the Municipalities Act.

3. SNOW CLEARING SEASON

- 3.1 The period commencing at 12:01 AM on the first day of December and ending at 11:59 PM on the last day of March in the succeeding year shall be known as the "Snow Clearing Season".
- 3.2 Council may, in its absolute discretion, extend the Snow Clearing Season as a result of forecasted weather conditions by providing reasonable public notice in advance of the date on which the extension will commence.

4. PARKING

- 4.1 No person shall park an unattended vehicle on any Highway within the Town:
- (a) during the hours of 01:00 AM and 7:00 AM during the Snow Clearing Season;

- (b) at any time during a period of excessive snowfall (which shall be characterized as an accumulation of 5 centimeters or more of snow and/or ice on a Highway surface);
- (c) during the 24 hour period following a snowfall in which 10 centimeters or more of snow and/or ice has accumulated as measured by Environment Canada at the weather station situated nearest to the Town or following a snowfall event that may be reasonably characterized as a snow storm; or
- (d) during such other periods as may be declared by Council from time to time to enable snow and/or ice cleanup and removal.

4.2 Council, its servants, employees, agents or assigns, may cause any motor vehicle which is parked in contravention of Regulation 4.1 to be ticketed and/or towed and impounded at the expense of the owner.

5. DEPOSITING OF SNOW AND ICE

During the period from December 1st, in each year to the 31st, day of March, the succeeding year, both days inclusive, no person shall deposit or cause 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.

6. DISCLAIM OF DAMAGES

6.1 The Town shall not be responsible for any damage to property where:

- (a) the damages occurred on or to property located outside the Road Reservation;
- (b) the damages occurred as a result of the weight or snow and/or ice deposited onto mobile or portable articles, garbage boxes, buildings, fences, trees, shrubs, hedges, rock walls and lawns;
- (c) the damages occurred to trees outside of the Road Reservation which were not properly marked by a brightly painted pole or flag extending above the snow line; or
- (d) the claim for damages is received by the Town more than fourteen (14) days after the damage is alleged to have occurred.

7. CLAIMS AGAINST THE TOWN

7.1 Claims against the Town for damage to property as a result of the Town's snow clearing operations must be made in writing to the Town by April 30th of the alleged damage occurring. The Town will review all claims by May 30th.

7.2 When making a claim for damages, the following information should be included:

- (a) date and time that the alleged damage occurred;
- (b) type of equipment that caused the damage;
- (c) the approximate value of the alleged damage; and

- (d) photographs of the damaged property (and the pre-damaged condition, if available).

8. SNOW-CLEARING OPERATIONS

- 8.1 Snow-clearing operations in the Town will be completed on a priority basis and will generally proceed in the following order of priority:
 - (a) School bus routes and hills;
 - (b) Collector roads and main arteries;
 - (c) Local roads, non-thoroughfares, side roads and cul-de-sacs.
- 8.2 Snow-clearing operations will begin when 5 centimeters of snow has accumulated on the Highway surface and will continue thereafter as conditions require in the opinion of the, Senior Staff Member responsible for Public Works for the Town.
- 8.3 During a period of excessive snowfall, priority will be given to keeping collector roads and main arteries open and assisting emergency vehicles as required.
- 8.4 Except in the case of emergency situations or severe weather events, the Town shall make efforts to meet the following snow-clearing operational timelines once snowfall accumulation has ended:
 - (a) immediately commence clearing fire hydrants:
 - (b) within six to eight hours, clear all Highways within the Town; and
 - (c) on the next regular business day, commence widening Highways within the Town.

9. ICE-CONTROL OPERATIONS

- 9.1 Ice-control operations In the Town will be completed on a priority basis and will generally proceed in the following order of priority:
 - (a) School bus routes and hills:
 - (b) Collector roads and main arteries;
 - (c) Local roads, non-thoroughfares, side roads and cul-de-sacs.
- 9.2 Ice-control operations will begin when Highway surfaces become slippery as a result of weather and temperature conditions, and will continue thereafter as conditions require, in the opinion of the Senior Staff Member responsible for Public Works for the Town.
- 9.1 During a period of ice accumulation on Highways, priority will be given to keeping collector roads and main arteries open and assisting emergency vehicles as required.
- 9.2 Except in the case of emergency situations or severe weather events, the Town shall make efforts to complete ice control operations on all Highways within five to six hours following the ice accumulation event.

10. ENFORCEMENT

- 10.1 These Regulations may be enforced by a municipal enforcement officer appointed pursuant to section 179 of the Municipalities Act, a member of the Royal Newfoundland Constabulary, a member of the Royal Canadian Mounted Police, a peace officer, or any other person appointed by Council to enforce these Regulations (any of which shall be known as an "Enforcement Officer").
- 10.2 It shall be the duty of an Enforcement Officer:
- (a) To report the name and address of any person observed or reliably reported to have violated any of the provisions of these Regulations;
 - (b) To report the time and nature of the violation of the Regulations and any circumstances being relevant to the violation;
 - (c) To serve upon the person violating any provision of these Regulations a traffic ticket under the Town of Torbay Traffic Regulations, Section 6 (Snow clearing) that the person concerned has violated a provision of the Regulations and instructing such person to carry out any order in respect to such violation within a stated period of time; and
 - (d) To furnish the Chief Administrative Officer for the Town with a duplicate of each Violation Notice.

11. PENALTIES

- 11.1 The owner of a motor vehicle which is towed and impounded pursuant to these Regulations shall be liable for all costs associated with towing and impounding, which costs shall be recoverable by the Town as a civil debt. Neither Council, nor its employees, servants, agents, or assigns are responsible for damages caused to any motor vehicle as a result of the enforcement of these Regulations.
- 11.2 Every person who acts in contravention of or fails to comply with any provision of these Regulations, or neglects or refuses to do so:
- (a) shall be liable to the penalties stipulated in Schedule "A" to these Regulations; or
- 11.3 The conviction of a person under these Regulations does not operate as a bar to further prosecution for the continued failure on the part of a person to comply with these Regulations.

12. GENERAL

- 12.1 A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any provision of these Regulations shall not affect the validity of the remaining parts of these Regulations.
- 12.2 Schedule "A" annexed hereto shall form part of these Regulations.
- 12.3 All previous snow clearing regulations and amendments thereto adopted by Council are repealed.

SCHEDULE "A"

SCHEDULE OF FINES AND PENALTIES

Parking so as to obstruct snow clearing	\$50.00
Parking on a highway or municipal parking area between 1:00 am and 7:00 am	\$50.00
Depositing snow on a street or road reservation	\$50.00