TOWN OF PARADISE COMMERCIAL VEHICLE REGULATIONS, 2013

JUNE 2024

RESOLUTION TO ADOPT

Town of Paradise Commercial Vehicle Regulations Amendment 2, 2024

Under the authority of the *Municipalities Act, 1999*, the Town Council of the Town of Paradise hereby adopts the proposed amendments to the *Town of Paradise Commercial Vehicle Regulations, 2013*.

Adopted by the Town Council of Paradise on the 2 day of July, 2024.

Signed and sealed this 2 day of July, 2024.

Mayor: _____ (Council Seal)

Clerk: _____

TOWN OF PARADISE
COMMERCIAL VEHICLE REGULATIONS AMENDMENT No. 2, 2024

Background

The Town of Paradise Commercial Vehicle Regulations, 2013 came into force in 2013. The amendment will revise Section 2(c) of the Commercial Vehicle regulations from:

- "Commercial Vehicle" means any vehicle designed, maintained, or used primarily for the transportation of property and Persons for commercial purposes, and shall include, but is not limited to, a Bus, a truck trailer or tractor, grader and trailer, heavy equipment, and construction equipment. A Commercial Vehicle shall not exceed the maximum gross weight of 4,536 kilograms (10,000 pounds).

To

- "Commercial Vehicle" means any vehicle designed, maintained, or used primarily for the transportation of property and Persons for commercial purposes, and shall include, but is not limited to, a Bus, a truck trailer or tractor, grader and trailer, heavy equipment, and construction equipment. A Commercial Vehicle exceeds the gross weight of 4,536 kilograms (10,000 pounds).

Public Notification

The public was notified of the amendments to the Existing Regulations and a notice was published in The Shoreline newspaper on the 9th day of August, 2024 and published on the Town's website. The New Regulations were available for viewing at the Town Hall during regular business hours and are available on the Town's website.

TOWN OF PARADISE
COMMERCIAL VEHICLE REGULATIONS, 2013 (Amended August 2024)

TITLE

1. These Regulations may be cited as the *Town of Paradise Commercial Vehicle Regulations, 2013*.

INTERPRETATION

2. In these Regulations, unless the context otherwise requires:

a. "Act" means the *Municipalities Act, 1999,* SNL 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 for commercial purposes, and shall include, but is not limited to, a Bus, a truck trailer or tractor, grader and trailer, heavy equipment, and construction equipment. A Commercial Vehicle exceeds the gross weight of 4,536 kilograms (10,000 pounds).

d. "Council" means the Town Council of the Town of Paradise.

e. "Park" or “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. "Person" means any person, firm, partnership, association, corporation, company, co-operator, club, society, or any other corporate body or organization of any kind.

g. "Regulations" means these *Town of Paradise Commercial Vehicle Regulations, 2013*.

h. "Representative" means the Town's Enforcement Officer or another employee of Council designated by Council to enforce the provisions of the By-Law.

i. "Residential Zone" means any residential use zone as defined under the Town of Paradise Development Regulations.

j. "Town" means the Town of Paradise.

APPLICATION

3. These Regulations apply within the boundaries of the Town.

EXCEPTIONS

4. These Regulations shall not prohibit:

a. the operation of emergency vehicles upon any street in the Town; or

b. the operation of Commercial 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.

PERMIT

5. No Person shall Park any Commercial Vehicle or allow the Parking of a Commercial Vehicle within any Residential Zone within the Town unless Council has issued a Commercial Vehicle permit for the Parking. The Parking of Commercial Vehicles without a permit is considered a violation of these Regulations.

6. An application for a permit to Park any Commercial Vehicle in any 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.

7. Upon review of an application, at the discretion of Council, a permit may be issued to Park a Commercial Vehicle on a residential property, subject to the following conditions:
    a. The issuance of a permit does not contravene these Regulations.
    b. The Council shall attach to the permit such conditions as it deems fit to permit the Parking of any Commercial Vehicle in a Residential Zone and may permit Parking for such limited time as it deems fit.
    c. Where Council issues a Commercial Vehicle 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.
    d. Commercial Vehicle Permits are issued specific to the vehicle outlined in the application and are non-transferable.

MINIMUM LOT SIZE

8. Council will not issue a permit to park a Commercial Vehicle on any residential property where the residential lot has less than 18 metres frontage and an area less than 1000 square metres.

LIMIT

9. The number of Commercial Vehicles that may be permitted to park on any residential property shall be limited to one (1).

EXEMPTION FOR SCHOOL BUSES

10. School buses are exempt from the provisions of Sections 5 through 8 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 the School Bus be relocated.

ENTRY

11. 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 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 Vehicle on the property on which such a vehicle is situated, or order that such a vehicle be impounded at the owner's expense.

ENFORCEMENT

12. Enforcement and prosecution under these Regulations may be under taken by any Police Officer or by a Representative.

13. It shall be the duty of a Police Officer or the Representative to enforce these Regulations and to:

- **a.** report the name and address of any Person observed or reliably reported to have violated any of the provisions of these Regulations; or
- **b.** report the time and nature of the violation of the Regulations, and any circumstances being relevant to the violation.

14. Every person requested by any person authorized by Council to enforce these Regulations shall upon request, forthwith give his/her proper name and address.

PENALTIES

15. Pursuant to Section 419(2) of the Act, each day upon which the same offence is committed or continued is a separate offence.

16. 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:

a. shall be guilty of an offense under Section 419 of the Municipalities Act, 1999; and

b. shall be liable to penalties as stipulated in accordance with Section 420 of the Municipalities Act, 1999.

COMING INTO FORCE

17. These Regulations shall come into force and effect on the 2nd day of August, 2024 A.D.

PUBLICATION

18. These Regulations were published in the Shoreline on the 9th day of August, 2024 A.D. and were Gazetted on the 2nd day of August, 2024 A.D.

COPY TO MINISTER

19. A copy of these Regulations was sent to the Minister of Municipal and Provincial Affairs on the 5th day of July, 2024 A.D.