



## Town of Logy Bay-Middle Cove-Outer Cove Snow Clearing Regulations 2021

### Published by Authority

The following regulations have been made by the Town Council of the Town of Logy Bay-Middle Cove-Outer Cove pursuant to the authority conferred by Section 189 (1) (j) of the Highway Traffic Act, 1990 CHAPTER H-3 as amended and Sections 198 and 414 (2) (nn) of the Municipalities Act, 1999, Chapter M-24 as amended.

Adopted by the Town Council of the Town of Logy Bay-Middle Cove-Outer Cove on the 8th day of February 2021 to come into effect on the date that the notice is published in The Newfoundland and Labrador Gazette.

Bert Hickey  
Mayor

Janine Walsh, P.Tech.  
Town Clerk/Manager

#### 1. TITLE

These regulations may be cited as "*The Town of Logy Bay-Middle Cove-Outer Cove Snow Clearing Regulations 2021*".

#### 2. DEFINITIONS

- a) "**Council**" means the Town Council of Logy Bay-Middle Cove-Outer Cove.
- b) "**Town**" means The Town of Logy Bay-Middle Cove-Outer Cove.
- c) "**Vehicle**" means a device in, upon, or by which a person or property may be transported or drawn upon a highway.
- d) "**Road, Street, or Highway**" means road, street or highway as defined by the Highway Traffic Act 1990 and which for the purposes of these regulations is under



the jurisdiction of Council.

- e) **“Regulation”** shall mean the Town of Logy Bay-Middle Cove-Outer Cove Snow Clearing Regulations.
- f) **“Person”** shall mean and include a person, firm, partnership, Corporation, or company.
- g) **“Right-of-Way”** shall mean an area that is owned and maintained by the Town.
- h) **“Driveway”** shall mean a clearly defined private road, way, drive, path, passage, or like opening which is wide enough for the passage of a motorized vehicle whereby the owner, occupier, or user of a property has a vehicular access from a roadway to a point within the property.
- i) **“Parking Lot”** shall mean a clearly defined area of land provided by the owner, occupier, or user of a business premises for the use of the general public for the parking of motorized vehicles.
- j) **“Portable Article”** shall mean a piece of physical property that is owned and maintained by a homeowner of a corresponding property which shall include, but not be limited to, garbage boxes, fences, buildings, private mailboxes, and any other wooden, plastic, or steel structure.
- k) **“Property”** shall refer to any landscaping or driving surfaces outside the Town’s right of way.

### 3. GENERAL

- a) Council shall not be responsible for any damage to any portable articles which include, but not limited to, fences, garbage boxes, buildings, private mailboxes or property, which shall include, but not limited to trees, shrubs, grass, concrete, or asphalt that impede snow clearing and are located within designated Town right-of-ways.
- b) Homeowners shall place any portable articles or property in a manner that is not located in the street right-of-way and also one that does not impede snow clearing or snow removal operations.

### 4. SNOW CLEARING PERIOD

The Snow Clearing Period shall be;



- a) The period between the first day of November each year, up to and including the thirtieth day of April the following year, inclusive, and;
- b) Any other period when unusual snow/ice conditions prevail.
- c) 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.

## **5. PARKING**

- a) During the Snow Clearing Period, no person shall park, leave or abandon at any time, an unattended vehicle or any portion of vehicle upon a road or road shoulder within the Town.
- b) During the Snow Clearing Period, no person shall park, leave or abandon at any time, an unattended vehicle or any portion of vehicle in the turning area at the end of Doran's Lane and/or Red Cliff Road.
- c) During the Snow Clearing Period, no person shall park, leave or abandon at any time, an unattended vehicle or any portion of vehicle in public spaces belonging to the Town which shall include parking lots.
- d) During the Snow Clearing Period, no person shall shovel, plow, caused to be shoveled or plowed, any residue from a driveway or parking lot into any road, road shoulder, or road ditch, within the municipal boundaries of the Town, which is controlled by the Town of Logy Bay-Middle Cove-Outer Cove.

## **6. LIABILITY FOR DAMAGES**

Claims against the Town for damage to mobile or portable articles, including but not limited to garbage boxes, buildings, fences, trees, shrubs, ledges, rock walls, and lawns on private property, will be accepted by the Town as they occur, as a result of being damaged by equipment operated by employees of the Town, or by Contractors designated by and working for the Town during the snow clearing period, not less than 10 metres (33 feet) from the centreline of the road. Exceptions will be made where street right-of-ways are smaller and will be addressed on a case-by-case basis.

Damage claims must be received in writing by completing the Snow Clearing Claims Notification Form to the Town office at 744 Logy Bay Road or by email at [office@lbmccoc.ca](mailto:office@lbmccoc.ca). For those who are unable to complete the Snow Clearing Claims Notification Form, a meeting should be arranged with Town staff to document the damage and investigate accordingly.



When making a claim, the following information should be included to enable the processing of your claim. If sufficient information is not provided, this may result in your claim not being honored:

- a) Time and date in which the damage occurred.
- b) Type of equipment that caused the damage.
- c) Description of vehicle that caused the damage (colour, licence plate, etc.).
- d) Type of damage and approximate amount, in dollars, of the damage claim.
- e) Pictures, if possible, of the property prior to the damage occurring.
- f) Pictures, if possible, of the property after the damage has occurred.

## **7. DISCLAIM OF DAMAGES**

No claims for damages to any property will be accepted by the Town where:

- a) The damages occurred on or to property located within 10 metres (33 feet) from the centreline of the road.
- b) Damage is caused by the weight of snow.
- c) A claim for damages is received by the town after May 15 of the year in which the snow clearing period ends. Damages complaints received after this date will not be investigated.

## **8. PENALTIES**

- a) Any unattended vehicle parked in contravention of these regulations within the Town may be removed by, or on behalf of, the Town and impounded at the owner's expense. The total cost of removal and impounding may be recovered from the owner of the vehicle as a civil debt.
- b) Any snow residue that has to be removed by Council on any road, road right-of-way or road ditch caused by a person shoveling or plowing from a driveway or parking lot, may be recovered as a civil debt.
- c) The Town will not be responsible for any damages of vehicles parked in contravention of these Regulations, nor will they be responsible for any damages caused by the removal and/or impounding of the vehicle.

## **9. SNOW CLEARING OPERATIONS**

Snow clearing operations shall commence once snow has begun to accumulate on the



driving surface and will continue thereafter as conditions require in the opinion of the snow clearing contractor.

Snow Clearing operations within 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 throughout the Town.
- c) Local roads, non-thoroughfares, side roads, and cul-de-sacs.

During a period of excessive snowfall, priority will be given to keeping collector roads and main arteries throughout the town open and passable, as well as assisting emergency vehicles, as required.

#### **10. ICE CONTROL OPERATIONS**

Ice control operations shall commence prior to or when driving surfaces become slippery as a result of temperature and weather conditions, and shall continue thereafter as conditions require in the opinion of the snow clearing contractor.

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 throughout the Town.
- c) Local roads, non-thoroughfares, side roads, and cul-de-sacs.

During a period of severe freezing rain or ice accumulation, priority will be given to keeping collector roads and main arteries throughout the Town open and passable, as well as assisting emergency vehicles, as required.

#### **11. MARINE DRIVE/MARINE LAB ROAD**

These Regulations do not apply to Marine Drive or Marine Lab Road as they are under the jurisdiction of the Provincial Government of Newfoundland and Labrador.

To view the regulations for these roads, please contact the Department of Transportation and Infrastructure.

The Town will not be responsible for any and all damages to private property that occur



along these roads. All damage claims should be forwarded to the Provincial Government of Newfoundland and Labrador by contacting the Department of Transportation and Infrastructure.

**12. COMING INTO EFFECT**

These Regulations come into effect on the date that the notice is published in The Newfoundland and Labrador Gazette.

**13. PUBLICATION**

Notice of adoption of these Regulations was published in the Newfoundland and Labrador Gazette on the 15th day of October, 2021.

**14. COPY TO MINISTER**

A copy of these Regulations were sent to the Minister of Environment, Climate Change and Municipalities and the Minister of Transportation and Infrastructure on the 23rd day of March, 2021.

**15. REPEAL OF PREVIOUS REGULATIONS AND AMENDMENTS**

All previous Town of Logy Bay-Middle Cove-Outer Cove Snow Clearing Regulations and Amendments are repealed.