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June 5, 2019

The Honourable Lisa Dempster, M.H.A  
Minister of Municipal Affairs and Environment  
Confederation Building  
PO Box 8700  
St. John's, NL  
A1B 4J6

Dear Minister Dempster:

**Town of Logy Bay-Middle Cove-Outer Cove Traffic Regulations**

Pursuant to Section 189 of the Highway Traffic Act, RSNL 1990, H-3 as amended, please find attached a copy of the Town of Logy Bay-Middle Cove-Outer Cove Traffic Regulations which was adopted by the Town Council of Logy Bay-Middle Cove-Outer Cove at its meeting of June 3, 2019.

Yours very truly,



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Adele Carruthers,  
Town Manager

Attachment

# TRAFFIC REGULATIONS

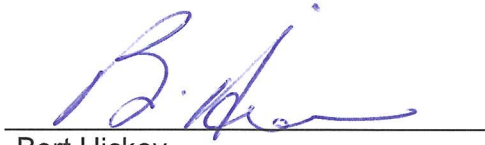
## PUBLISHED BY AUTHORITY

Pursuant to the power delegated by the Minister of Transportation and Works under Section 189 of the *Highway Traffic Act*, RSNL 1990, H-3, as amended, the Town of Logy Bay-Middle Cove-Outer Cove hereby enacts the following Regulations which were adopted at a Public Council Meeting held on the 3rd day of June 2019.



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Adele Carruthers  
Town Manager



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Bert Hickey  
Mayor

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### 1. TITLE

These Regulations shall be known and cited as "The Town of Logy Bay-Middle Cove-Outer Cove Traffic Regulations."

### 2. DEFINITIONS

In these Regulations, the following words, unless the context otherwise requires, shall have the following meanings:

- (a) "Act" means the Highway Traffic Act, RSNL1990 CHAPTER H-3 as amended.
- (b) "Bicycle" means a device propelled by human power upon which a person may ride, having 2 wheels in tandem.
- (c) "Bus" means a motor vehicle designed or used for the transportation of passengers 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.
- (d) "Commercial Motor Vehicle" means a vehicle designated to carry goods and includes a bus, a school bus, a truck, a truck tractor and other motor vehicles designed for commercial use but does not include camper type vehicles designed or adapted exclusively for recreational purposes.
- (e) "Council" means the Town Council of Logy Bay-Middle Cove-Outer Cove.

- (f) "Crosswalk" means:
  - (i) A part of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface; or
  - (ii) The part of a roadway at an intersection that is included within the connection of the lateral lines of the sidewalks on the opposite sides of a highway, measured from the curbs, or in the absence of curbs, from the edges of the roadway.
- (g) "Driveway" means a clearly defined private road, way, drive, path or passage or a similar opening or space which is wide enough, but not wider than is necessary for the passage of a motor vehicle, which the owner, occupier or user of property has vehicular access from a roadway to a point within the property.
- (h) "Emergency Vehicle" means:
  - (i) A motor vehicle driven by a peace officer or by a member of the police branch of 1 of the Crown's Armed Forces where there is an emergency justifying a rate of speed in excess of a maximum rate of speed provided for in this Act and includes a vehicle so operated by a chief of a volunteer fire department;
  - (ii) A motor vehicle carrying firefighting equipment in responding to an alarm of fire; and,
  - (iii) An ambulance responding to a call or transporting a patient where there is an emergency justifying a rate of speed in excess of a maximum rate of speed provided for in this Act.
- (i) "Highway" means a place or way, including a structure forming part of the place or way, designed and intended for, or used by, the public for the passage of traffic or the parking of vehicles and includes all the space between the boundary lines of the place or way.
- (j) "Intersection" means the area enclosed within the prolongation or connection of the lateral curb lines or where there are no curb lines, the lateral boundary lines of 2 or more highways that join one another at an angle, whether or not 1 highway crosses the other.
- (k) "Minister" unless otherwise specified, means the minister appointed under the *Executive Council Act* to administer this Act.
- (l) "Motor Vehicle" means a vehicle propelled, driven or controlled otherwise than by muscular power, other than a trailer or a vehicle running upon fixed rails.
- (m) "Operator" means a person driving a motor vehicle on a highway or who has the care or control of the motor vehicle on a highway whether in motion or not.

- (n) "Owner" means:
  - (i) The person who holds the legal title to a vehicle;
  - (ii) In the case of a vehicle that is registered, the person in whose name it is registered;
  - (iii) In the case of a vehicle that is the subject of a mortgage, the mortgagor if the mortgagor is entitled to possession of the vehicle;
  - (iv) In the case of a vehicle that is the subject of a hire-purchase agreement, the person in possession of the vehicle under the agreement; or
  - (v) In the case of a vehicle that is the subject of a conditional sale contract, the buyer under the conditional sale contract if the buyer is entitled to possession of the vehicle.
- (o) "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 or in obedience to traffic regulations or traffic signs or the direction of a traffic officer.
- (p) "Peace Officer" includes a member of the Royal Newfoundland Constabulary, the Royal Canadian Mounted Police Force stationed in the province, a member of a municipal police force and a park warden appointed under the *Public Service Employment Act* (Canada) who is stationed in the province.
- (q) "Pedestrian" means:
  - (i) a person on foot;
  - (ii) a person in or on a mobility aid; or,
  - (iii) a child in a carriage or a sleigh.
- (r) "Persons" means any persons, firm, partnership, association, corporation, or any organization of any kind.
- (s) "Regulations" means Logy Bay-Middle Cove-Outer Cove Traffic Regulations made under the authority of the Highway Traffic Act and amendments and the Municipalities Act and amendments.
- (t) "Roadway" means the portion of a highway that is improved, designed, or ordinarily used for vehicular traffic, but does not include the shoulder unless the shoulder is paved, and where a highway includes 2 or more separate roadways, the term "roadway" refers to any 1 roadway separately and not to all of the roadways collectively.

- (u) "School bus" means a motor vehicle:
  - (i) Designed or used to carry 7 or more passengers in addition to the driver;
  - (ii) Owned, operated by or contracted to a school board or agent of a school board; and
  - (iii) Used to transport children to or from school or to and from places other than school for the purpose of school-related activities.
- (v) "Sidewalk" means that portion of a highway between the curb lines or the lateral lines of a roadway and the adjacent property lines set apart for the use of pedestrians and includes a part of a highway set apart or marked as being for the exclusive use of pedestrians and is considered to include an area of a highway lying between the curb lines or the lateral lines of a roadway and that portion of a highway set apart for the use of pedestrians.
- (w) "Stop" means:
  - (i) when required, the complete cessation of movement; and,
  - (ii) when prohibited, any stopping or standing of a vehicle whether occupied or not except when necessary to avoid conflict with other traffic or in compliance with the direction of a traffic officer or traffic-control device or signal.
- (x) "Town" means the Town of Logy Bay-Middle Cove-Outer Cove.
- (y) "Traffic" includes vehicles, pedestrians and animals while using a highway for the purpose of travel.
- (z) "Traffic-control device" means a traffic sign, traffic-control signal, marking, symbol or device consistent with this Act placed or erected by authority of the Minister or a traffic authority for the purpose of regulating, warning or guiding traffic and includes those contained in the Manual of Uniform Traffic Control Devices for Canada;
- (aa) "Traffic Officer" means a peace officer or person referred to in Section 9.
- (bb) "Traffic Sign" includes all traffic control signals, warning sign-posts, direction-posts, signs, lines, marks or other devices for the guidance of persons using highways.
- (cc) "Vehicle" means a device in, upon or by which a person or thing may be transported or drawn upon a highway, but does not include devices used exclusively upon fixed rails.

### 3. COUNCIL AUTHORITY

- (a) The Council may cause or permit a traffic-control device to be placed on or near any highway within the limits of the Town.
- (b) Without limiting the generality of subsection 3(a) of these Regulations, a traffic-control device erected or authorized under Subsection 3(a) of these Regulations may be used for any of the following purposes;
  - (i) To regulate the movement of traffic;
  - (ii) To indicate the route to be followed by traffic;
  - (iii) To restrict or prohibit the use of any part of any highway, other than a main highway designated as such by the Minister, within the limits of the Town;
  - (iv) To indicate maximum speed limits in any area or on any part of any highway within the limits of the Town, so that vehicles driven in excess of such speed shall be taken to have failed to conform to the indication given by the traffic-control device;
  - (v) To restrict or prohibit the parking of vehicles in any area or on any part of any highway within the limits of the Town and specifically to reserve particular areas for parking by specific types of vehicles or for the parking of vehicles operated by specific classes of persons;
  - (vi) To restrict or prohibit temporarily the use of any highway, other than a main highway designated as such by the Minister, or any part of any highway within the limits of the Town, whenever, owing to the likelihood of danger to the public or of serious damage to the highway, it appears to the Council to be necessary; and to limit the loads of vehicles owing to the condition of the highway if the Council deems it necessary, provided that the traffic-control device shall not apply to any person granted a permit in writing by the Council to use the highway in case of an emergency;
  - (vii) To warn users of the highway of the need for special caution;
  - (viii) To convey information to users of the highway within the limits of the Town;
  - (ix) To set out proper pedestrian crossing on any highway within the limits of the town; and
  - (x) To restrict or reserve specific parking spaces for the sole use of disabled persons.
- (c) Any person who fails to comply with the directions, restrictions, prohibitions, or warnings given by a traffic-control device erected or authorized in accordance with these Regulations shall be guilty of an offence against these Regulations.

#### 4. PARKING OFFENCES

- (a) No person shall stop, stand or park a vehicle on a highway so that the vehicle or any part of it is:
  - (i) On a sidewalk, an entrance to a walkway/bikeway or an area generally used by or intended for use by pedestrians or a person riding a bicycle;
  - (ii) In front of a public or private driveway or in front of an authorized loading door designated as such;
  - (iii) Within 6 metres of an intersection;
  - (iv) Within a crosswalk;
  - (v) Within 6 metres of the approach side of a crosswalk;
  - (vi) Within 8 metres upon the approach to any flashing beacon, stop sign, or traffic-control sign or signal located at any side of a roadway;
  - (vii) Within 6 metres of either side of the entrance to or exit from a hotel, church, school, public meeting place, theatre, dance hall or playground;
  - (viii) Within a distance of 20 metres from a bus stop erected under these Regulations, except where otherwise provided by a sign erected under these Regulations;
  - (ix) Alongside or opposite a street excavation or obstruction when stopping, standing or parking obstructs traffic;
  - (x) In a place in contravention of a traffic-control device that gives notice that stopping, standing or parking is there prohibited or restricted;
  - (xi) Parked on the left side of the highway in the direction it is heading, excepting where such parking is designated by proper signs erected by Council;
  - (xii) Within 150 metres of any site where a fire is in progress unless permission has been obtained from a police constable, excepting a fire engine, ambulance, clergy car, police car, medical doctor's car or nurse's car;
  - (xiii) Parked in such a manner as to interfere with, hinder or obstruct the normal flow of traffic;
  - (xiv) Parked on highway property between the curb or edge or the roadway and the boundary line of the highway;

- (xv) On any property classified as an easement or upon which Council grants a permit;
  - (xvi) For the purpose of displaying the vehicle for sale;
  - (xvii) For the purpose of washing, greasing or repairing the vehicle, except for such repairs as have been necessitated by an emergency;
  - (xviii) Parked in an area designated as a parking space for disabled persons or with Impaired Mobility only.
- (b) No person shall double park any motor vehicle on any highway within the limits of the Town.
  - (c) No person shall park or stop any vehicle on any roadway unless on the right-hand side of the roadway having regard to the direction in which the vehicle was proceeding with the right front and rear wheels parallel to and not more than thirty (30) centimetres from the curb where there is a raised curb, or where there is no curb or a rolled curb, with the right front and rear wheels parallel to and as near to the right hand limit of the roadway as is practical without stopping or parking over a sidewalk or footpath or over any part of the road where grass is grown or which is not intended for the use of vehicles.

## **5. COMMERCIAL VEHICLES OFFENCES**

- (a) The Council is hereby authorized to determine and designate those streets in the Town which shall or shall not be used by commercial motor vehicles.
- (b) These Regulations shall not prohibit:
  - (i) The operation of commercial motor vehicles upon any street where necessary to the conduct of business at a destination point, provided that streets upon which such traffic is permitted are used only until reaching the intersection nearest the destination point;
  - (ii) The operation of an emergency vehicle upon any street in the Town;
  - (iii) The operation of commercial motor vehicle owned or operated by the Town, Public Utilities or any contractor 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; or
  - (iv) The operation of commercial motor vehicles upon any officially established detour in the Town of Logy Bay-Middle Cove-Outer Cove.



- (c) No person shall park any commercial motor vehicle in any residential zone in the Town of Logy Bay-Middle Cove-Outer Cove, unless the parking of the commercial vehicle is in conformity with the Logy Bay-Middle Cove-Outer Cove Parking of Commercial Motor Vehicle Regulations.
- (d) Where an application for a permit to park any commercial motor vehicle in any residential zone is required, the application shall be made to the Council in such form as prescribed by the Council and every applicant for a permit shall furnish with the application such information as Council may require.
- (e) 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.
- (f) The driver of a commercial vehicle loading or unloading freight within the Town shall, if possible, place such vehicle off the highway into some private parking space; where no alternative loading or unloading point exists, place such vehicles as near as possible to the curb or side of the highway and load or unload as quickly as possible in accordance with applicable provincial traffic control and occupational health and safety regulations but in no case shall a driver place a commercial vehicle in such a position as to excessively hinder or obstruct the normal flow of traffic either vehicular or pedestrian.

**6. SNOWCLEARING**

- (a) No person shall park any unattended motor vehicle on any highway or municipal parking area in such a way as to interfere with, hinder or obstruct snow-clearing operations.
- (b) During the period from the first day of November in each year to the thirtieth day of April in the succeeding year, both days inclusive, no person shall park at any time an unattended vehicle(s), regardless of weather conditions, upon any highway within the Town of Logy Bay-Middle Cove-Outer Cove.
- (c) Any motor vehicle parked contrary to Subsections 6 (a) or (b) of these Regulations may be towed away by Council or their representatives, at the owner's risk and expense, to a place selected by the Council or person so authorized.

**7. ABANDONED VEHICLES**

- (a) When a vehicle:
  - (i) Is standing, stopped or parked upon a highway within the Town limits or bridge in such a position that it may;
    - (1) Interfere with the pedestrian or vehicular traffic;

- (2) Constitute a hindrance to the maintenance, repair or improvement thereof;
  - (3) Hinder or impede the ploughing of or removal of snow or ice there from; or
  - (4) Hinder or impede the carrying out of any undertaking of the Council; or
- (ii) Has been apparently abandoned upon a highway within the Town limits, sidewalk or bridge for longer than twenty-four (24) hours; or
  - (iii) Has been left unattended upon any highway within the Town limits, sidewalk or bridge in contravention of these Regulations, the Council or any person authorized for the purpose by the Council may remove that vehicle, at the owner's risk and expense, to a place selected by the Council or person so authorized.
- (b) The Council may dispose of any vehicle removed and stored under these Regulations, by Public Sale or Auction, if the vehicle is not claimed within ninety (90) days of removal and storage.
  - (c) Prior to the return of the vehicle to its owner, the owner shall pay the costs of its removal and storage as determined by the Council and where such costs are not paid by the owner, the Council may sell the vehicle on Public Sale or Auction to satisfy such costs upon notice to the owner, including the costs, if any, of or incidental to the Public Sale or Auction.

## **8. OFFENCE**

Notwithstanding Section 5 of the *Provincial Offence Act*, SNL 1995, P-31.1, as amended, any person who violates any of the provisions of these Regulations, shall be guilty of an offence and shall be liable on summary conviction to a fine of not more than the maximum and not less than the minimum amount as prescribed for the offence in Schedule "A" to these Regulations and appearing in that Schedule opposite the number or letter or both of the Regulations, subsection or paragraph.

## **9. APPLICATION**

A Peace Officer or a Traffic Officer may enforce these Regulations.

## **10. COMPLIANCE WITH OTHER ACTS AND REGULATIONS**

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.

**11. EFFECTIVE DATE**

These Regulations shall come into force on 2nd day of July, 2019.

**12. PUBLICATION**

These Regulations were published in the North East Avalon Times on the 17th day of June, 2019 A.D. and were Gazetted on the 14th day of June, 2019 A.D.

**13. COPY TO MINISTER OF MUNICIPAL AFFAIRS AND ENVIRONMENT**

A copy of these Regulations were sent to the Minister of Municipal Affairs and Environment on the 5th day of June, 2019 A.D.

## SCHEDULE A

### Town of Logy Bay-Middle Cove-Outer Cove Schedule of Penalties

		Penalty			
Section and subsection or paragraph	Offence	A fine of not more than the dollar amounts specified		In default of payment of fine, imprisonment for no longer or shorter than time specified	
		Max.	Min.	Max.	Min.
4(a)(i)	Parking on sidewalk	180	45	6 days	1 day
4(a)(ii)	Parking in front of driveway or authorized loading door	180	45	6 days	1 day
4(a)(iii)	Parking within an intersection	180	45	6 days	1 day
4(a)(iii)	Parking within 6 metres of the approach side of an intersection	180	45	6 days	1 day
4(a)(iv)	Parking within a crosswalk	180	45	6 days	1 day
4(a)(v)	Parking within 6 metres of the approach side of crosswalk	180	45	6 days	1 day
4(a)(vi)	Parking within 10 metres of traffic-control signal on side of roadway	180	45	6 days	1 day
4(a)(vii)	Parking within 6 metres of an entrance to or exit from hotel, school, church, public meeting place, theatre, dance hall or playground	180	45	6 days	1 day
4(a)(viii)	Parking within 20 metres of a bus stop	180	45	6 days	1 day
4(a)(ix)	Parking within 6 metres of a fire station	180	45	6 days	1 day

4(a)(x)	Parking opposite or beside or within 6 metres of a street excavation or obstruction and obstructing traffic	180	45	6 days	1 day
4(a)(xi)	Failing to obey no parking signs	180	20	6 days	1 day
4(a)(xi)	Failure to observe traffic-control device prohibiting parking or stopping	170	100	3 days	1 day
4(a)(xii)	Failing to park on right side of highway	180	45	6 days	1 day
4(a)(xiv)	Parking which obstructs or interferes with traffic	180	45	6 days	1 day
4(a)(xv)	Parking on roadway	180	45	6 days	1 day
6(a)	Parking on highway to restrict snow clearing operations	75	75		
6(b)	Parking on a highway or municipal parking area between 12:00 midnight and 10:00 am lot from the first day of November in each year to the thirtieth day of April in the succeeding year	75	75		