

Town of Portugal Cove-St. Philip's
Commercial Vehicle Parking By-Law

Pursuant to the authority conferred in Section 8(f) of the *Towns and Local Service Districts Act*, the Town Council of Portugal Cove-St. Philip's has adopted the following By-Law on the 11th day of February 2025.

1. TITLE

1.1. This By-Law may be cited as the "Commercial Vehicle Parking By-Law".

2. PURPOSE

2.1. This By-Law are enacted to protect, preserve and promote the enjoyment of the visual aesthetics of their neighborhoods for citizens within the Town of Portugal Cove-St. Philip's through the control of commercial vehicle parking.

3. INTERPRETATION/DEFINITION

In this By-Law,

- 3.1. "**Act**" shall mean the Towns and Local Service Districts Act.
- 3.2. "**Commercial motor vehicle**" shall mean a vehicle designed 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.
- 3.3. "**Commercial trailer**" shall mean a vehicle which has no motive power of its own, which may be attached to a truck, or truck tractor or other motor vehicle and is intended for a commercial use.
- 3.4. "**Commercial use**" shall mean for the purpose of trade or the generation of income or profit.
- 3.5. "**Commercial vehicle**" shall mean a commercial motor vehicle and a commercial trailer.
- 3.6. "**Council**" shall mean the Town Council of Portugal Cove – St. Philip's.
- 3.7. "**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 or the parking of vehicles and includes all the space between the boundary lines of the place or way, but does not include those highways vested in the Crown by under the *Works, Services and Transportation Act*;
- 3.8. "**Motor vehicle**" shall mean a vehicle propelled, driven or controlled otherwise than by muscular power, other than a trailer or a vehicle running upon fixed rails;
- 3.9. "**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 of passengers or in obedience to traffic regulations or traffic signs or the directions of a traffic officer.

- 3.10. **“Province”** shall mean the Province of Newfoundland and Labrador.
- 3.11. **“Town”** shall mean the Town of Portugal Cove - St Philip’s as incorporated under the Act.
- 3.12. **“Trailer”** shall mean a vehicle which has no motive power of its own and which may be attached to a truck, or truck tractor or other motor vehicle.

4. APPLICATION

- 4.1. These By-Laws shall apply to the control of parking of all commercial vehicles within the jurisdictional limits of the Town during the entire year.
- 4.2. Any motor vehicle or trailer with signs advertising a business shall be considered a commercial motor vehicle or commercial trailer subject to the application of these By-Laws.

5. BY-LAW STATEMENT

5.1. GENERAL PROHIBITION

- 5.1.1. No commercial vehicle shall be parked on any highway within the Town limits between the hours of 1:00 am and 5:00 am.

5.2. EXCEPTIONS

The following cases are exempt from the prohibitions set out in these By-Laws:

- 5.2.1. Commercial vehicles used by Emergency Response Authorities or individuals under the direction of Emergency Response Authorities in responding to an emergency or performing assigned duties may park on highways during these hours according to provisions of the Highway Traffic Act, RSNL 1990, c. H-3, as amended.
- 5.2.2. Commercial vehicles used for the construction, repair and maintenance of streets, bridges, sidewalks, alleys, water mains, storm sewer mains, sanitary sewer mains, electrical facilities and any other works by or on behalf of the Town may park on highways during these hours according to provisions of the Highway Traffic Act, RSNL 1990, c. H-3, as amended.

6. OFFENCES

- 6.1. A person who violates this By-Law commits an offense in accordance with s. 289 (f) of the Act.
- 6.2. This By-Law shall not exclude the application of other penalties not expressly listed.

7. PENALTIES

- 7.1 A person who commits an offense under s. 289 of the Act is liable on Summary Conviction to penalties under s. 290 of the Act.
- 7.2. Prosecutions for offenses in this By-Law may be carried out by the Town under s. 291 (1) of the Act.
- 7.3. A Prosecution shall not be commenced by the Town with respect to an Offence under the Act until after an appeal period which may apply to the activity giving rise to the Offence has passed.

8. REPEAL OF PREVIOUS REGULATIONS AND AMENDMENTS

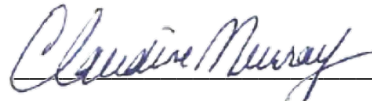
8.1. All previous Town of Portugal Cove – St. Philips Commercial Vehicle Parking Regulations are repealed.

9. CAME INTO EFFECT

10.1 This By-Law first came into effect on February 11, 2025, through a resolution of Council, #2025-054.



Carol McDonald, Mayor



Claudine Murray, Town Clerk