

# TRAFFIC REGULATIONS

## TOWN OF PORTUGAL COVE - ST. PHILIPS

Pursuant to and by virtue of the powers conferred by Sections 414(2)(oo) of the Municipalities Act, 1999, SNL c.M-24 as amended and Ministerial Order # \_\_\_\_\_ pursuant to Sections 189 and 190 of the Highway Traffic Act, R.S.N.L., 1990, chapter H.-3, as amended, the Town Council of the Town of Portugal Cove-St. Philip's enacts the following Traffic Regulations.

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### 1. TITLE

These Regulations shall be known and cited as "The Town of Portugal Cove - St. Philip's Traffic Regulations."

### 2. PURPOSE

These Regulations are enacted to facilitate the safe and orderly flow of traffic within the Town of Portugal Cove-St. Philip's while also serving to protect, preserve and promote the enjoyment of the visual aesthetics of the highways in Town.

### 3. INTERPRETATION

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

3.1 "**Act**" shall mean the Highway Traffic Act, 1990, RSNL 1990, c. H-3, as amended.

3.2 "**Bus**" shall mean 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.

3.3 "**Commercial Motor Vehicle**" shall mean a vehicle designated to carry goods and persons and includes a bus, a school bus, a truck, and other motor vehicles designed for commercial use but does not include camper type vehicles designed or adapted exclusively for recreational purposes.

3.4 "**Commercial trailer**" shall mean a vehicle which has no motive power of its own, which may be attached to a truck, or other motor vehicle and is intended for a commercial use.

3.5 "**Commercial use**" shall mean for the purpose of trade or the generation of income or profit.

3.6 "**Commercial vehicle**" shall mean a commercial motor vehicle or a commercial trailer.

3.7 "**Council**" shall mean the Town Council of Portugal Cove - St. Philips.

3.8 "**Crosswalk**" shall mean:

3.8.1 Any 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

3.8.2 The part of a roadway at an intersection that is included within the connection of the lateral lines of the sidewalks of the opposite sides of a highway, measured from the curbs, or in the absence of curbs, from the edge of the roadway.

3.9 "**Driveway**" shall mean a clearly defined private roadway, path or passage or a like opening or space which is wide enough for the passage of a motor vehicle, whereby the owner, occupier or user of property has vehicular access from the roadway to a point within the property.

3.10 "**Emergency Vehicle**" shall mean:

3.10.1 A motor vehicle driven by a peace officer where there is an emergency justifying a rate of speed in excess of any maximum rate of speed provided for in these Regulations or the Act;

3.10.2 A motor vehicle carrying firefighting equipment in responding to an alarm of fire; or

3.10.3 An ambulance responding to a call or transporting a patient where there is an emergency justifying a rate of speed in excess of any maximum rate of speed provided for in these Regulations or the Act.

3.11 "**Highway**" shall mean 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 and includes all the space between the boundary lines of the place or way.

3.12 "**Intersection**" shall mean the area enclosed within the prolongation or connection of the lateral curb lines or if there are no curb lines, the lateral boundary lines of two or more highways that join one another at an angle, whether or not one of the highways cross the other.

3.13 "**Motor Vehicle**" shall mean a vehicle propelled, driven or controlled otherwise than by muscular power, other than a trailer or a vehicle running on fixed rails.

3.14 "**Municipal Enforcement Officer**" shall mean a person appointed as a Municipal Enforcement Officer under section 179 (1) of Municipalities Act, M-24, RSN 1999.

3.15 "**Operator**" shall mean a person driving a motor vehicle on a highway or who has the care or control of the motor vehicle whether in motion or not.

3.16 "**Owner**" shall mean:

3.16.1 The person who holds the legal title to a vehicle; or

3.16.2 In the case of a vehicle that is registered, the person in whose name it is registered.

3.17 "**Park**" shall mean to permit a vehicle whether occupied or not, to stand otherwise than temporarily for the immediate purpose of taking up or setting down passengers or in obedience to traffic regulations or traffic signs or the direction of a traffic officer.

3.18 "**Peace Officer**" shall mean a member of the Royal Newfoundland Constabulary, a member of the Royal Canadian Mounted Police, or an officer appointed by Council in accordance with sections 189 (4) and (5) of the Highway Traffic Act.

3.19 "**Pedestrian**" shall mean a person on foot, a person with a disability in a wheelchair, or a child in a carriage on a sleigh being pushed or pulled.

3.20 "**Persons**" shall mean any persons, firm, partnership, association, corporation, or any organization of any kind.

3.21 "**Regulations**" shall mean Town of Portugal Cove - St. Philip's Traffic Regulations.

3.22 "**Roadway**" shall mean a 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 two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively.

3.23 "**School Bus**" shall mean a motor vehicle:

3.23.1 Designed or used to carry 7 or more passengers, in addition to the driver;

3.23.2 Owned, operated by or contracted to a school board or agent of a school board; and

3.23.3 Used to transport children to or from school or to and from places other than school for the purpose of school related activities.

3.24 "**Sidewalk**" shall mean that portion of a highway between the curb lines or the lateral lines of a roadway and the adjacent property boundaries set apart or marked for the exclusive or intended use of pedestrians.

3.25 "Stop" when required shall mean the complete cessation of movement.

3.26 "**Stop**" or "**Stand**" when prohibited shall mean 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.

3.27 "**Town**" shall mean the Town of Portugal Cove - St. Philips.

3.28 "**Trailer**" shall mean a vehicle which has no motive power of its own and which may be attached to a truck, or other motor vehicle.

3.29 "**Traffic**" includes vehicles, pedestrians and animals while using a highway for the purpose of travel.

3.30 "**Traffic Officer**" means any person appointed by Council to enforce these Regulations, including a Municipal Enforcement Officer or Peace Officer.

3.31 "**Traffic Sign**" shall include all traffic control signals, warning sign posts, direction posts, signs, lines, marks or other devices for the guidance of persons using highways.

3.32 "**Vehicle**" shall mean a device in, upon or by which a person or property may be transported or driven upon a highway.

#### 4. COUNCIL AUTHORITY

4.1 The Council may cause or permit traffic lights or signs to be placed on or near any highway within the limits of the Town.

4.2 Traffic lights or signs erected or authorized under subsection (1) of these Regulations may be signs for any of the following purposes;

4.2.1 To regulate the movement of traffic;

4.2.2 To indicate the route to be followed by traffic;

4.2.3 To restrict or prohibit the use of any part of any highway, other than a main highway designed as such by the Minister of Transportation and Works, within the limits of the Town;

4.2.4 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 sign;

4.2.5 To restrict or prohibit the parking of vehicles in any area or on any part of any highway within the limits of the Town;

4.2.6 To restrict or prohibit temporarily the use of any highway, other than a main highway designated as such by the Minister of Transportation and Works, or any part of any highway within the limits of the Town, whenever, owing to the likelihood of danger to the public or 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 lights or signs shall not apply to any person

granted a permit in writing by the Council to use the highway in case of an emergency;

- 4.2.7 To warn users of the highway of the need for special caution;
- 4.2.8 To convey information to users of the highway within the limits of the Town;
- 4.2.9 To set out proper pedestrian crossing on any highway within the limits of the town; and
- 4.2.10 To restrict or reserve specific parking spaces for the sole use of persons with a disability.

4.3 Any person who fails to comply with the directions, restrictions, prohibitions, or warnings given by traffic lights or signs erected in accordance with these Regulations shall be guilty of an offence against these Regulations.

## **5. PARKING SPACES**

- 5.1 No person shall stop, stand or park a vehicle on a highway so that the vehicle or Any part of it is:
  - 5.1.1 On a sidewalk or an area generally used by or intended for use by pedestrians.
  - 5.1.2 In front of a public or private driveway or in front of an authorized loading door designated as such;
  - 5.1.3 Within 6 metres of an intersection;
  - 5.1.4 Within 1 metres from any fire hydrant;
  - 5.1.5 Within a crosswalk;
  - 5.1.6 Within 6 metres of the approach side of a crosswalk;
  - 5.1.7 Within 10 metres upon the approach to any flashing beacon, stop sign, or traffic-control sign or signal located at any side of a roadway;
  - 5.1.8 Within 6 metres either side of the entrance to or exit from a hotel, church, school, public meeting place, theatre, dance hall or playground;
  - 5.1.9 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;
  - 5.1.10 Within 7 metres of a driveway entrance to a fire station;
  - 5.1.11 Alongside or opposite a street excavation or obstruction when stopping, standing or parking obstructs traffic;
  - 5.1.12 In a place in contravention of a traffic control device that gives notice that stopping, standing or parking is there prohibited or restricted;
  - 5.1.13 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;
  - 5.1.14 Within 150 metres of any site where a fire is in progress unless permission has been obtained from a peace officer, municipal enforcement officer of traffic officer, excepting an emergency vehicle, clergy vehicle, medical doctor's vehicle or nurse's vehicle;

- 5.1.15 Parked in such a manner as to interfere with, hinder or obstruct the normal flow of traffic;
  - 5.1.16 Parked on highway property between the curb or edge of the roadway and the boundary line of the highway;
  - 5.1.17 On any property classified as an easement or upon which Council grants a permit;
  - 5.1.18 For the purpose of displaying the vehicle for sale;
  - 5.1.19 For the purpose of washing, greasing or repairing the vehicle, except for such repairs as have been necessitated by an emergency;
  - 5.1.20 Parked in an area designated as a parking space for persons with a disability only.
- 5.2 No person shall double park any motor vehicle on any highway within the limits of the Town.
- 5.3 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) centimeters 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 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.
- 5.4 No person shall stand, stop or park or drive a vehicle upon any highway or public area within the Town in contravention to any signs that may be posted by Council.

## **6. COMMERCIAL VEHICLE OFFENCES**

- 6.1 The Council is hereby authorized to determine and designate the highways in the Town, which shall be used by commercial motor vehicles.
- 6.2 These Regulations shall not prohibit:
- 6.2.1 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 until reaching the intersection nearest the destination point;
  - 6.2.2 The operation of an emergency vehicle upon any street in the Town;
  - 6.2.3 The operation of commercial motor vehicles 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 Portugal Cove - St. Philips; or
  - 6.2.4 The operation of commercial motor vehicles upon any officially established detour in the Town of Portugal Cove - St. Philips.
- 6.3 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, 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.

6.4 No Commercial Vehicle shall be parked on any highway within the Towns limits between the hours of 1:00 am and 5:00 am.

## **7. SNOW CLEARING**

7.1 During the period from November 1<sup>st</sup>, in each year to the 30<sup>th</sup>, day of April in the succeeding year, both days inclusive, no person shall park, leave or abandon any vehicle or portion of any vehicle upon any Highway within the Town:

7.1.1 Between the hours of 12:00 midnight to and including 8:00 am: and

7.1.2 At any time when there is a snowfall and for twelve hours after the snowfall has ceased.

7.2 Any motor vehicle parked contrary to Regulation 7.1, or 9.1.1.3 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.

7.3 During the period from November 1<sup>st</sup>, in each year to the 30<sup>th</sup>, day of April in the succeeding year, both days inclusive, no person shall shovel, plow, or blow or cause to be shovelled, plowed, or blown 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.

## **8. OTHER LIMITATIONS**

8.1 No structure, object or vehicle, other than a vehicle licensed under the Highway Traffic Act, shall move over a highway, within the Town except with the written approval of Council.

8.2 Notwithstanding subsection (1), no vehicle that is propelled over tracks or other device, other than tires, shall move over a highway or bridge, within the Town except with the written approval of Council

## 9. ABANDONED VEHICLES

### 9.1 When a vehicle:

9.1.1 Is standing, stopped or parked upon a highway within the Town limits or bridge in such a position that it may;

9.1.1.1 Interfere with the pedestrian or vehicular traffic;

9.1.1.2 Constitute a hindrance to the maintenance repair or improvement thereof;

9.1.1.3 Hinder or impede the ploughing of or removal of snow or ice therefrom; or

9.1.1.4 Hinder or impede the carrying out of any undertaking of the Council; or

9.1.2 Has been apparently abandoned upon a highway within the Town limits, sidewalks or bridges for longer than (24) hours; or

9.1.3 Has been left unattended upon any highway within the Town limits, Sidewalks or bridges 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.

9.2 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 thirty (30) days of removal and storage.

9.3 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.

## 10. ANTILITTER OFFENCES

10.1A person shall not throw or deposit or cause to be thrown, deposited or left on a highway, glass, nails, tacks scraps of metal or other material, rubbish, refuse or waste which may injure tires of vehicles.

10.2A person who removes a wrecked or damaged vehicle from a highway shall remove



glass or any injurious substance or thing dropped upon the highway from the vehicle

#### **11. OFFENCE**

Notwithstanding Section 5 of the Provincial Offence Act, 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.

#### **12. APPLICATION**

12.1 No person other than a Peace Officer may use emergency lights on his or her vehicle to stop a moving vehicle that is engaged in the commission of an offence under these regulations to apprehend an offender.

12.2 Subject to subsection (12.1), a Peace Officer, a Municipal Enforcement Officer or a Traffic Officer may enforce these regulations.

#### **13. REPEAL OF PREVIOUS REGULATIONS AND AMENDMENTS**

All previous Town of Portugal Cove - St. Philips Traffic Regulations and amendments are repealed.

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

Nothing in these Regulations serves to exempt any person from obtaining any license, 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.

#### **15. EFFECTIVE DATE**

These Regulations shall come into force on

**SCHEDULE A  
TOWN OF PORTUGAL COVE - ST. PHILIPS  
SCHEDULE OF FINES**

| section | subsection | offence  | fine     |
|---------|------------|--|----------|
| 4       | 4.1.1      | Parking onsidewalk   | \$50.00  |
|         | 4.1.2      | Parking in front of public or private driveway   | \$50.00  |
|         | 4.1.3      | Parking within 6 metres of intersection  | \$50.00  |
|         | 4.1.4      | Parking within 1metres of fire hydrant   | \$50.00  |
|         | 4.1.5      | Parking within a crosswalk   | \$100.00 |
|         | 4.1.6      | Parking within 6 metres of a crosswalk   | \$50.00  |
|         | 4.1.7      | Parking within 10 metres of a traffic control device   | \$50.00  |
|         | 4.1.8      | Parking within 6 metres of an entrance or exit to hotel, church, school, public meeting place, theatre, dance hall or playground | \$50.00  |
|         | 4.1.9      | Parking within 20 metres of a bus stop   | \$50.00  |
|         | 4.1.10     | Parking within 6 metres of a fire station  | \$50.00  |
|         | 4.1.11     | Parking opposite or beside a street excavation   | \$50.00  |
|         | 4.1.12     | Parking contrary to signs  | \$100.00 |
|         | 4.1.13     | Parking on left side of highway  | \$50.00  |
|         | 4.1.14     | Parking within 150 metres of the site of a fire  | \$50.00  |
|         | 4.1.15     | Parking as to obstruct traffic   | \$50.00  |
|         | 4.1.16     | Parking on highway property outside curb   | \$50.00  |
|         | 4.1.17     | Parking on property classified as easement   | \$50.00  |
|         | 4.1.18     | Parking on highway to display vehicle for sale   | \$50.00  |
|         | 4.1.19     | Parking on highway for repairs   | \$50.00  |
|         | 4.1.20     | Parking in a designated mobility impaired parking space  | \$400.00 |
|         | 4.1.15     | Double Parking   | \$50.00  |
|         | 4.1.16     | Parking away from the curb   | \$50.00  |

|   |       |  |   |          |
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|   | 4.4   |  | Stop stand or park in area prohibited by signs  | \$50.00  |
| 5 | 5.3   |  | Commercial motor vehicles parking in residential zones without a permit                                       | \$100.00 |
| 5 | 5.7   |  | Commercial vehicle parked on highway within the Town from 1:00 am – 7:00 am                                   | \$50.00  |
| 6 | 6.1   |  | Parking so as to obstruct snow clearing   | \$50.00  |
|   | 6.1.1 |  | Parking on a highway or municipal parking area between 12 midnight and 8:00 am                                | \$50.00  |
|   | 6.3   |  | Depositing snow on a street or road reservation   | \$50.00  |
| 7 | 7.1   |  | Movement of structure, object or vehicle not licensed under the Highway Traffic Act without Council approval. | \$50.00  |
|   | 7.2   |  | Movement of vehicle not on tires without approval of Council  | \$50.00  |
| 9 | 9.1   |  | Throwing injurious materials or rubbish on highway  | \$50.00  |
|   | 9.2   |  | Failure to remove glass injurious substance dropped upon the highway from a wrecked vehicle                   | \$50.00  |
|   | 9.3   |  | Placing object or structure on a street   | \$50.00  |

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