


TOWN OF LOGY BAY-MIDDLE COVE-OUTER COVE PARKING OF COMMERCIAL MOTOR VEHICLE REGULATIONS 2024

PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by Section 414(2) (t) of the *Municipalities Act, 1999*, SNL 1999, Chapter M-24, as amended and in accordance with Section 5 (c) of The Town of Logy Bay-Middle Cove-Outer Cove Traffic Regulations, as amended, the Town Council of Logy Bay-Middle Cove-Outer Cove hereby enacts the following Regulations which were adopted at a Public Council Meeting held on the 16th day of December 2024.



Denis Hickey
Mayor



Susan Arns
Town Clerk/Manager

1. TITLE

These Regulations shall be known and cited as the "Town of Logy Bay-Middle Cove-Outer Cove Parking of Commercial Motor Vehicle Regulations".

2. INTERPRETATION

For the purposes of this bylaw, unless the context otherwise requires:

- a) "Bus" means 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.
- b) "Commercial Motor Vehicle" means any motor vehicle designed or primarily used for commercial purposes and shall include, but is not limited to, a bus, truck trailer or tractor, grader and trailer.
- c) "Council" means the Town Council of the Town of Logy Bay-Middle Cove-Outer Cove.
- d) "Municipalities Act, 1999" means the *Municipalities Act, 1999*, SNL 1999, Chapter M-24 as amended.

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- e) "Park", together with active and past tenses including Parked and Parking, 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.
- f) "Peace Officer" means and includes a member of the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police Force stationed in Newfoundland and Labrador and a member of a municipal police force.
- f) "Persons" means any person, firm, partnership, association, corporation, or organization of any kind.
- g) "Regulations" means the Town of Logy Bay-Middle Cove-Outer Cove Parking of Commercial Motor Vehicle Regulations.
- h) "Representative" means an employee or agent of Council designated by Council to enforce the provisions of these Regulations.
- i) "Residential Zone" means residential use zones as defined under the Town of Logy Bay-Middle Cove-Outer Cove Land Use Zoning, Subdivision and Advertisement Regulations.
- j) "Taxi" means a motor vehicle, other than a bus, used to transport passengers for gain or reward.
- k) "Town" shall mean the Town of Logy Bay-Middle Cove-Outer Cove, Newfoundland and Labrador.

3. APPLICATION

These Regulations apply within the Planning Area boundaries of the Town.

4. CONFORMITY WITH REGULATIONS

No person shall Park a Commercial Motor Vehicle in Rural Residential Zones as identified in the Logy Bay-Middle Cove-Outer Cove Development Regulations in the Town except in conformity with these Regulations.

5. EXCEPTIONS

This Regulation shall not prohibit:

- a) The Parking of one Commercial Motor Vehicle on a property in a Rural Residential Zone;
- b) The operation of emergency vehicles upon any street in the Town;

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- c) The operation of Commercial Motor Vehicles owned or operated by the Town, 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;
- d) The temporary Parking of construction vehicles on property which is actively being developed;
- e) The operation and Parking of farm-related vehicles which are used in the active operation of a farm on the property on which the farm is situated; or
- f) The Parking of one Taxi in any building used for residential purposes on a property, on any land appurtenant to such building, in any accessory building on such land, or on any part of a highway which fronts or is appurtenant to any such building, land or accessory building in a Rural Residential Zone.

6. PERMIT

- a) No person shall Park more than one commercial motor vehicle on a property located within a Residential Zone in the Town unless:
 - i. a permit for the Parking of commercial vehicles has been issued by Council pursuant to these Regulations; or,
 - ii. the Parking of commercial vehicles has been approved as a condition of a Development Permit issued by Council pursuant to the Town of Logy Bay-Middle Cove-Outer Cove Development Regulations.
- b) An application for a permit to Park more than one Commercial Motor Vehicle in any Rural Residential Zone shall be made to the Council and every applicant for a permit shall furnish with the application such information as Council may require.
- c) Upon review of an application, and as determined by Council, a permit may be issued to Park a Commercial Vehicle on a residential property under the following provisions:
 - i The issuance of a permit does not contravene these Regulations.
 - ii The Council shall attach to the permit such conditions as it deems fit for the Parking of any Commercial Motor Vehicle in a Residential Zone and may permit Parking for such limited time as it deems fit.
 - iii Where Council issues a Commercial Vehicle Parking Permit, the permit is valid for one year and will be renewed automatically provided no objections or complaints are received in relation to the Parking of the said vehicle. Should any complaint be received during the term of the permit, Council will determine the validity of such a complaint and may refuse to renew the permit.

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- iv Commercial Vehicle Parking Permits are issued specific to the vehicle outlined in the application and are neither transferable nor assignable.

7. SCHOOL BUS

School buses are exempt from the provisions of Section 6 of these Regulations provided no objections or complaints are received. Should any objection or complaint be received, Council will determine the validity of the complaint and may require that a permit be obtained.

8. ENTRY

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 relative to the Parking of any Commercial Motor Vehicle, or whatever works whatsoever which the Town is empowered to regulate, and may issue a removal order to the owner of an illegally-parked Commercial Motor Vehicle on the property on which such a vehicle is situated removed, or order that such a vehicle be impounded at the owner's expense.

9. ENFORCEMENT

Enforcement and prosecution under these Regulations may be undertaken by any Peace Officer or by a Representative.

10. PENALTIES

- a. Every person who is guilty of an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:
 - i Shall be guilty of an offence under Section 419 of the Municipalities Act, 1999; and
 - ii Shall be liable to penalties as stipulated in accordance with Section 420 of the Municipalities Act, 1999; or
 - iii Shall be issued a ticket under Section 8 of the Town of Logy Bay-Middle Cove-Outer Cove Traffic Regulations made under Section 189 of the Highway Traffic Act and Section 414 (2) (oo) of the Municipalities Act, 1999.
- b. Pursuant to Section 419 (2) of the Municipalities Act, 1999, each day upon which the same offence is committed or continued is a separate offence.

11. COMPLIANCE WITH OTHER ACTS

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, and in such cases where more than one Regulation or statute applies the more restrictive regulation or statute shall apply.

12. EFFECTIVE DATE

These Regulations shall come into force on the date of the Notice of Adoption in the Newfoundland and Labrador Gazette

13. PUBLICATION

These Regulations will be published in the January 2025 edition of the Northeast Avalon Times and in the Newfoundland and Labrador Gazette on the 27th day of December 2024. A.D.

14. COPY TO MINISTER

A copy of these Regulations was sent to the Minister of Municipal and Provincial Affairs on the 18th day of December 2024 A.D.