



TOWN OF LEWISPORTE

January, 2016

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Lewisporte Snow Removal Regulations - 2016

1.0 REGULATIONS

These Regulations shall be known as the Town of Lewisporte Snow Removal Regulations, 2016.

2.0 ADOPTION

Pursuant to the power delegated by the Minister of Transportation and Works under Section 189 of the Highway Traffic Act and pursuant to the authority conferred by Section 414 (2) (oo), Section 414 (2) (nn) of the Municipalities Act, 1999, the Town of Lewisporte hereby enacts the following Regulations which were adopted at a Public Council Meeting held on the ?? day of ??, 2016.

3.0 INTERPRETATIONS

In these Regulations:

- a) "Act" means The Municipalities Act, Chapter M-34, SNL 1999.
- b) "Council" mean the Town Council of Lewisporte.
- c) "Town" means the Town of Lewisporte.
- d) "Street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles.

4.0 SNOW CLEARING PERIOD

The first (1st) day of December in each year to the thirtieth (30th) day of April in any succeeding year, both days inclusive. The Town of Lewisporte shall not be responsible to snow clear a street that is not within municipal boundary or not owned by the Town of Lewisporte.

5.0 PARKING

a) During the snow clearing period, no person shall park an unattended vehicle upon any street within the Town between the hours of 12:00 midnight and 8:00 a.m.

b) At any time during a snow storm, and for the twelve (12) hours thereafter, no person shall park an unattended vehicle on any street within the Town of Lewisporte in such a way as to interfere with, hinder or obstruct snow clearing operations.

c) Any unattended vehicle interfering, hindering or obstructing snow clearing operations within the Town of Lewisporte may be removed and impounded by the Council, and the cost of such removal and impounding shall be recovered from the owner as a civil debt.

d) Any unattended vehicle obscuring or interfering with snow clearing operations around fire hydrants within the Town of Lewisporte may be removed and impounded by the Council, and the cost of such removal and impounding may be recovered from the owner as a civil debt.

6.0. DEPOSITING OF SNOW

a) No person shall shovel, plow, cause to be shoveled or plowed, any snow unto a street or sidewalk within the Town of Lewisporte.

b) No person engaged in removing snow or ice from a property shall do so in a manner that obstructs traffic on a Town street.

c) No person shall remove snow from a property and place it against or around a fire hydrant/s.

7.0 PENALTIES

- a) Any person who violates Section 5(a) & (b) shall be guilty of an offence and shall be liable on summary conviction to a penalty of not less than \$50 and not more than \$200 or in default of payment of such penalty to imprisonment for a term not exceeding thirty (30) days.
- b) Any person who violates Section 5(a)(b) & (c) of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a penalty of not less than \$100 and not more than \$500 or in default of payment of such penalty to imprisonment for a term not exceeding thirty (30) days.
- c) Any person who violates Section 5 (d) and neglects to pay the cost of such work within ten (10) days after invoicing, Council may recover these costs from the owner by action as a civil debt.
- d) Any person who violates Section 5 and/or Section 6 shall receive a letter from the Town of Lewisporte informing they are not in compliance with the Town Regulations and outlining the action that will be taken should the violation continue, a picture of this act will be taken and placed on file at the Town Office. Town employees will remove the obstruction such that the problem is corrected. The person(s) causing the problem will then be billed for the work provided by the Town at a base rate of \$100 per hour billed in half hour increments. A minimum charge of \$100 will be levied. If this is not paid, it will become a debt accruing interest after thirty (30) days and then collected as per our collection policy.
- e). Any person who violates Section 6 (a), (b) or (c) of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a penalty of not less than \$100 and not more than \$500 or in default of payment of such penalty to imprisonment for a term not exceeding thirty (30) days.

8.0 PROSECUTION

Prosecution under these Regulations may be taken summarily by a Municipal Enforcement Officer, RCMP or a person authorized by Council.

- a) Pursuant to Section 420 of the Municipalities Act, any person who is guilty of an offence against these Regulations or who acts in contravention of or fails to comply with any provision thereof or neglects or refuse to do so shall be liable on summary conviction;
- b) For a first time offence to a fine of not less than \$100 and not more than \$500 or to a term of imprisonment of not more than one (1) month or to both the fine and imprisonment;
- c) For a subsequent offence to a fine of not less than \$500 and not more than \$1000 or to a term of imprisonment of not more than three (3) months or to both the fine and imprisonment.

Snow Clearing Damage Policy - 2016

1. Damage must be due to actual physical contact of snow clearing equipment.
2. Damage must be located more than 3.048 meters (10.0 feet) from the road curb where a sidewalk is present, or 1.524 meters (5.0 feet) from the road curb without a sidewalk, or 1.524 meters (5.0 feet) from the edge of the asphalt where no curb is present.
3. Markers must have been in place clearly indicating the corners of the property in question.
4. The Town shall not be liable for any damages for the repair of any fence whatsoever where the Town, its employees or agents or otherwise have acted without negligence. In particular, the Town shall not be liable for any damages or repairs of any fence whatsoever during normal operation of snow clearing on streets or sidewalks located within the Municipal Planning Area.
5. When in the opinion of the Town, a fence creates a safety hazard or obstruction or impeded snow-clearing due to its location, height or construction material, the Town may issue an order to the property owner stating that the fence or portions thereof be removed, reconstructed or repaired within a specific time in order to correct the safety hazard or obstruction, and the cost to remove, construct or repair said fence or part thereof will be at the owner's expense. In the event that the property owner does not remove the fence within the specified period of time as ordered, the Town may remove the fence and the cost to remove, reconstruct or repair said fence will be at the owner's expense.

Procedures: Claims for winter damages will be accepted up until May 15th each year, applications must be made in writing and should be directed to the Superintendent of Public Works or designate.

6. Where Town equipment caused damage to an individual's grass during snow clearing operations, the Town shall only be liable to compensate the individual where;
 - (a) The grass is eroded by more than 3 meters (9.8') in length; or
 - (b) The total depth of damage to the grass is greater than 0.3048 meters (1.0').

7. An individual claiming damages as per subsection 6 must complete a Snow Clearing Damages or Grass Replacement Claim in a form prescribed by the Town Manager and submit it to the Town no later than May 31st of the year in which the damage occurred. Notwithstanding any other provision in this policy, under no circumstances shall the Town assume liability for damages arising from claims submitted after May 31st in the calendar year during which the damage occurred. Incomplete Snow Clearing Damages or Grass Replacement Claim Forms shall not be accepted.

8. When the Town receives a Snow Clearing Damages or Grass Replacement Claim as per subsection 7, the following administrative procedure shall apply:
 - (a) The Public Works Supervisor is immediately notified.
 - (b) The Public Works Supervisor completes an investigation and submits a report to the Town Clerk.
 - (c) The Town Clerk places the matter on the nearest agenda of the Public Works Committee.
 - (d) The matter is considered by Council.
 - (e) The Town Clerk notifies the individual of Council's decision.

Winter Level of Service / Priorities - 2016

During winter operations, generally between December 1st and April 30th, the employees of the Town of Lewisporte are committed to providing an effective, efficient and safe Town road network, within available resources. Residents are reminded that when traveling on Town streets during winter conditions, to use caution and drive to the conditions of the road. These road conditions can change quickly in winter and thus affect the operation and control of your vehicle.

Town supervisory staff assess road and weather conditions day and night, seven days per week. Maintenance crews report for work at 7:00 am. until 4:00 pm., Monday to Friday, weekends, and/or other shift times, if required. If weather conditions dictate, they work additional hours during the week and on weekends. During storms, ploughing continues until all roads are open to traffic. If the snow is expected to continue through the night the crews will go home around 10:00 pm. until 5:00 am. the next day. Between 10:00 pm. and 5:00 am. crews are generally not in operation, except in emergency situations, by calling 535-0100.

It should be noted that the Provincial Department of Transportation and Works has full responsibility (winter and summer) for:

- Lewisporte Main Street, from the Train Park/Mall through Town and on towards Embree/Little Burnt Bay, and
- Premier Drive, from the Intersection at Premier Drive and Main Street , along Premier Drive and on towards Stanhope/Brown's Arm/Lawrenceton

The Transportation and Works hours of operation, levels of service, road conditions, etc can be viewed on their website at www.roads.gov.nl.ca or by calling 1 709 292 4444.

The Town of Lewisporte's snow and ice control equipment, during normal operations, originates at the Town's Depot on Range Road, (United Church area), at 7:00 am, (earlier when conditions require) and proceeds under the following priorities:

Priority #1

The Town's equipment is responsible for ploughing and applying de-icing materials to the following three Snow Routes (usually these three Snow Routes are worked concurrently)

- A). Church Road/Church Road Extension and south towards the Mall, commencing at Fairview Street and ending at Carson Place, on the south side, including the business area.
- B). Church Road and north towards Embree, commencing at King Street and ending at Old Briton Crescent, including the Hillgrade/1st/2nd Avenue areas and the Town Hall.
- C). Church Road and northwest towards Stanhope, commencing at Alder Avenue and ending at Miller Avenue, including the Spruce Avenue and Centennial Drive areas and the Fire Hall.

Note: During this Priority #1 operation, Town equipment will clear wing rows of snow from the driveways of firefighters, doctors, the Town Manager and the Superintendent of Public Works (within Municipal boundaries).

Priority #2

The Downtown parking/shopping/sidewalk areas are the next priority followed by the Town's other sidewalks, especially around the schools, (one side on Premier Drive). This will occur when the Town roads are open and reasonably passable. Sidewalks on Main Street and Premier Drive (Provincial roads), may be delayed until Transportation and Works have completed their road plowing/de-icing activities.

Priority #3

The Town's fire hydrants and other parking areas, stadium/bowling alley/library/ball field/ski trail/etc and local access roads (Pump House road/Park road) is the next priority for ploughing and de-icing.

Priority #4

The Yacht Club, Masonic Hill and Cemeteries (during interment) are next.

The widening of Town streets/intersections and snow blowing will be performed following the end of winter events, usually the next day on regular hours of operation.

Notes/Disclaimer:

- During the unfortunate situation of equipment breakdowns, Town road ploughing/salting/sanding may be delayed, but in most situations access to the Provincial Department of Transportation and Works road network should be possible within a reasonable time after the **end** of a winter event.
- The Town will primarily use salt to de-ice the roads, although a mixture of salt/sand may be used in situations where road surface temperatures are below the -15 degrees Celsius and/or the supervisor feels it is beneficial to the safety of motorists or where budgetary pressures dictate.
- The Town's equipment will **not** clear snow from private roads, driveways or commercial parking lots.
- The Town does not remove snow piles created by ploughing/blowing, which block entrances to private or commercial accesses or driveways nor will deliberate action be taken to assure that snow does not block such entrances. When snow blowers are used, operators will attempt to avoid placing excessive amounts of snow into driveways/parking areas.
- Town residents are reminded that depositing snow around fire hydrants is not permitted. These areas are essential to the Fire Department during their fire and emergency operations activities. The Town's Snow Removal Regulations consider this action to be a violation (see Regulations for details)
- During winter maintenance operations the first line of authority is an employee's foreman/supervisor or the Superintendent of Public Works or Town Manager. Any other person does not have authority to instruct Town employees except as may be specifically authorized under any lawful statute/state of emergency.
- The Town will not be responsible for any damages to objects located within 6.10 meters (20 feet) from the centerline of Town roadways, including but not limited to; mail boxes, utility poles, garbage boxes, commercial signs, vehicles, trailers, boats, recreation vehicles etc.

Disclaimer

The purpose of these priorities/levels of service is to provide the most favorable standard for winter maintenance and ice control. It has no legislative authority and is not intended to be interpreted as minimum standards by which the Town of Lewisporte is to be judged. Likewise, these priorities/levels of service is not intended to be used as a basis for establishing civil liability. Also, supervisory staff have discretionary authority to adjust winter maintenance activities and de-icing material application types/rates as felt appropriate to benefit vehicular/pedestrian traffic and/or to assist with budgetary pressures.

Winter Driving Advice

(from Department of Transportation and Works web site)

Weather and road conditions can change very quickly. Snow reduces visibility and stopping distance and we really stress that motorists should drive defensively and adjust their speeds to suit conditions. Safety must remain a top priority for everyone on our provincial roads and highways.

Slow down. Speed limits posted on the highways and on municipal roads are for ideal driving conditions, which are considered to be sunny summer days.

Know road conditions. Before you head out on the road, check the weather forecast so you know what you may be able to expect. Also, check the Department of Transportation and Works' website for live camera pictures of highways in various regions throughout the province.

Leave room and look ahead. Slippery roads can inhibit your ability to react and stop. If you leave a greater distance between your car and the one in front of you, then you can adjust more easily should someone suddenly stop or lose control ahead of you.

Allow extra time. It may take you longer to get to your destination, so you should allow extra time to get there on time. That way you will not feel rushed and drive too fast for the conditions of the roads.

Maintain visibility. Clear snow and ice from your windshield, windows and from the head and taillights. You want to be able to see well plus you want others to see you easily. Your wipers should be in good working condition, so that they can clear snow from the windshield.