

TOWN OF PORTUGAL COVE - ST. PHILIPS
TRAFFIC BY-LAW

Pursuant to the authority conferred in section 8 (1) (g) 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 These By-Laws shall be known and cited as "Traffic By-Law."

2. PURPOSE

2.1 These By-Laws 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/DEFINITIONS

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**" 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.

3.4 "**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 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 on 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 road, way, path or passage or a similar opening or space which is wide enough, but not wider than is necessary, for the passage of a motor vehicle, which the owner, occupier or user of property has vehicular access from a roadway to a point within the property.
- 3.10 "**Emergency Vehicle**" shall mean:
- 3.10.1 A motor vehicle driven by a peace officer or by a member of the police branch of 1 of the Crown's Armed Forces where there is an emergency justifying a rate of speed in excess of the maximum rate of speed provided for in this Act and includes a vehicle so operated by a chief of a volunteer fire department;
 - 3.10.2 A motor vehicle carrying firefighting equipment in responding to an alarm of fire; and
 - 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 By-Laws 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 or the parking of vehicles 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, where there are no curb lines, the lateral boundary lines of 2 or more highways that join one another at an angle, whether or not 1 highway crosses 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 "**By-Law Officer**" shall mean a person appointed as a By-Law Enforcement Officer under section 278 (1) of The Towns and Local Service Districts Act, 2025
- 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;
 - 3.16.2 In the case of a vehicle that is registered, the person in whose name it is registered,
 - 3.16.3 In the case of a vehicle that is the subject of a mortgage, the mortgagor if the mortgagor is entitled to possession of the vehicle,
 - 3.16.4 In the case of a vehicle that is the subject of a hire-purchase agreement, the person in possession of the vehicle under the agreement, or
 - 3.16.5 In the case of a vehicle that is the subject of a conditional sale contract, the buyer is under the conditional sale contract if the buyer is entitled to possession of the vehicle.
- 3.17 "**Park**" shall mean to permit a vehicle, whether occupied or not, to stand otherwise than temporarily for the immediate purpose of and while engaged in loading or unloading goods or taking up or setting down passengers or in obedience to traffic regulations or traffic signs or the directions 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 Force stationed in the province, a member of a municipal police force and a park warden appointed under the Public Service Employment Act (Canada) who is stationed in the province.

- 3.19 "**Pedestrian**" shall mean
- 3.19.1 a person on foot,
 - 3.19.2 a person in or on a mobility aid, or
 - 3.19.3 a child in a carriage or sleigh
- 3.20 "**Roadway**" shall mean the 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;
- 3.21 "**School Bus**" shall mean a motor vehicle:
- 3.21.1 Designed or used to carry 7 or more passengers, in addition to the driver;
 - 3.21.2 Owned, operated by or contracted to a school board or agent of a school board; and
 - 3.21.3 Used to transport children to or from school or to and from places other than school for the purpose of school related activities.
- 3.22 "**Sidewalk**" shall mean that portion of a highway lying 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 a part of a highway set apart or marked as being for the exclusive 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;
- 3.23 "**Stop**" shall mean;
- 3.23.1 when required shall mean the complete cessation of movement;
 - 3.23.2 when prohibited, any stopping or standing of a vehicle whether occupied or not except when necessary to avoid conflict with other traffic in compliance with the directions of a traffic officer or traffic-control device or signal.
- 3.24 "**Town**" shall mean the Town of Portugal Cove - St. Philips.
- 3.25 "**Traffic**" includes vehicles, pedestrians and animals while using a highway for the purpose of travel.
- 3.26 "**Traffic Officer**" means any person appointed by Council to enforce these By-Laws, including a By-Law Enforcement Officer or Peace Officer.
- 3.27 "**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.
- 3.28 "**Trailer**" shall mean a vehicle which has no motive power of its own and which is attached to a truck, or truck tractor or other motor vehicle but does not include;
- 3.28.1 an implement of husbandry temporarily attached to another vehicle,
 - 3.28.2 a side car attached to a motorcycle, or
 - 3.28.3 a tow dolly designed to be used to tow another motor vehicle where one or more axles of the towed vehicle rest on the tow dolly
- 3.29 "**Vehicle**" shall mean a device in, upon or by which a person or thing may be transported drawn upon a highway but does not include devices used exclusively upon fixed rails.

4. APPLICATION

- 4.1 This By-Law applies to all members of the public
- 4.2 This Traffic By-Law applies to all roads, streets, highways, and public thoroughfares within the jurisdiction the Town of Portugal Cove-St. Philip's as well as all vehicles, pedestrians, cyclists, and other road users within the defined area. The By-Law governs the movement, operation, and behavior of traffic to ensure the safe and efficient flow of transportation, prevent accidents, and protect public safety.

5. PROCEDURE

- 5.1 The Council may cause or permit traffic lights or signs to be placed on or near any highway within the limits of the Town.
- 5.2 Traffic lights or signs erected or authorized under subsection (1) of these By-Law may be signs for any of the following purposes;
 - 5.2.1 To regulate the movement of traffic;
 - 5.2.2 To indicate the route to be followed by traffic;
 - 5.2.3 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;
 - 5.2.4 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;
 - 5.2.5 To restrict or prohibit the parking of vehicles in any area or on any part of any highway within the limits of the Town;
 - 5.2.6 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;
 - 5.2.7 To warn users of the highway of the need for special caution;
 - 5.2.8 To convey information to users of the highway within the limits of the Town;
 - 5.2.9 To set out proper pedestrian crossing on any highway within the limits of the town; and
 - 5.2.10 To restrict or reserve specific parking spaces for the sole use of persons with a disability.
- 5.3 Any person who fails to comply with the directions, restrictions, prohibitions, or warnings given by traffic lights or signs erected in accordance with these By-Laws shall be guilty of an offence against these By-Laws.

5.4 **PARKING SPACES**

- 5.4.1 No person shall stop, stand or park a vehicle on a highway so that the vehicle or Any part of it is;
 - 5.4.2 On a sidewalk or an area generally used by or intended for use by pedestrians.
 - 5.4.3 In front of a public or private driveway or in front of an authorized loading door designated as such;
 - 5.4.4 Within 6 metres of an intersection;
 - 5.4.5 Within 1 metres from any fire hydrant;
 - 5.4.6 Within a crosswalk;
 - 5.4.7 Within 6 metres of the approach side of a crosswalk;
 - 5.4.8 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;
 - 5.4.9 Within a distance of 20 metres from a bus stop erected under these By-Laws, except where otherwise provided by a sign erected under these By-Laws;
 - 5.4.10 Within 7 metres of a driveway entrance to a fire station;
 - 5.4.11 Alongside or opposite a street excavation or obstruction when stopping, standing or parking obstructs traffic;
 - 5.4.12 In a place in contravention of a traffic control device that gives notice that stopping, standing or parking is there prohibited or restricted;
 - 5.4.13 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;
 - 5.4.14 Within 150 metres of any site where a fire is in progress unless permission has been obtained from a peace officer, By-Law 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 or the roadway and the boundary line of the highway;
 - 5.4.15 On any property classified as an easement or upon which Council grants a permit;
 - 5.4.16 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;
 - 5.4.17 Parked in an area designated as a parking space for persons with a disability only.
- 5.5 No person shall double park any motor vehicle on any highway within the limits of the Town.
- 5.6 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.

- 5.7 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.

5.8 **COMMERCIAL VEHICLE OFFENCES**

5.8.1 The Council is hereby authorized to determine and designate the highways in the Town, which shall be used by commercial motor vehicles.

5.8.2 These By-Laws shall not prohibit:

5.8.2.1 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;

5.8.2.2 The operation of an emergency vehicle upon any street in the Town;

5.8.2.3 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

5.8.2.4 The operation of commercial motor vehicles upon any officially established detour in the Town of Portugal Cove - St. Philips.

5.8.3 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.

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

5.9 **SNOW CLEARING**

5.9.1 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 park, leave or abandon any vehicle or portion of any vehicle upon any Highway within the Town:

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

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

5.9.2 Any motor vehicle parked contrary to By-Law 5.9.1, or 5.10.1.1.3 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.

5.10 ABANDONED VEHICLES

5.10.1 When a vehicle:

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

5.10.1.1.1 Interfere with the pedestrian or vehicular traffic;

5.10.1.1.2. Constitute a hinderance to the maintenance repair or improvement thereof;

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

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

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

5.10.1.3 Has been left unattended upon any highway within the Town limits, Sidewalks or bridges in contravention of these By-Laws, 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.

5.10.2 The Council may dispose of any vehicle removed and stored under these By-Laws, by Public Sale or Auction, if the vehicle is not claimed within thirty (30) days of removal and storage.

5.10.3 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.

6. OFFENCES

6.1 A person who violates this By-Law commits an offense in accordance with s. 289 (g) of the Towns and Local Service Districts Act.

6.2 This By-Law shall not exclude the application of other penalties not expressly listed.

6.3 A person who commits an offense under s. 289 of the Act is liable on Summary Conviction to penalties under s. 290 of the Towns and Local Service Districts Act

6.4 Prosecutions for offenses in this By-Law may be carried out by the Town under s. 291 (1) of the Act


6.5 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.

7. REPEAL OF PREVIOUS REGULATIONS AND AMENDMENTS


7.1 All previous Town of Portugal Cove – St. Philips Traffic Regulations are repealed.

8. CAME INTO EFFECT

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



Claudine Murray, Town Clerk



Carol McDonald, Mayor

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

| section | subsection | | offence | fine |
|---------|------------|--|--|----------|
| 5 | 5.1.1 | | Parking on sidewalk | \$50.00 |
| | 5.1.2 | | Parking in front of public or private driveway | \$50.00 |
| | 5.1.3 | | Parking within 6 metres of an intersection | \$50.00 |
| | 5.1.4 | | Parking within 1metres of fire hydrant | \$50.00 |
| | 5.1.5 | | Parking within a crosswalk | \$100.00 |
| | 5.1.6 | | Parking within 6 metres of a crosswalk | \$50.00 |
| | 5.1.7 | | Parking within 10 metres of a traffic control device | \$50.00 |
| | 5.1.8 | | Parking within 6 metres of an entrance or exit to hotel, church, school, public meeting place, theatre, dance hall or playground | \$50.00 |
| | 5.1.9 | | Parking within 20 metres of a bus stop | \$50.00 |
| | 5.1.10 | | Parking within 7 metres of a fire station | \$50.00 |
| | 5.1.11 | | Parking opposite or beside a street excavation | \$50.00 |
| | 5.1.12 | | Parking contrary to signs | \$100.00 |
| | 5.1.13 | | Parking on left side of highway | \$50.00 |
| | 5.1.14 | | Parking within 150 metres of the site of a fire | \$50.00 |
| | 5.1.15 | | Parking as to obstruct traffic | \$50.00 |
| | 5.1.16 | | Parking on highway property outside curb | \$50.00 |
| | 5.1.17 | | Parking on property classified as easement | \$50.00 |
| | 5.1.18 | | Parking on highway to display vehicle for sale | \$50.00 |
| | 5.1.19 | | Parking on highway for repairs | \$50.00 |
| | 5.1.20 | | Parking in a designated mobility impaired parking space | \$400.00 |
| | 5.2 | | Double Parking | \$50.00 |

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|---|-------|--|--|----------|
| | 5.3 | | Parking away from the curb | \$50.00 |
| | 5.4 | | Stop stand or park in area prohibited by signs | \$50.00 |
| 6 | 6.3 | | Commercial motor vehicles parking in residential zones without a permit | \$100.00 |
| | 6.4 | | Commercial vehicle parked on highway within the Town from 1:00 am – 5:00 am | \$50.00 |
| 7 | 7.1 | | Parking so as to obstruct snow clearing | \$50.00 |
| | 7.1.1 | | Parking on a highway or municipal parking area between 12 midnight and 8:00 am | \$50.00 |