

Town of Portugal Cove-St. Philip's

Commercial Vehicle Parking Regulations, 2015

Pursuant to and by virtue of the powers conferred by Section 414(2)(t) of the *Municipalities Act, 1999*, SNL 1999, c. M-24 as amended, the Town Council of the Town of Portugal Cove-St. Philip's enacts the following Parking Regulations.

1. TITLE

These Regulations may be cited as the "Town of Portugal Cove- St. Philip's Commercial Vehicle Parking Regulations, 2015".

2. PURPOSE

These Regulations 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

In these Regulations,

- 3.1. **"Act"** shall mean the *Municipalities Act, 1999*, SNL 1999, c. M-24, as amended;
- 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. **"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*;

- 3.7. **"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;
- 3.8. **"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;
- 3.9. **"Town"** shall mean the Town of Portugal Cove - St Philip's as incorporated under the Act; and
- 3.10. **"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 OF REGULATIONS

- 4.1. These Regulations 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 regulations.

5. GENERAL PROHIBITION

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

6. EXCEPTIONS

The following cases are exempt from the prohibitions set out in these regulations:

- 6.1. 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.
- 6.2. 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.

7. CONTRAVENTION OF REGULATIONS

Any person who neglects or fails to comply with or acts in contravention of these Regulations shall be guilty of an offense and shall be liable on summary conviction to a penalty as provided for in Section 420 of the Act.

8. REPEAL OF PREVIOUS REGULATIONS

All previous Town of Portugal Cove – St. Philip’s Commercial Vehicle Parking Regulations are repealed by these Regulations.


9. COMPLIANCE WITH OTHER LEGISLATION

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. Where there is a conflict between a provision of this Regulation and a provision of another Regulation of the Town, the more restrictive provision shall prevail. Where there is a conflict between these Regulations and a provincial statute or regulation, the provincial law shall prevail.


10. EFFECTIVE DATE

These Regulations have been adopted and came into effect on 3rd day of November, 2015 through resolution of council #2015-414.

In witness whereof the Seal of the Town of Portugal Cove - St Philip's has been affixed hereto and these Regulations have been signed by the Mayor and the Town Manager on behalf of Council on this 5 day of November, 2015.



Moses Tucker
Mayor



Chris Milley
Town Manager

