

Traffic Regulations

Pursuant to the authority conferred by the Minister of Works, Services and Transportation under the Highway Traffic Act, RSNL, 1990, cH-3, sections 189 and 190 and amendments, and pursuant to the power delegated in accordance with The Municipalities Act, 1999, SNL 1999 cM-24, section 414 and amendments, the Town Council of Portugal Cove-St. Philip's has made the following regulations.

Traffic Regulations

1. These Regulations shall be known and cited as "Portugal Cove-St. Philip's Traffic Regulations, 2022.
2. In these Regulations, the following words, unless the context otherwise requires, shall have the following meanings:
 - (a) "Act" means the Highway Traffic Act, RSNL, 1990, cH-3 and amendments;
 - (b) "Bicycle" means every device propelled by human power upon which a person may ride, having two tandem wheels;
 - (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 any vehicle with a registered mass weight exceeding 4,000 kg., a bus with a seating capacity exceeding ten (10) passengers, heavy equipment eg. loaders, backhoes or a trailer designed to carry freight or equipment of any description, but shall not mean a vehicle designed and used for recreation purposes.
 - (e) "Council" means the Town Council of Portugal Cove-St. Philip's
 - (f) "Crosswalk" means;
 - (i) 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
 - (ii) 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;
 - (g) "Driver" means a persons who drives or is in actual physical control of a vehicle;
 - (h) "Driver's Licence" means a licence which has been issued under the Act including a licence issued to a novice driver, authorizing the persons to whom it is issued to drive a motor vehicle and which has not expired or been suspended or cancelled;

- (i) "Driveway" means a clearly defined private roadway, path or passage or a like opening or space which is wide enough, but not wider than is necessary 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.
- (j) "Emergency Vehicle" means;
 - (i) A motor vehicle driven by a constable or by a member of the police branch of any of Her Majesty's Armed Forces where there is an urgent emergency justifying a rate of speed in excess of any maximum rate of speed provided for in these Regulations,
 - (ii) a motor vehicle carrying firefighting equipment in responding to an alarm of fire,
 - (iii) an ambulance responding to a call or transporting a patient where there is an urgent emergency justifying a rate of speed in excess of any maximum rate of speed provided for in these Regulations, or
 - (iv) a motor vehicle where there is an urgent emergency;
- (k) "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 and includes all the space between the boundary lines of the place or way.
- (l) "Identification Plate" means an identification plate issued under the Act in respect of a vehicle;
- (m) "Intersection" means 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.
- (n) "Licence" means a licence which has been issued under the Act and which has not expired or been suspended or cancelled;
- (o) "Motor Cycle" means a motor vehicle that
 - (i) has steering handlebars completely constrained from rotating in relation to the axle of 1 wheel in contact with the ground.
 - (ii) is designed to travel on not more than 3 wheels in contact with the ground.
- (p) "Motor Vehicle" means a vehicle propelled, driven or controlled otherwise than by muscular power, other than a trailer or a vehicle running on fixed rails.
- (q) "Municipal Enforcement Officer" means for the purpose of these regulations a peace officer with the powers as outlined in The Municipalities Act, 1999 SNL 1999 cM-24, and amendments and as outlined in the Highway Traffic Act, RSNL 1990 cH-3 and amendments;
- (r) "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;
- (s) "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.
- (t) "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.

- (u) "Pedestrian" means a persons on foot, a handicapped person in a wheelchair, or a child in a carriage or on a sleigh;
- (v) "Persons" means any persons, firm, partnership, association, corporation, or any organization of any kind;
- (w) "Registered" means registered under the Act;
- (x) "Regulations" means regulations made under the authority of The Highway Traffic Act, RSNL 1990 and amendments, and The Municipalities Act, 1999 cM-24 and amendments.
- (y) "Roadway" means 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;
- (aa) "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.
- (bb) "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 any part of a highway set apart or marked as being for the exclusive or intended 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.
- (cc) "Stop" when required means the complete cessation of movement;
- (dd) "Stop" or "Stand" when prohibited means 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;
- (ee) "Taxi" means a motor vehicle other than a bus or school bus used to transport passengers for compensation.
- (ff) "Town" means Portugal Cove-St. Philip's as defined by paragraph 2 of Order-in-Council dated the 1st day of January, 1991, and made under The Municipalities Act, 1999, SNL 1999 cM-23:
- (gg) "Traffic" includes vehicles, pedestrians and animals while using a highway for the purpose of travel;
- (hh) "Traffic Officer" means any person appointed by Council to enforce these regulations, including a Municipal enforcement Officer;
- (ii) "Traffic Sign" includes all traffic control signals, warning sign posts, direction posts, signs, lines, marks or other devices for the guidance or persons using highways;
- (jj) "Vehicle" means a device in, upon or by which a person or property may be transported or driven upon a highway;
- (kk) "Vehicle Licence" means a licence which has been issued under the Act in respect of a vehicle and which has not expired or been suspended or cancelled.

3. Notwithstanding any other provision of these regulations a person shall not drive a vehicle on a highway or in any other place within the limits of the Town:
 - (a) at a speed which is greater than is reasonable and prudent under the conditions and having regard to actual and potential hazards existing on the highway or other place;
 - (b) without due care and attention;
 - (c) without reasonable consideration for other persons;
 - (d) in a manner that is dangerous to the public; or
 - (e) if he suffers from a disease or mental disability which might cause his driving of a vehicle to be a source of danger to other persons.
4. A vehicle licence shall be kept in the vehicle in respect of which it is issued and the driver of the vehicle shall produce the licence whenever a traffic officer or peace officer so requests.
5.
 - (1) Subject to subsection (2), the holder of a driver's licence shall when he is driving a motor vehicle produce that licence when a traffic officer requests him to do so.
 - (2) The production of a driver's licence within forty-eight (48) hours after a request is made under subsection (1) is deemed to be sufficient production of the licence for the purposes of that subsection.
6. If a driver refuses to give his name and address or gives a false name or address to any person having reasonable grounds for requiring the same or if any other driver refuses to give his name or address or gives a false name or address to a traffic officer or peace officer who asks him for his name or address, he is guilty of an offence against these regulations.
7. Subject to the act, and these regulations, a person shall not operate a motor vehicle on a highway or any other place within the limits of the town unless:
 - (a) the motor vehicle is registered;
 - (b) any trailer drawn by the motor vehicle is registered;
 - (c) there is in effect a vehicle licence appropriate to the class of vehicle issued under the Act in respect of the motor vehicle and of any trailer drawn by the motor vehicle; and
 - (d) there is affixed to the motor vehicle and any trailer drawn by the motor vehicle, in the manner prescribed in the Act or its regulations, such valid identification plates, other plates, stickers or markers as have been issued under the Act or its regulations in respect of the motor vehicle and trailer.
 - (e) the operator is the holder of a valid driver's licence which has not expired or been suspended or cancelled and authorizes the operator to operate that particular class of motor vehicle;
8.
 - (a) Except where a higher or lower speed limit is prescribed by a traffic sign, no person shall drive a vehicle at a speed greater than 40 kilometers per hour within the town.
 - (b) Every person commits an offence, who contrary to Section 8. (a):

- (i) exceeds the speed limit by between one and ten kilometers per hour;
 - (ii) exceeds the speed limit by between eleven and twenty kilometers per hour;
 - (iii) exceeds the speed limit by between twenty-one and thirty kilometers per hour.
 - (iv) exceeds the speed limit by thirty-one kilometers per hour or over.
- 9.
 - (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.
 - (2) Traffic lights or signs erected or authorized under subsection (1) of these regulations may be signs for any of the following purposes;
 - (a) to regulate the movement of traffic;
 - (b) to indicate the route to be followed by traffic;
 - (c) 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;
 - (d) 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;
 - (e) to restrict or prohibit the parking of vehicles in any area or on any part of any highway within the limits of the Town;
 - (f) to restrict or prohibit temporarily the use of any highway, other than a main highway designated as such by the Minister of works, Services and Transportation, 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;
 - (g) to warn users of the highway of the need for special caution;
 - (h) to convey information to users of the highway within the limits of the Town; and
 - (i) to set out proper pedestrian crossing on any highway within the limits of the town;
 - (j) to restrict or reserve specific parking spaces for the sole use of disabled person.
- 10. Any person who fails to comply with the directions, restrictions, prohibitions, or warnings given by traffic lights or signs erected in accordance with Regulation 9 (2) shall be guilty of an offence against these regulations.
- 11. No person shall stop, stand or park a vehicle on a highway so that the vehicle or any part of it is:
 - (a) on a sidewalk or an area generally used or intended for use by pedestrians;

- (b) in front of a public or private driveway or in front of an authorized loading door designated as such;
 - (c) within 6 meters of an intersection
 - (d) within 5 meters from any fire hydrant
 - (e) within a crosswalk;
 - (f) within 6 meters of the approach side of a crosswalk;
 - (g) within 8 meters upon the approach to any flashing beacon, stop sign, or traffic-control sign or signal located at any side of a roadway;
 - (h) within 6 meters either side of the entrance to or exit from a hotel, church, school, public meeting place, theatre, dance hall or playground;
 - (i) within a distance of 20 meters from a bus stop erected under these regulations, except where otherwise provided by a sign erected under these regulations;
 - (k) within 6 meters of a driveway entrance to a fire station;
 - (l) alongside or opposite a street excavation or obstruction when stopping, standing or parking obstructs traffic;
 - (m) on the roadway side of a vehicle stopped or parked at the edge or curb of a roadway;
 - (n) in a place in contravention of a traffic control device that gives notice that stopping, standing or parking is there prohibited or restricted;
 - (o) 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;
 - (p) within 150 meters 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;
 - (q) parked in such a manner as to interfere with, hinder or obstruct the normal flow of traffic;
 - (r) parked on highway property between the curb or edge or the roadway and the boundary line of the highway;
 - (s) on any property classified as an easement or upon which Council grants a permit;
 - (t) for the purpose of displaying the vehicle for sale;
 - (u) for the purpose of washing, greasing or repairing the vehicle, except for such repairs as have been necessitated by an emergency;
 - (v) parked in an area designated as a parking space for disabled persons only.
12. No person shall double park any motor vehicle on any highway within the limits of the Town.
 13. When a motor vehicle has to cross a sidewalk or highway, the driver of such vehicle shall, before crossing, stop and proceed with caution when the way is safe and clear.
 14. No vehicle shall be permitted to make a U turn on any highway within the limits of the Town.
 15. No person shall travel on a One Way Street so designated by Council, in the opposite direction indicated by a sign.

16. No person shall drive a motor vehicle upon a sidewalk or footpath except for the purpose of directly crossing the sidewalk or footpath.
17. No person shall back a vehicle unless the movement can be made with reasonable safety and without interfering with traffic.
18.
 - (a) Portugal Cove-St. Philip's is hereby authorized to determine and designate these streets in Portugal Cove-St. Philip's which shall be used by commercial motor vehicles.
 - (b) All tractor-trailers shall be operated only ever and along the routes herein designed in Schedule 1, attached hereto and forming part of the regulation.
 - (c) 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 until reaching the intersection nearest the destination point.
 - (ii) The operation of emergency vehicles 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 Portugal Cove-St. Philip's.
 - (iv) The operation of commercial motor vehicles upon any officially established detour in Portugal Cove-St. Philip's.
 - (d) No person shall park any commercial motor vehicle (with a registered mass weight in excess of 4,000 kgs.) in any residential zone in Portugal Cove-St. Philip's, unless a permit for the parking has been issued by the Council.
 - (e) An application for a permit to park any commercial motor vehicle in any residential zone 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.
 - (f) 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.
 - (g) Trucks which have a registered mass weight in excess of 19,000 kilograms, shall not enter or exit Town from or to the south side road or the Trans Canada Highway, except via Scott Avenue through interchange #20.
 - (h) Any commercial vehicle parked contrary to Regulations 18(d) may be towed away by Council, its representative at the owner's expense to a place selected by Council person so authorized.

Notwithstanding the foregoing, trucks which have a registered mass weight in excess of 19,000 kilograms, with a terminus within Town must enter and exit Town through the nearest point to that terminus from Scott Avenue or the nearest point from the Trans Canada Highway whichever route is of the shortest distance.

19. 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.
20. When a commercial vehicle has to cross the sidewalk or highway to load or unload freight, the driver of such vehicle shall, before crossing, stop and give fair warning to pedestrians either by hand or sounding the horn that he is going to cross, and after such sign is given, he shall proceed to cross such sidewalk very slowly, but in no case shall such a vehicle be permitted to remain on a sidewalk.
21. (1) Where, in the opinion of the Council or Mayor, an emergency exists because of;
 - (a) a disaster of any kind, or
 - (b) a snowstorm or flood,
 the Council or Mayor may declare a state of emergency in the Municipality or part thereof.
 - (2) Where a state of emergency is declared under subsection (1), the council or Mayor may order the restriction or prohibition of the use of vehicles or any class thereof on the highways within the limits of the Town.
22. (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 snowclearing operations.
 - (b) During the period from the 1st day of November in each year to the 30th day of April in the succeeding year, both days inclusive, no person shall park an unattended vehicle(s), regardless of weather conditions, upon any highway or municipal parking area within Portugal Cove-St. Philip's between the hours of 12 midnight and 8:00 a.m.
 - (c) Any motor vehicle parked contrary to Regulation 22(a) or 22(b) 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.
23. The owner or operator shall not permit to remain in a stationary position for any purpose a vehicle or trailer designed and used for the purpose of preparing for sale or selling any cooked foodstuffs, candy, bottled or other beverages, tobacco, cigarettes, or other food or goods on any highway within the Town.
24. (1) No structure, object or vehicle, other than a vehicle licensed under the Act, shall move over a highway or bridge, within the Town limits, without the consent, in writing, of the Council.
 - (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 limits, without the consent, in writing of the Council.

25. (1) When a vehicle
- (a) is standing, stopped or parked upon a highway within the Town limits or bridge in such a position that it may,
 - (i) interfere with the pedestrian or vehicular traffic,
 - (ii) constitute a hindrance to the maintenance, repair or improvement thereof,
 - (iii) hinder or impede the ploughing of or removal of snow or ice therefrom, or
 - (iv) hinder or impede the carrying out of any undertaking of the Council; or
 - (b) has been apparently abandoned upon a highway within the Town limits, sidewalk or bridge for longer than twenty-four (24) hours; or
 - (c) 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.
- (2) Neither the Council nor the authorized person shall accept responsibility for damages caused to any vehicles under these Regulations.
- (3) 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.
- (4) 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 an incidental to the Public Sale or Auction.
- (5) A sale under subsection (3) or (4) vests clear title to the purchase free from all encumbrances and any residual amounts received over and above the costs of its removal, storage and sale shall be paid over to the owner or to any person who satisfies the Council that he has a prior encumbrance.
26. The driver of a vehicle being driven on a roadway or highway within the Town limits at such a slow rate of speed as to impede or block the normal and reasonable movement of traffic thereon shall drive the vehicle as near to the curb or side of the roadway or highway as the circumstances permit.
27. (1) The driver of every vehicle shall when received or discharging passengers or freight, bring such vehicle to a stop as near as possible to the curb or edge of the roadway, and in no case, shall the distance between the curb or road edge and the front and rear wheels of the vehicle be more than thirty (30) centimeters.
- (2) 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 practicable 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.

28. (1) The driver of a vehicle upon meeting or overtaking from either direction, a school bus that has stopped on any part of the highway within the Town limits for the purpose of receiving or discharging school children, shall;
 - (a) when there is in operation on the school bus a visual sign, stop the vehicle before reaching the bus, and
 - (b) not proceed until the school bus resumes motion or is signaled by the driver of the school bus to proceed, or the visual sign is no longer activated.
 (2) The driver of the school bus shall;
 - (a) whenever possible, having in mind the safety of his passengers, when stopping for the purposes of receiving or discharging school children, stop the vehicle off the roadway or highway, and
 - (b) not for any reason or by any means unnecessarily delay the passing of other vehicles on the highway.
29. A person shall not drive a motor vehicle on a highway when the windshield, sidewings, side or rear windows are so covered, either completely or partially by snow, ice, mist, dirt or other matter that the vision of the driver is obscured or obstructed.
30. (1) No person shall operate a motor vehicle on any highway when there is snow or ice on the surface of the highway unless;
 - (a) in the case of a vehicle where the driving power is transmitted from the engine to the rear wheels such wheels are fitted with mud or snow tires or tire chains, or
 - (b) in the case of a vehicle where the driving power is transmitted from the engine to the front wheels such front wheels are fitted with mud or snow tires or tire chains.
 (2) No person shall operate upon a highway between the 1st day of May and 31st day of October, both days inclusive in any year, a motor vehicle equipped with a rubber tire having metal studs therein.
31. A person whether on foot or riding upon a bicycle, motorcycle, coaster, sled, toboggan or recreational vehicle, or upon skates, roller skates or skis shall not attach it or them or himself or herself by hand or other means to a vehicle upon a roadway.
32. Unless he has received the consent of the Fire Department official in command, a person shall not drive a vehicle over an unprotected hose of a Fire Department when laid down on a highway or private driveway at a fire or an alarm of fire.
33. No person shall injure, deface, remove or in any manner interfere with any traffic sign or traffic control device lawfully placed on any highway within the limits of the Town.
34. (1) No person shall sound the horn of a motor vehicle except for the purpose of giving a warning of the vehicle's approach and every driver of a motor vehicle shall refrain from excessive or unnecessary sounding of the horn.

- (2) No person shall squeal the tires or brakes or a motor vehicle by reason of unnecessarily rapid braking, turning or setting in motion of such motor vehicle.
 - (3) No person shall operate within the Town a vehicle causing excessive or unusual noise by reason of a faulty exhaust system or an exhaust system which has been altered in any way.
- 35.
 - (1) A motor vehicle, other than a motorcycle, shall be equipped with either one or two head-lamps on each side of the front of the motor vehicle.
 - (2) A motorcycle shall be equipped with at least one and not more than two head-lamps.
- 36. A motor vehicle, trailer, semi-trailer, and a vehicle drawn behind a vehicle or the last of a series of vehicles drawn behind a vehicle shall be equipped with a tail-lamp affixed to the rear which will omit red light visible for a distance of two hundred (200) meters to the rear.
- 37. Where a traffic officer or peace officer considers it necessary,
 - (a) to ensure orderly movement of traffic ,
 - (b) to prevent injury or damage to persons or property, or
 - (c) to permit proper action in an emergency,
 he may direct traffic according to his discretion, notwithstanding anything in this part, and every person shall obey his discretion.
- 38. No bicycle shall be driven on any highway within the limits of the Town between sunset and sunrise unless there is affixed to the front part of the bicycle a light designed to cast a white light on the highway if front of such bicycle, as well as a red light or red reflector at the rear.
- 39. No bicycle shall be driven on any highway in the Town unless such bicycle is equipped with either a bell or horn.
- 40. No bicycle shall be permitted to be driven on the left side of the highway in the direction the bicycle is proceeding.
- 41. No bicycle shall be permitted to be driven upon any sidewalk or walkway designed for the use of pedestrians only, or upon an area generally used by the public, within the Town limits.
- 42.
 - (1) A 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 which may injure tires of vehicles or rubbish, or refuse or waste.
 - (2) A 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.
 - (3) No person shall place any object or structure (including objects or structures used for street sports), on any street, which interferes with the flow of traffic. Any object or structure so placed may be removed by any person authorized by Council, at the owner's expense.
- 43. 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.

44. The driver of every vehicle shall on approach of any emergency vehicle, including a fire engine, ambulance and police car, that has a flashing red light and siren activated, bring his vehicle to a stop as near the right hand curb as possible, and at night shall dim the lights of his vehicle.
45. Whenever a traffic officer or peace officer is engaged in control of traffic gives direction as to parking and movement of traffic, his directions shall be followed irrespective of any traffic sign or signal or any parking signs that may be so placed in that area.
46.
 - (1) Where traffic control signals are not in place or not in operation when a pedestrian is crossing the roadway within a crosswalk and the pedestrian is upon half of the roadway upon which the vehicle is travelling, or is approaching so closely from the other half of the roadway that he is in danger, a driver shall yield the right of way to the pedestrian.
 - (2) A pedestrian shall not leave the curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impracticable for the driver of the vehicle to yield.
 - (3) Where a vehicle is stopped at a crosswalk to permit a pedestrian to cross the roadway, the driver of a vehicle approaching from the rear shall not overtake and pass the stopped vehicle.
47. Except where a traffic officer or peace officer directs otherwise, where there is a yield sign at an intersection, the driver of a vehicle approaching the sign shall slow down to a reasonable speed, or if necessary for safety, stop at a clearly marked line or, if none, then immediately before entering the crosswalk or intersection and shall yield right of way to a pedestrian crossing the roadway on which he is driving and to traffic approaching or in the intersecting highway, and having yielded, he may proceed with caution.
48. The driver of a vehicle shall not overtake and pass other traffic when approaching the crest of a grade, or where highways intersect or fork, or in any other circumstances where the driver cannot see sufficiently far ahead to overtake and pass with safety.
49.
 - (1) Except where a traffic officer directs otherwise, drivers and pedestrians shall obey the instructions of a traffic control signal or device in accordance with these Regulations.
 - (2) When a red light alone or stop signal is shown at an intersection by a traffic control signal, the driver of a vehicle approaching the intersection facing the light or signal shall;
 - (a) stop the vehicle at a clearly marked line, or if none, then immediately before entering the crosswalk on the near side of the intersection, or if there is no crosswalk, then immediately before entering the intersection, and
 - (b) not proceed unless or until a traffic control signal permitting the movement of the vehicle in the intersection is present or is shown.

- (3) When a green arrow or a green arrow in conjunction with a red light is shown at an intersection by a traffic control signal, the driver of a vehicle approaching the intersection and facing the arrow may;
 - (a) cautiously enter the intersection to make only the movement indicated by the arrow, and
 - (b) shall yield the right of way to other traffic lawfully within the intersection or within an adjacent crosswalk.
 - (4) When a sign with the word "STOP" inscribed thereon is erected at or near the intersection of two highways and facing the stream of traffic on one of the highways, the driver of a vehicle on the highway shall stop his vehicle before entering the other highway, but where there is a crosswalk, then the driver of a vehicle shall stop his vehicle immediately before entering the crosswalk and may then proceed with the usual caution.
50. No vehicle shall be permitted to stand, stop, park or drive upon any land reserved for a sidewalk within the Town, especially such land located in front of or near residential premises.
51. No person shall walk on a highway within the Town limits if there are sidewalks provided or other areas intended for use by pedestrians.
52. No person, whether occupant or owner, agent or employee, when keeping his pathway, driveway, or any other portion of his land free of snow or ice, shall throw, scoop, dump or place any snow or ice onto a highway, roadway or sidewalk within the limits of the town such that it interferes with, hinders, impedes or obstructs in any way, pedestrian or vehicular traffic.

Cellular telephones and other communication devices

53. (1) A person shall not drive a motor vehicle on a highway while holding, or using a hand-held wireless communication device or other prescribed device that is capable of receiving or transmitting telephone communications, electronic data, email or text messages.

(2) Notwithstanding subsection, (1), a person may drive a motor vehicle on a highway while using a device described in that subsection in hands-free mode.

(3) Subsection (1) does not apply to

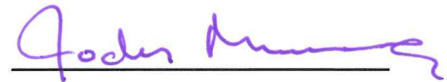
- (a) the driver of an ambulance, fire department vehicle or police vehicle;
- (b) a peace officer who is driving a motor vehicle in the discharge of his or her duties;
- (c) another prescribed person or class of persons;
- (d) a person holding or using a device prescribed for the purpose of this subsection; or
- (e) a person engaged in a prescribed activity or in prescribed conditions or circumstances.

(4) Subsection (1) does not apply in respect of the use of

- (a) a device to contact ambulance, police or fire department emergency services; or
 - (b) a device that is linked to a non-public shortwave radio communication system.
- (5) Subsection (1) does not apply if
- (a) the motor vehicle is off the roadway and is not in motion; or
 - (b) the motor vehicle is lawfully parked on the roadway.
- (6) The Lieutenant-Governor in Council may make regulations,
- (a) prescribing devices for the purpose of subsection (1); or
 - (c) prescribing persons, classes of persons, devices, activities, conditions and circumstances for the purpose of subsection (3).
- 54 (1) The occupant, owner, agent or employee of a building used for business purposes within the limits of the Town shall clear away and remove from the sidewalks adjoining or adjacent to such building all snow and ice which may be at any time thereon within twenty-four (24) hours after a fall of snow or the formation of ice upon such sidewalks.
- (2) When the clearing away and removal of ice from such sidewalks as referred to in subsection (1) may cause damage thereto, such occupant or owner shall within eighteen (18) hours of the forming of such ice, spread sand or salt, or a combination of the two, upon those portions of the sidewalk where ice has formed.
 - (3) The owner of vacant land or premises used or one used for business purposes within the limits of the Town shall clear away and remove from the sidewalk adjoining or adjacent to such vacant land or premises all snow and ice which may be at any time thereon within twenty-four (24) hours after a fall of snow or the formation of ice upon such sidewalks.
 - (4) The Council or any person authorized for the purpose by the Council may clear away and remove snow and ice from the sidewalks adjoining or adjacent to a building used for business purposes or adjoining or adjacent to vacant land or premises used or once used for business purposes at the expense of the owner of such building, vacant land or premises.

- (5) Where the Council or any person authorized for the purpose by the Council has done the work of clearing away and removing snow or ice under Subsection (4) and the owner refuses or neglects to pay the expense of such work within ten (10) days after demand made therefore, the Council may recover from the owner the expense incurred by action as a civil debt due to the Council.
- (6) No person shall cause any damage to any sidewalks in clearing away and removing snow or ice therefrom.

55 Notwithstanding the Summary Proceedings 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 or 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.

A handwritten signature in purple ink, appearing to read "Joder", is written over a horizontal line.

Approved by Council at Meeting on

SCHEDULE A**Town of Portugal Cove-St.
Philip's****Schedule of Fines**

<u>Regulation</u>	Fine	
	Maximum	Minimum
3. (a) Imprudent Driving		
First Offence	\$132.00	\$ 97.00
Second Offence	187.00	147.00
Subsequent Offence	367.00	187.00
3. (b) Drive without due care and attention		
First Offence	187.00	127.00
Second Offence	247.00	187.00
Subsequent Offence	487.00	247.00
3. (c) Drive without reasonable consideration for other persons.		
First Offence	187.00	127.00
Second Offence	247.00	187.00
Subsequent Offence	487.00	247.00
3. (d) Drive in manner dangerous to public		
First Offence	187.00	127.00
Second Offence	247.00	187.00
Subsequent Office	487.00	247.00
3. (e) Drive while suffering from disease or mental disability		
First Offence	187.00	127.00
Second Offence	247.00	187.00
Subsequent Office	487.00	247.00
4. Failure to produce vehicle license	107.00	32.00
5. (1) Failure to produce driver's license	187.00	52.00
7. (a) Driving unregistered motor vehicle	187.00	97.00
7. (b) Drawing unregistered trailer	187.00	132.00
7. (d) Plates and/or stickers not attached to vehicle	107.00	32.00
7. (e) Driver's License not valid	57.00	57.00

8. (a) Speeding – Except where a higher or lower speed limit is prescribed by a traffic sign, no person shall drive a vehicle at a speed greater than 40 kilometers per hour within the Town.		
First Offence	192.00	107.00
Second Offence	282.00	192.00
Subsequent Offence	417.00	282.00
8.(b) Every person commits an offence, who contrary to Section 8.(a)		
(i) Exceeding the speed limit by between one And ten kilometers per hour		
Second Offence	192.00	107.00
Third and Subsequent Offence	282.00	192.00
	417.00	282.00
(ii) Exceeding the speed limit by between eleven and twenty kilometers per hour		
Second Offence	192.00	132.00
Third and Subsequent Offence	282.00	192.00
	417.00	307.00
(iii) Exceeding the speed limit by between Twenty-one and thirty kilometers per hour		
Second Offence	282.00	207.00
Third and Subsequent Offence	282.00	207.00
	417.00	307.00
(iv) Exceeding the speed limit by between thirty-one kilometers per hour and over		
Second Offence	367.00	307.00
Third and Subsequent Offence	367.00	307.00
	417.00	332.00
10. Drive contrary to Signs	187.00	82.00
11.(a) Parked on Sidewalk	187.00	52.00
11.(b) Parked in front of public or private driveway	187.00	52.00
11.(c) Parked within 6 meters of intersection	187.00	52.00
11.(d) Parked within 5 meters of fire hydrant	187.00	52.00
11.(e) Parked within a crosswalk	187.00	52.00
11.(f) Parked within 6 meters of approach side of crosswalk	187.00	52.00
11.(g) Parked within 8 meters of traffic control device	187.00	52.00
11.(h) Parked within 6 meters of entrance to school or other public building or playground	187.00	52.00

11.(i)	Parked within 20 meters of bus stop	187.00	52.00
11.(k)	Parked within 6 meters of entrance to Fire Station	187.00	52.00
11.(l)	Parked opposite or along side street excavation	187.00	52.00
11.(m)	Parked on roadway side of other parked vehicle	187.00	52.00
11.(n)	Parked contrary to signs	187.00	82.00
11.(o)	Parked on left side of highway	187.00	52.00
11.(p)	Parked within 150 meters of site of fire	187.00	52.00
11.(q)	Parked as to obstruct traffic	187.00	52.00
11.(r)	Parked on highway property outside curb	187.00	52.00
11.(s)	Parked on property classified as easement	187.00	52.00
11.(t)	Parked on highway to display for sale	187.00	52.00
11.(u)	Parked on highway for washing or repairing	187.00	52.00
11.(v)	Parked in area for disabled persons	400.00	180.00
12.	Double Parking	187.00	82.00
14.	Make "U" Turn	187.00	52.00
15.	Wrong way on "One Way" street	187.00	52.00
16.	Driving motor vehicle on sidewalk or foot path	187.00	52.00
17.	Backing vehicle when unsafe	187.00	52.00
18.(b)	Tractor trailer being operated on a route not designated in Schedule 1	187.00	82.00
(d)	Commercial motor vehicle parked in a residential Zone without being issued a parking permit	187.00	82.00
(g)	Operating a truck contrary to designated route	187.00	82.00
22.(a)	Parked so as to obstruct snowclearing	187.00	52.00
22.(b)	Parks on a highway or municipal parking area between 12 midnight to 8:00 a.m.	187.00	52.00
23.	Parks on highway for purpose of selling goods	187.00	52.00

24.(1) Driving or moving vehicle or structure other than licensed vehicle over highway or bridge	187.00	52.00
24.(2) Vehicle on tracks or device other than tires not to drive over highway	187.00	52.00
28.(1) (a) Passing School bus	342.00	207.00
28.(1) (b) Passing school bus receiving or discharging passengers	392.00	257.00
28.(2) (a) Stopping School Bus at improper place	187.00	52.00
28.(2) (b) School bus delaying other vehicles passing	187.00	52.00
29. Driving vehicle with snow, mud, etc. on windshield	187.00	52.00
30. (1) (a) Driving vehicle on snow or ice without snow tires or chains on rear wheels	187.00	52.00
30. (1) (b) Driving vehicle on snow or ice without snow tires or chains on front wheels	187.00	52.00
30. (2) Using studded tires between 1 st May & 31 st October	187.00	52.00
31. Person attaching to vehicle on highway	127.00	27.00
32. Driving over unprotected fire hose	187.00	52.00
33. Altering, injuring or removing Traffic Control Device	367.00	107.00
34. (1) Unnecessary use of horn	127.00	27.00
34. (2) Squealing tires	187.00	52.00
34. (3) Faulty exhaust system	127.00	32.00
35. (1) Faulty headlamps on vehicle other than motorcycle	127.00	32.00
35. (2) Faulty headlamps on motorcycle	127.00	32.00
36. Faulty tail lamps	127.00	32.00
37. Fail to obey directions of Peace Officer or Traffic Officer	392.00	257.00
38. Driving bicycle during night-time without Proper lights	187.00	52.00
39. Bicycle to be equipped with bell or horn	187.00	32.00

40.	Bicycle to be driven on right side of highway	187.00	32.00
41.	Bicycle not be driven on sidewalk	187.00	32.00
42. (1)	Throwing injurious materials or rubbish on highway	342.00	207.00
42. (2)	Person removing wrecked vehicle to clean up rubbish	187.00	52.00
42. (3)	Person placing object or structure on a street	187.00	52.00
43.	Stop stand or park in area prohibited by signs	187.00	27.00
44.	Driver to yield right-of-way to Emergency vehicle	297.00	207.00
45.	Fail to obey directions of Traffic Officer	187.00	52.00
46.(1)	Driver to yield right-of-way to pedestrian	187.00	52.00
46.(2)	Pedestrian failing to yield right-of-way to vehicle	187.00	32.00
46.(3)	Overtaking and passing vehicle stopped at crosswalk	392.00	257.00
47.	Fail to yield right-of-way at intersection	187.00	52.00
48.	Passing where unsafe to do so	187.00	52.00
49.(1)	Fail to obey direction of Traffic Control Device	187.00	52.00
49.(2) (a)	Fail to stop at "Red Light"	242.00	107.00
49.(2) (b)	Proceeding through "Red Light"	242.00	107.00
49.(3) (b)	Fail to obey "Green Arrow" at intersection	187.00	52.00
49.(4)	Fail to stop for "Stop Sign"	242.00	107.00
50.	Stop, stand or drive a vehicle on land reserved For sidewalk	187.00	52.00
51.	Walking on highway where sidewalk provided	187.00	52.00
52.	Throwing snow or ice on highway	217.00	82.00
53 (1) a	Cellular Phones and other communications	187.00	82.00



From the Regular Public Council meeting held on February 21, 2023:

Public Works & Safety report

2.6. Amendment to PCSP Traffic Regulations

The Committee has reviewed the portion of the Highway Traffic Act recommended as an additional amendment to the Town's Traffic Regulations in order to enhance ticketing services through municipal enforcement, such that:

Motion 2023-049 Moved by Tina Neary;
Seconded by Gavin Will

Resolved that the Town's Traffic Regulations be amended to include the identified portion of the Highway Traffic Act recommended in order to enhance ticketing services through municipal enforcement.

CARRIED. For: Councillors Stewart-Sharpe, Neary, Will, Harding, and
Bartlett
Against: Councillor Hayden

TOWN OF PORTUGAL COVE - ST. PHILIP'S
CERTIFIED TRUE COPY

SUBJECT: Council Motion

DATE: February 27, 2023

TOWN CLERK: *Claudia Murray*