



SNOW CLEARING BY-LAW

BY-LAW NO.

BL-PW-01

PASSED BY COUNCIL ON

FEBRUARY 18, 2025

MOTION NUMBER

M25-051

PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by the *Towns and Local Service Districts Act, (SNL 2023 T-6.2)*, Section 8(1)(b), and all other powers enabling it, the following Snow Clearing By-law has been adopted by the Town Council of the Town of Paradise.

1. TITLE

This By-law may be cited the *Town of Paradise Snow Clearing By-law, 2025*.

2. INTERPRETATIONS

In this By-law, unless the context otherwise requires:

- (1) "Act" means the *Towns and Local Service Districts Act, SNL 2023 T-6.2*.
- (2) "Council" means the Town Council of the Town of Paradise.
- (3) "Enforcement Authority" means Council or its authorized administrator.
- (4) "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.
- (5) "By-law Enforcement Officer or Inspector" means the Town of Paradise personnel authorized to carry out municipal enforcement.

- (6) "Owner" means the legal entity having title to a property.
- (7) "Occupant" means any Person who is an agent, tenant, or occupier of a property.
- (8) "Person" means any person, firm, partnership, association, corporation, company, co-operator, club, society, or any other corporate body or organization of any kind.
- (9) "Town" means the Town of Paradise.
- (10) "Snow Clearing Period" means the period between the first day of December in each year to and including the thirty-first day of March in any succeeding year, both days inclusive, and any other period when unusual snow and/or ice conditions prevail.
- (11) "Vehicle" means a device in, upon or by which a person or property may be transported or drawn upon a highway.

3. PARKING

- (1) 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 reservation within the Town during the Snow Clearing Period:
 - (a) between the hours of 1:00 am and 8:00 am; and
 - (b) at any time during a snowfall and for twenty-four hours thereafter.

4. DEPOSITING OF SNOW

- (1) 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, sidewalk within the municipal boundaries of the Town of Paradise.
- (2) 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 or pedestrian traffic on a sidewalk.
- (3) The provisions of Section 4 (1) and 4 (2) shall not apply to employees or contractors of the Town while engaged in snow clearing operations.

5. DAMAGES

Please refer to the *Town Snow Clearing Damage Policy*.

6. ENFORCEMENT

- (1) Enforcement and prosecution under this By-law may be undertaken by any By-law Enforcement Officer or Inspector, or by any other Person so authorized by the Enforcement Authority.
- (2) Every Person requested by a Police Officer or Person authorized to enforce this By-law shall upon request, forthwith give his/her proper name and address.

- (3) Pursuant to Section 285 of the *Towns and Local Service Districts Act*, the Enforcement Authority may serve upon the Owner, Occupant or any Person in violation of a provision of these By-law, a serially numbered notice advising the nature of the violation and required action to conform with the standards as set out in this By-law.
- (4) The Owner, Occupant or Person shall carry out the direction of the Enforcement Authority referred to in Section 6(3) at the cost of the Owner, Occupant, or Person and within the time specified.
- (5) Any cost to the Town for all works including but not limited to the impounding of vehicles and removal of snow or ice deposited in violation of this By-law shall, in addition to any penalty prescribed hereunder, be recoverable from the Person in contravention of this By-law.
- (6) In carrying out its duties as prescribed by this By-law, 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. IMPOUNDING OF VEHICLES

- (1) Any unattended vehicle on any highway within the Town in contravention of these By-law 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.
- (2) Any Person who has a vehicle impounded under the provision of Section 7(1) 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 certified cheque. Neither Council nor its authorized agent shall accept responsibility for damage caused to any vehicle under this By-law.
- (3) The Council may dispose of any vehicle impounded under Section 7(1) by Public Sale if the vehicle is not claimed by its owner within thirty (30) days from the date of impounding.

8. FAILURE TO COMPLY

- (1) Pursuant to Section 285(5) of the *Towns and Local Service Districts 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.
- (2) As authorized by subsection 35(1) of the *Towns and Local Service Districts Act*, in accordance with this By-law, Council delegates authority to issue orders to its By-law Enforcement Officer or Inspector, or any other personnel so authorized to carry out municipal enforcement.
- (3) 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 this By-law, except in the case of gross negligence.

9. RIGHT OF ENTRY

Pursuant to Section 51 of the *Urban and Rural Planning Act, 2000* and/or Section 280 of the *Towns and Local Services Districts Act*, a By-law Enforcement Officer or Inspector has the authority to enter a property for the purposes of inspection or to carry out work as required under this By-law.

10. OFFENCE

- (1) Pursuant to Section 289(3) of the *Towns and Local Service Districts Act*, each day upon which the same offence is committed or continued is a separate offence.
- (2) Every Person who commits an offence under this By-law or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:
 - (a) Shall be liable to penalties as stipulated in accordance with Section 290 of the *Towns and Local Service Districts Act*.
 - (b) Shall be subject to a violation notice issued under Section 287(1) of the *Towns and Local Service Districts Act*.
 - (c) Shall be issues a ticket in accordance with Section 287(1) of the *Towns and Local Service Districts Act*.
 - (d) Shall be liable on summary conviction to the penalty as prescribed in the *Highway Traffic Act*. RSNL 1990, Chapter H-3 and Amendments thereto.

(3) REVIEW AND AMENDMENTS

All sections of this By-law have been developed in accordance with the *Towns and Local Service District Act*. This By-law is reviewed as required following new information or knowledge.

(4) PUBLICATION

This By-law was published on the Town of Paradise website in 2025.

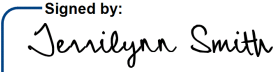
(5) REPEAL OF PREVIOUS LEGISLATION

All previous Town of Paradise Snow Clearing regulations and amendments are repealed.

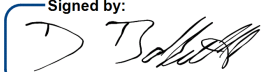
(6) COMING INTO EFFECT

Under the *Towns and Local Services Districts Act*, Section 12, this By-law came into effect once adopted by Motion of Council (M25-051), voted on by a majority of the councillors in attendance at the TownPublic Council Meeting on February 18, 2025.

IN WITNESS WHERE OF the Seal of The Town of Paradise has been here unto affixed, and this By-law has been signed by the Town Clerk and Mayor on behalf of the Council.

Town Clerk:  Signed by:
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Date: March 13, 2025 | 10:27:13 AM NDT

Mayor:  Signed by:
D015141A8037469...

Date: March 13, 2025 | 10:34:51 AM NDT