

Town of Lewisporte
Commercial Vehicle Regulations,
2020



TOWN OF LEWISPORTE

COMMERCIAL VEHICLE PARKING REGULATIONS, 2020

1. Title

These regulations may be cited as "The Town of Lewisporte Commercial Vehicle Parking Regulations, 2020".

2. Interpretation

For the purpose of these Regulations unless the context otherwise requires:

- a. "Act" or "Municipalities Act" means the Municipalities Act, Statutes of Newfoundland, 1999, Chapter M-24 as amended;
- b. "Bus" means a motor vehicle designed or used for carrying more than fourteen (14) passengers in addition to the driver.
- c. "Commercial Vehicle" means any vehicle designed, maintained, or used primarily for the transportation of property and persons, and includes a Bus, (excluding vehicles less than 1 tonne), delivery van or wagon, tractor, truck tractor and/or trailer, heavy equipment, construction equipment, but does not include a taxi-cab or recreational vehicle. For the purpose of these Regulations, all vehicles less than one tonne in weight are exempt from these Regulations.
- d. "Council" means the Town Council of Lewisporte;
- e. "Fully Serviced Lot" means any lot in an area that is serviced in full with municipal water, municipal sewer, municipal storm sewer and curb & gutter;
- f. "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;
- g. "Person" means any person, firm, partnership, association, corporation, company, co-operator, club, society, or any other corporate body or organization of any kind;
- h. "Regulations" means the Town of Lewisporte Commercial Vehicle Regulations, 2020;
- i. "Representative" means an Enforcement Officer of the Town, Town Manager or an employee of Council designated by Council to enforce the provisions of these Regulations;
- j. "Residential Zone" means any residential use zone as defined under the Town of Lewisporte Development Regulations;
- k. "Municipal Enforcement Officer" means the Municipal Enforcement Officer appointed by the Town of Lewisporte;
- l. "Town" means the Town of Lewisporte;
- m. "Town Manager" means the Town Manager of the Town of Lewisporte.

3. Application of Regulation

These Regulations shall apply to all areas within the boundaries of the municipality of Lewisporte.

4. Exemption of Regulation

These Regulations shall not prohibit:

- a. The operation of emergency vehicles upon any street in the Town of Lewisporte;
- b. The operation of Commercial Vehicles owned or operated by the Town of Lewisporte, Public Utilities, any contractor and/or any other person while engaged in the repair, delivery of materials, maintenance or construction of streets, street improvements, or street utilities within the Town of Lewisporte shall be exempt.

5. Permit Required:

- a. No person shall park any commercial vehicle or allow the parking of a commercial vehicle within any Residential Zone within the Town of Lewisporte unless Council has issued a Commercial Vehicle Permit.
- b. The parking of commercial vehicles without a Commercial Vehicle Permit issued under these Regulations shall be considered a violation.
- c. An application for a Commercial Vehicle Permit in any Residential Zone shall be made to the Council and the applicant shall provide any information to Council as may be required;
- d. Council shall not issue a Commercial Vehicle Permit for any residential property where:
 - i. The residential lot has less than 18 m frontage and less than 1000 m² in lot area; and
 - ii. The residential lot is considered a fully serviced lot;
- e. An application for a Commercial Vehicle Permit may be issued for a residential property subject to:
 - i. Any conditions as Council deems fit and shall be attached to a Commercial Vehicle Permit for any Residential;
 - ii. A Commercial Vehicle Permit issued under these Regulations is valid for one year and may be renewed annually;
 - iii. Council may refuse a renewal of a Commercial Vehicle Permit as a result of a valid complaint received during the term of the permit;
 - iv. Commercial Vehicle Permits are issued specific to the vehicle outlined in the application under Section 5(c) and are non-transferable;
- f. No person shall park a commercial vehicle within any land use zone which may cause a safety concern as defined by Council, for the public, property or the environment.
- g. No person shall park a commercial vehicle used to transport hazardous products or fuels within fifty (50) metres of the main evacuation routes for the Town of Lewisporte, namely Route 340, Route 341 and Route 342.

6. Entry onto Property:

- a. A Representative may enter upon any public or private land and may at all reasonable times make an inspection for the purpose of obtaining information for compliance to these Regulations.

- b. Council may issue a removal order for non-compliance with these Regulations to the owner of an illegally parked commercial vehicle on residential property.
- c. An illegally parked commercial vehicle may be impounded at the owner's expense.

7. Enforcement of these Regulations:

- a. Enforcement of these Regulations may be under taken by any Police Officer or by a Representative of Council.
- b. A Police Officer or the Representative of Council empowered to enforce these Regulations shall:
 - i. Record the name and address of any person observed or reliably reported to have violated any of the provisions of these Regulations;
 - ii. Record the time, location and nature of the violation, and any other information relevant to the violation of the Regulations.

8. Offences and Penalties:

- a. Pursuant to Section 419 (2) of the *Municipalities Act, 1999*, each day upon which the same offence is committed or continued shall be considered as a separate offence.
- b. Any Person who is in violation of these Regulations or who fails to comply with any provision thereof:
 - i. Shall be considered guilty of an offense under Section 419 of *Municipalities Act, 1999*; and
 - ii. Shall be liable to penalties as stipulated in accordance with Section 420 of the *Municipalities Act, 1999*.

9. Coming into Effect:

These Regulations shall come into effect on the 17th day of June, 2020 A. D.

10. Copy to the Minister:

A copy of these Regulations were sent to the Minister on the 24th day of June, 2020 A. D.

11. Repeal of Previous Regulations and Amendments:

All previous Town of Lewisporte Commercial Vehicle Regulations and amendments are hereby repealed.

PUBLISHED BY AUTHORITY

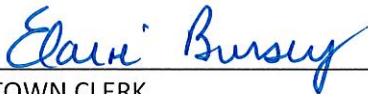
The following Regulations have been made by the Town Council of the Town of Lewisporte pursuant to the power conferred by Section 414(hh) and any other Section found enabling, of the *Municipalities Act, 1999*, as Amended.

Adopted by the Town Council of the Town of Lewisporte on the 16th day of June 2020 to come into effect as of the 17th day of June 2020.

A copy of these regulations was sent to the Minister of Municipal Affairs and Environment on the 24th day of June 2020.



MAYOR



TOWN CLERK