

Town of Portugal Cove-St. Philip's
Snow Clearing 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 document shall be known and cited as the **Snow Clearing By-Law**.

2. PURPOSE

2.1. The purpose of this By-Law is to establish and provide guidelines pursuant to s. 162 of the *Towns and Local Service Districts Act*, which the Town of Portugal Cove – St. Philips shall utilize to support snow and ice control in a safe and effective manner, to provide safe travel for the public along roadways within the Town.

3. INTERPRETATION/DEFINITION

3.1. "**Council**" shall mean the duly elected Council of the Town of Portugal Cove – St. Philip's.

3.2. "**Act**" shall mean *Towns and Local Service Districts Act*.

3.3. "**Province**" shall mean the Province of Newfoundland and Labrador.

3.4. "**Town**" shall mean the Town of Portugal Cove-St. Philip's.

3.5. "**Street/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.

3.6. "**Traffic By-Law**" shall mean the Town of Portugal Cove – St. Philips Traffic By-Law.

3.7. "**Street reservation**" shall mean the entire width between the boundary lines of a street/highway, designed or ordinarily used for vehicular traffic. This includes, sidewalks, ditches or other structures located within the boundary.

3.8. "**Vehicle**" shall mean a device or apparatus, upon or by which a person or property may be transported or drawn upon a street/highway.

4. APPLICATION

4.1. This By-Law shall apply to all members of the public.

5. BY LAW STATEMENT

- 5.1. As per the **Towns Traffic By-Law**, during the period from November 1st, each year to the 30th day of April, inclusive in the succeeding year, no person shall park, leave or abandon any vehicle or portion of any vehicle upon any Highway within the Town:
 - 5.1.1. Between the hours of 12:00 midnight (00:00) to and including 8:00am (08:00) or,
 - 5.1.2. Anytime when there is snowfall, and for twelve (12) hours after snowfall has ceased.
- 5.2. During the period from November 1st, in each year to the 30th, day of April in the succeeding year, both days inclusive, no person shall shovel, plow, blow or cause to be shoveled, plowed or blown any residue snow or ice from private property or parking lot unto any Street reservation within the Town.
- 5.3. Snow Clearing Damage
 - 5.3.1. The Town will not be responsible for any damage caused within the Street Reservation, or at the very least, 20 feet from the road center line. This includes damage to fences, garbage boxes, trees, private mailboxes, etc.
 - 5.3.2. The Town will not be responsible for damage caused by “weight of snow” or “lawn browning”.
 - 5.3.3. The Town will not be responsible for damage caused to trees on private property, all trees should be properly marked and protected i.e. painted poles (minimum height of four feet) alongside trees, to mark location.
 - 5.3.4. All Claims for damage must be made in writing via email or handwritten to the Towns Public Works Department no later than May 15th, of the same year, as the snow clearing period. Claims received after this date will not be considered.
 - 5.3.5. When making a Claim the following information should be included to enable the processing of your Claim. If sufficient information is not provided this could result in your Claim not being honored:
 - i. Time that damage occurred (e.g. 12:01 a.m., November 1st, 2020)
 - ii. Type of equipment that caused the damage
 - iii. Type of damage and approximate amount in dollars of the Claim
 - iv. If possible, provide a picture of the property before the damage occurred.

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

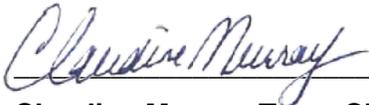
- 7.1 A person who commits an offense under s. 289 of the Act is liable on Summary Conviction to penalties under s. 290 of the Act.
- 7.2. Prosecutions for offenses in this By-Law may be carried out by the Town under s. 291 (1) of the Act.
- 7.3. A Prosecution shall not be commenced by the Town with 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

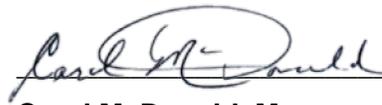
- 8.1. All previous Town of Portugal Cove – St. Philips Snow Clearing Regulations are repealed.

9. CAME INTO EFFECT

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



Claudine Murray, Town Clerk



Carol McDonald, Mayor