Public Notice

Town of Logy Bay-Middle Cove-Outer Cove
(Draft) Parking of Commercial Motor Vehicle Regulations

The Town Council wishes to adopt the Town of Logy Bay-Middle Cove-Outer Cove Parking of Commercial Motor Vehicle Regulations.

A draft of the proposed Parking of Commercial Motor Vehicle Regulations has been prepared and, prior to Council’s formal consideration of the draft regulations, the Council is seeking public feedback on the draft regulations.

A copy of the draft Parking of Commercial Vehicle Regulations is available on the Town’s website at www.lbmcoc.ca under Municipal Services (Public Notices & Information).

Additional information on the draft regulation can be obtained by email office@lbmcoc.ca or by telephone 726-7930.

If you wish to provide feedback, the feedback is to be in the form of a written submission and is to be hand delivered to the Town’s mailbox at the Town Hall or received by email at office@lbmcoc.ca by 4:00 pm, Friday, August 28, 2020.

Written submissions received will become a matter of public record. Any identifying information beyond your name (civic address, email and/or other contact information) will be redacted (removed) prior to the information being released publicly.
PARKING OF COMMERCIAL MOTOR VEHICLE REGULATIONS
(DRAFT)

PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by Section 414(2) (t) of the Municipalities Act, Chapter M-24, S.N. 1999 and Section 5 (c) of The Town of Logy Bay-Middle Cove-Outer Cove Traffic Regulations, the Town Council of Logy Bay-Middle Cove-Outer Cove hereby enacts the following Regulations which were adopted at a Public Council Meeting held on the ___ day of ____________, 2020.

Janine Walsh  
Town Clerk/Manager

Bert Hickey  
Mayor

1. TITLE

These Regulations shall be known and cited as the "Town of Logy Bay-Middle Cove-Outer Cove Parking of Commercial Motor Vehicle Regulations".

2. INTERPRETATION

For the purposes of this Bylaw, unless the context otherwise requires:

a) "Regulation" means the Town of Logy Bay-Middle Cove-Outer Cove Parking of Commercial Motor Vehicle Regulations.

b) "Bus" means a motor vehicle designed or used for the transportation with a seating capacity of 10 or more in addition to the driver, but excluding those motor vehicles when used for personal transportation by the owner or with the owner’s permission.

c) "Commercial Motor Vehicle" means any vehicle designed, maintained, or used primarily for the transportation of property and persons, and includes a truck, (excluding vehicles 1 1/4 tonne and under), a bus, delivery van or wagon, mobile vending vehicle, tractor, truck tractor and/or trailer, heavy equipment, construction equipment, but does not include a taxi cab, jitney bus, or recreational vehicle. For the purposes of these regulations, all vehicles one and one quarter (1 1/4) tonne in weight and under are exempt from these Regulations.
d) "Council" means the Town Council of the Town of Logy Bay-Middle Cove-Outer Cove.

e) "Park" means to permit a vehicle, whether occupied or not, to stand otherwise than temporarily for the immediate purpose of and while actually engaged in loading or unloading goods or taking up or setting down passengers.

f) "Persons" means any person, firm, partnership, association, corporation, or organization of any kind.

g) "Representative" means an employee of Council designated by Council to enforce the provisions of these Regulations.

h) "Residential Zone" means residential use zones as defined under the Town of Logy Bay-Middle Cove-Outer Cove Land Use Zoning, Subdivision and Advertisement Regulations.

i) "Town" shall mean the Town of Logy Bay-Middle Cove-Outer Cove, Newfoundland and Labrador.

3. APPLICATION

These Regulations apply within the Planning Area boundaries of the Town.

4. CONFORMITY WITH REGULATIONS

No person shall park a Commercial Motor Vehicle in Residential Zones as identified in the Logy Bay-Middle Cove-Outer Cove Development Regulations in the Town except in conformity with these Regulations.

5. EXCEPTIONS

This Regulation shall not prohibit:

a) The parking of one Commercial Motor Vehicle on a property in a Residential Zone.
b) The operation of emergency vehicles upon any street in the Town.

c) The operation of Commercial Motor Vehicles owned or operated by the Town, public utilities, any contractor and/or any other person while engaged in the repair, delivery of materials, maintenance or construction of streets, street improvements or street utilities within the Town of Logy Bay-Middle Cove-Outer Cove.

d) The operation and parking of farm-related vehicles which are used in the active operation of a farm on the property on which the farm is situated.

6. PERMIT

a) No person shall park more than one Commercial Motor Vehicle on a property located within a Residential Zone in the Town unless:

   i. a permit for the parking of commercial vehicles has been issued by Council pursuant to these Regulations; or,

   ii. the parking of commercial vehicles has been approved as a condition of a Development Permit issued by Council pursuant to the Town of Logy Bay-Middle Cove-Outer Cove Development Regulations.

b) An application for a permit to park more than one Commercial Motor Vehicle in any Residential Zone shall be made to the Council and every applicant for a permit shall furnish with the application such information as Council may require.

c) Upon review of an application and as determined by Council, a permit may be issued to park a Commercial Vehicle on a residential property under the following provisions:

   i) The issuance of a permit does not contravene Section 6 of these Regulations;

   ii) The Council shall attach to the permit such conditions as it deems fit for the parking of any Commercial Motor Vehicle in a residential zone and may permit parking for such limited time as it deems fit.

   iii) Where Council issues a Commercial Vehicle Parking Permit, the permit is valid for one year and will be renewed automatically
provided no objections or complaints are received in relation to the parking of the said vehicle. Should any complaint be received during the term of the permit, Council will determine the validity of such a complaint and may refuse to renew the permit.

7. **SCHOOL BUS**

School buses are exempt from the provisions of Section 6 and 7 of these Regulations provided no objections or complaints are received. Should any objection or complaint be received, Council will determine the validity of the complaint and may require that a permit be obtained.

8. **ENTRY**

A Representative may enter upon any public or private land and may at all reasonable times make an inspection for the purpose of obtaining information relative to the parking of any Commercial Motor Vehicle or whatever works whatsoever which the Town is empowered to regulate, and may require the owner of an illegally parked commercial vehicle on the property on which such a vehicle is situated removed, or may arrange that such a vehicle be impounded at the owner's expense.

9. **ENFORCEMENT**

Enforcement and prosecution under these Regulations may be undertaken by any Police Officer or by a Representative.

10. **PENALTIES**

a. Every person who is guilty of 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 as stipulated in accordance with section 420 of the *Municipalities Act, 1999*; or

ii) Shall be issued a ticket under section 10 of the Town of Logy Bay-Middle Cove-Outer Cove Traffic Regulations made under section 189 of the *Highway Traffic Act* and section 414 (2) (pp) of the

b. Pursuant to Section 419 (2) of the Municipalities Act, 1999, each day upon which the same offence is committed or continued is a separate offence;

11. COMPLIANCE WITH OTHER ACTS

Nothing in these Regulations serves to exempt any person from obtaining any licence, permission, permit, authority or approval required by any other Regulation 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 force on the ___th day of ___________ 2020.

13. PUBLICATION

These Regulations were published in the ___________ on the ___th day of __________, 2020 A.D. and in the Newfoundland and Labrador Gazette on the ___th day of __________, 2020 A.D.

14. COPY TO MINISTER

A copy of these Regulations were sent to the Minister of Municipal Affairs and Environment on the ___th day of __________, 2020 A.D.