

**TOWN OF BRIGUS
SNOW CLEARING POLICY**



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ADOPTED NOVEMBER 10TH 2020**

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1.1 Interpretation

In this Policy, unless the context otherwise requires:

- "Act" means the Municipalities Act, 1999, SNL 1999 Chapter M-24 as amended.
- "Council" means the Town Council of the Town of Brigus.
- "Enforcement Authority" means Council or its authorized administrator.
- "Highway" means the entire width between the boundary lines of a highway, road, street, avenue, thoroughfare, right-of-way, parkway, driveway, lane, alley, square, place, bridge culvert, viaduct, trestle, or causeway, whether it is publicly or privately owned and whether or not it is designed or intended for use by the public, if the whole or any part of it is used by the public, if the whole or any part of it is used by the public for the passage of vehicles and includes a trail on a frozen lake, river, or other body of water or watercourse when that trail is maintained or kept open at the expense of the province or a municipality.
- "Owner" means the legal entity having title to a property.
- "Occupant" means any Person who is an agent, tenant or occupier of a property.
- "Person" means any person, firm, partnership, association, corporation, company, co-operator, club, society, or any other corporate body or organization of any kind.
- "Town" means the Town of Brigus.
- "Snow Clearing Period" means the period between the first day of December in each year to and including the thirtieth day of April in any succeeding year, both days inclusive and any other period when unusual snow and/or ice conditions prevail.
- "Vehicle" means a device in, upon or by which a person or property may be transported or drawn upon a highway.
- "Right of Way" whereas stated in the Town of Brigus Permit Conditions a building must be a minimum of five (5) feet from Town and Residential boundaries. Fences, walls, etc. must be a minimum if three (3) feet from the shoulder of road or boundary line and first approved by the Public Works Committee.
- "Emergency Vehicle" is (I) any motor vehicle driven by a constable or by a member of the police branch or any of Her Majesty's Armed Forces or a peace officer being a member of the Royal Canadian Mounted Police where there is an

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urgent emergency justifying a rate of speed in excess of any maximum rate of speed regulations;

- (II) A motor vehicle that is carrying firefighting equipment in response to an alarm or fire;
- (III) An ambulance responding to a call or transporting a patient where there is an urgent emergency justifying a rate of speed in excess of any maximum rate of speed provided for in these regulations; or
- (IV) A motor vehicle being used to alleviate an urgent emergency.

2.1 Parking

No persons shall park an unattended vehicle on any street, road reservation, or municipal parking areas, or leave any portion thereof protruding upon any highway, street, side road within the municipal boundaries of the Town of Brigus at any time during a snowfall and for twenty-four hours thereafter.

3.1 Depositing of Snow

- No Person shall shovel, plow, blow or cause to be shoveled, plowed or blown any residue snow from a driveway or parking lot unto any highway, street, side road within the municipal boundaries of the Town of Brigus.
- No Person engaged in removing snow or ice from any property or other premises shall do so in any manner that obstructs vehicular traffic on a street/side road or pedestrian traffic.
- The provisions of Section 4 (a) and 4 (b) shall not apply to employees or contractors of the Town while engaged in snow clearing operations.

4.1 Damages

- All claims for damage must be made in writing to the Town office within fourteen (14) days of the damage occurring; otherwise the claim will not be honored. (Verbal claims will not be responded to). Claims will not be accepted after May 15 each year.
- The Town will not be responsible for any damage caused within the road right-of-way. This includes damage to fences, garbage boxes, trees, etc. Structures preexisting to this policy will be grandfathered in. Property owners will be required to meet current policy and permit conditions when applying for a permit to replace with a new structure.
- The Town will not be responsible for damage caused by "weight of snow" or "lawn browning".

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- The Town will not be responsible for damage caused to trees on private property if they have not been properly marked and protected and within the Town's right of way.
- When making a claim the following information should be included to enable the processing of your claim. If enough information is not provided this could result in your claim not being honored.
 - Your full mailing address
 - Approximate date which damage occurred
 - Type of equipment that caused the damage (e.g. backhoe) if known
 - Type of damage and approximate costs in dollars of the claim
 - If possible, a photo of the property before the damage was done

5.1 Emergency Vehicles

- In the event of emergency, local emergency service dispatchers will contact the Town's snow clearing crews to ensure emergency vehicles have an efficient and accessible route. The Town's snow clearing crews will assist with snow removal at residential addresses only when emergency vehicles need to gain access to provide emergency services.

6.1 Enforcement

- In carrying out its duties as prescribed by this Policy, the Town, its employees, servants or agents, shall not be liable for any claims arising out of the action of the Town, its employees, servants or agents, except in the case of gross negligence.

7.1 Impounding Vehicles

- Any unattended vehicle on any roadway within the Town in contravention of these Regulations may be removed and impounded by the Council and the cost of such removal and impounding shall be recovered from the owner of the vehicle as a civil debt.
- Any Person who has a vehicle impounded under the provision of Regulation 6 (A) shall be liable for an impounding fee in an amount to be set by a Motion of Council. All payment must be in the form of cash or credit. Neither Council nor its authorized agent shall accept responsibility for damage caused to any vehicle under these Regulations.

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- The Council may dispose of any vehicle impounded under Regulation 6 (A) by Public Sale, if the vehicle is not claimed by its owner within thirty (30) days from the date of impounding.

8.1 Failure to Comply

- Pursuant to Section 404 (5) of the Act, where a Person to whom an order is directed does not comply with the order, Council may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by Council in carrying out the terms of the order are recoverable from the Person against whom the order was made as a civil debt owed to Council.
- Council may delegate to an official or employee of Council the power to issue orders under this section
- Council, its employees, servants or agents shall be saved harmless from any and all claims arising out of the action of Council, its employees, servants or agents in the process of inspecting and/or carrying out work under these Regulations, except in the case of gross negligence.

9.1 Right of Entry

Pursuant to Section 158 of the Act, Council or its duly authorized agents have the authority to enter a property for the purpose of inspection, enforcement or other works that the council is empowered to undertake or to control in the municipality (i.e snow clearing). Damages which occur to property as a result to Council or its agents entry will be the responsibility of Council to repair/replace as it was.

10.1 Offence

- Pursuant to Section 419 (2) of the Act, each day upon which the same offence is committed or continued is a separate offence.
- Every Person who commits an offence under this Policy or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:

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- Shall be liable to penalties as stipulated in accordance with Section 420 of the Municipalities Act, 1999;
- Shall be subject to a violation notice issued under Section 421.1(1) of the Municipalities Act, 1999; or
- Shall be issues a ticket under the Provincial Offenses Act in accordance with Section 421.2 of the Municipalities Act, 1999.
- Shall be liable on summary conviction to the penalty as prescribed in the Highway Traffic Act. RSNL 1990, Chapter H-3 and Amendments thereto.

All previous Town of Brigus Snow Clearing Regulations and amendments are repealed.

Dated at Brigus this _____ of _____, 2020.

Byron Rodway
Mayor

Wayne Rose
Town Clerk/Manager

Wayne Broughton
Deputy Mayor