

# **BYLAW 08-2007**

## **Transportation of Dangerous Goods Bylaw**

**A BYLAW OF THE TOWN OF HIGH PRAIRIE, IN THE PROVINCE OF ALBERTA, TO REGULATE AND CONTROL THE TRANSPORTATION OF DANGEROUS GOODS WITHIN THE CORPORATE LIMITS OF TOWN.**

**WHEREAS:** The *Municipal Government Act*, R.S.A 2000, c. M-26, as amended or repealed and replaced from time to time, authorizes a Municipal Council to pass bylaws respecting transport and transportation systems;

**AND WHEREAS:** The *Dangerous Goods Transportation and Handling Act*, R.S.A. 2000, c. D-3.5, as amended or repealed and replaced from time to time, authorizes a Municipal Council to pass bylaws respecting the transportation of dangerous goods;

**NOW THEREFORE:** THE COUNCIL OF THE TOWN OF HIGH PRAIRIE DULY ASSEMBLED ENACTS AS FOLLOWS:

### **1. SHORT TITLE**

1.1 This Bylaw may be referred to as the "Transportation of Dangerous Goods Bylaw".

### **2. DEFINITIONS**

2.1 "ACT" shall mean the *Dangerous Goods Transportation and Handling Act*, R.S.A. 2000, c. D-3.5, as amended or repealed and replaced from time to time.

2.2 "BYLAW OFFICER" shall mean a Bylaw Enforcement Officer appointed by the Town pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time, to enforce Town bylaws, and includes a member of the Royal Canadian Mounted Police and a Peace Officer authorized under the *Peace Officer Act*, S.A. 2006, c. P-3.5, as amended or repealed and replaced from time to time, having jurisdiction in the Town.

2.3 "COUNCIL" shall mean the Council of the Town of High Prairie.

2.4 "DANGEROUS GOODS" shall mean a product, substance or organism included by its nature or by the regulations in any of the classes listed in the Schedule of

the Act, for which placard are required to be on or in any Vehicle.

- 2.5 “DANGEROUS GOODS ROUTE” shall mean a highway, road or avenue so designated in Schedule I, attached and forming part of this Bylaw.
- 2.6 “DANGEROUS GOODS ROUTE SIGNS” shall mean those signs identified in Schedule II, attached to and forming part of this Bylaw.
- 2.7 “DRIVER” shall mean a person who is driving or is in actual physical control of a Vehicle.
- 2.8 “FIRE CHIEF” shall mean a person designated by Council as the Fire Chief of the Town or his designate approved by Council resolution.
- 2.9 “HANDLING” shall mean the loading, unloading, packaging or unpacking of Dangerous Goods in or on a means of containment for the purposes of, in the course of or following transportation in or by a means of transport, and includes their storage in the course of such transportation.
- 2.10 “HIGHWAY” shall have the meaning assigned to it in the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended or repealed and replaced from time to time.
- 2.11 “INSPECTOR” shall mean a person or a member of a class of persons designated as an inspector under Section 6 (1) of the said Act.
- 2.12 “OWNER” shall mean the person named as the registered owner of a Vehicle and a certificate of registration of the Vehicle under the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended or repealed and replaced from time to time, or any person renting a Vehicle or having exclusive use of a Vehicle under a lease or otherwise.
- 2.14 “SPECIAL PERMIT” shall mean a permit issued pursuant to Section 4 of this Bylaw.
- 2.15 “TOWN” shall mean the municipal corporation of the Town of High Prairie.
- 2.16 “TOWN MANAGER” shall mean the Chief Administrative Officer of the Town, as appointed pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time.
- 2.17 “VEHICLE” shall have the same meaning assigned to it in the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended or repealed and replaced from time to time.
- 2.18 “VEHICLE STORAGE AREA” shall mean a storage location for Vehicles which is at least one hundred and fifty (150) metres away from the nearest residential, institutional or assembly occupancy, or other location that has been approved by the Fire Chief or his designate.

- 2.19 "VIOLATION TAG" shall mean a tag or similar document issued by the County pursuant to Section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time.
- 2.20 "VIOLATION TICKET" shall mean a ticket issued pursuant to Part 2 of the *Provincial Offenses Procedures Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time, and the regulations thereunder.

### **3.0 USE OF HIGHWAYS**

- 3.1 No person shall operate a Vehicle transporting Dangerous Goods within the corporate limits of the Town, except on an approved Dangerous Goods Route as identified in Schedule I, attached to and forming part of this Bylaw and as identified by such Dangerous Goods Route Signs, set out in Schedule II, attached to and forming part of this Bylaw, or unless they said person is:
- 3.1.1 obtaining Dangerous Goods from or delivering Dangerous Goods to a location in the Town, which is not located along or accessible by a Dangerous Goods Route, by the most direct route between Dangerous Goods Routes; or
  - 3.1.2 proceeding to or from a Vehicle Storage Location by the most direct route between Dangerous Goods Routes.
- 3.2 No person who is operating a Vehicle that is transporting Dangerous Goods shall stop or park within the Town except:
- 3.2.1 at a permitted Vehicle Storage Location, or
  - 3.2.2 to load or unload the Vehicle, or
  - 3.2.3 in accordance with terms and conditions of a Special Permit issued by the Fire Chief or his designate;
  - 3.2.4 in compliance with a Bylaw Officer, Inspector or traffic control device; or
  - 3.2.5 to repair or refuel the Vehicle.

### **4.0 SPECIAL PERMIT**

- 4.1 Notwithstanding Section 3.1, a person may apply to the Fire Chief, or his designate, for a Special Permit with respect to Dangerous Goods being transported to or delivered to or collected from a location within the Town. If the person furnishes evidence in support of his application which satisfy the Fire

Chief or his designate that the person would be unable to deliver, collect or transport the Dangerous Goods in accordance with the other provisions of this Bylaw and provided that the transportation may, in the opinion of the Fire Chief or his designate, be conducted safely, the Fire Chief or his designate may issue a Special Permit

4.2 In issuing a Special Permit, the Fire Chief or his designate may impose any condition or term that he finds necessary or reasonable in the circumstances, including, but not limited to:

4.2.1 that a copy of the Special Permit or, where issued by phone, the Special Permit number shall be carried in the Vehicle or Vehicles affected at all times;

4.2.2 that the Driver and Owner shall indemnify and hold harmless the Town, its employees, official and agents against all actions, suits, claims, damages, losses or expenses, including legal expenses on a solicitor-client basis, that may result from or be connected, directly or indirectly, to the transportation of Dangerous Goods;

4.2.3 weight restriction of the Vehicle, the number of trailers, the specific route to be used and the times which the Special Permit applies to for the transportation of Dangerous Goods within the Town on a non Dangerous Goods Route;

4.2.4 that the Driver and Owner to whom the Special Permit has been issued shall take every precaution necessary to prevent damage to property or injury to persons as a result of transportation of such Dangerous Goods.

4.3 Any contravention of the terms and conditions contained in a Special Permit issued under Section 4.1 shall invalidate the Special Permit.

4.4 Application for a Special Permit may be made by telephone or writing to:

Fire Chief  
P.O. Box 179  
High Prairie, Alberta  
T0G 1E0  
(780) 523-3388

## **5.0 POWERS OF BYLAW OFFICERS OR INSPECTORS**

5.1 A person shall, when requested by a Bylaw Officer or Inspector, produce for inspection any shipping document, any Special Permit issued under this Bylaw, or any other document showing the origin and designation of all shipments and a description of any cargo or load.

5.2 Particulars obtained by a Bylaw Officer or Inspector under this Section, and tendered by the Bylaw Officer or Inspector as evidence in Court, shall be *prima facie* proof of the particulars thereon submitted in evidence without proof of the signature or official capacity of the person signing the document.

## **6.0 PENALTIES**

6.1 The Owner of a Vehicle that contravenes any provision of this Bylaw is guilty of an offense.

6.2 An Owner who permits another person to operate the Owner's Vehicle, or a Vehicle which the Owner has exclusive use, in contravention of this Bylaw is guilty of an offense.

6.3 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a penalty specified in Schedule III, attached and forming part of this Bylaw.

6.4 Under no circumstances shall any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

6.5 Any person who contravenes any provision of this Bylaw for which no penalty has herein been specified, shall upon summary conviction before a Court of competent jurisdiction be liable to a fine not exceeding One Thousand Dollars (\$1000.00), exclusive of cost.

## **7.0 VIOLATION TAGS**

7.1 A Bylaw Officer is hereby authorized and empowered to issue Violation Tags to any person who the Bylaw Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

7.2 A Violation Tag may be issued to such person:

7.2.1 Either personally; or

7.2.2 By mailing a copy to such person at his or her last known postal address.

7.3 The Violation Tag shall be in a form approved by the Town Manager and shall state:

7.3.1 The name of the person;

7.3.2 The offense;

7.3.3 The appropriate penalty for the offense as specified in Schedule "C" of this Bylaw;

7.3.4 That the penalty shall be paid within 30 days of the issuance of the Violation Tag; and,

7.3.5 Any other information as may be required by the Town.

7.4 Where a contravention of this Bylaw is of a continuing nature, the Bylaw Officer may issue further Violation Tags, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.

7.5 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may in lieu of prosecution of the offense, pay the Town the penalty specified in the Violation Tag.

7.6 Any person who contravenes any section of this Bylaw for a second or subsequent time within a twelve (12) month period is guilty of a second or subsequent offence and liable for the fines as outlined in Schedule III.

## **8.0 VIOLATION TICKETS**

8.1 If the penalty specified on a Violation Tag is not paid within the prescribed time, then a Bylaw Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offenses Procedure Act*, R.S.A. 2000, P-34, as amended or repealed and replaced from time to time.

8.2 Notwithstanding Section 8.1 of this Bylaw, a Bylaw Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 of the *Provincial Offenses Procedure Act*, R.S.A. 2000, P-34, as amended or repealed and replaced from time to time, to any person who the Bylaw Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

8.3 When a Violation Ticket has been issued to a person pursuant to this Bylaw, that person may plead guilty to the offence by submitting to a Clerk of the Provincial Court, the specified penalty set out on the Violation Ticket at any time prior to the appearance date indicated on the Violation Ticket.

## **9.0 TRANSITION**

9.1 All traffic control devices, which, are in place on the effective date of this Bylaw shall be deemed to be valid traffic control devices for the purposes of this Bylaw.

9.2 All schedules attached to this Bylaw may be amended from time to time by resolution of Council.

9.3 Each Section shall be read and construed as being separate and severable from each other Section. Furthermore, should any Section of this Bylaw be found to have been improperly enacted for any reason, then such Section shall be

regarded as being severed from the rest of the Bylaw and the remaining Bylaw shall be considered effective and enforceable.

- 9.4 Upon passage of this Bylaw, Bylaw 1-2003 shall be repealed and no longer be in force.
- 9.5 This Bylaw shall come into effect when it receives approval from the Minister, Third Reading from Council and is duly signed.
- 9.6 This Bylaw shall be reviewed, revised as required, adopted by Council resolution, and approved by the Minister for Alberta Infrastructure and Transportation on or before the five (5) years from adoption of this Bylaw.

First Reading of Bylaw 08-2007 given this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
TOWN MANAGER

Approved by the Minister or delegate responsible for Alberta Infrastructure and Transportation given this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
(signature of the Minister or delegate)

Second Reading of Bylaw 08-2007 given this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
TOWN MANAGER

Third and Final Reading of Bylaw 08-2007 given this \_\_\_\_ day of \_\_\_\_\_, 2008.

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MAYOR

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TOWN MANAGER

**BYLAW 08-2007**  
**Schedule IA**

**Dangerous Goods Route** through the Town of High Prairie

1. Highway 2 (53 Avenue)
2. Highway 749 (48 Street)
3. 50 Avenue (Railroad Avenue)
4. 40 Street (Resource Road)

**Town of High Prairie map attached as Schedule 1B (next page).**

**BYLAW 08-2007  
SCHEDULE 1B**

**BYLAW 08-2007**  
**Schedule II**

**DANGEROUS GOODS ROUTE SIGNS**

Dangerous Goods Route signs will be used to indicate regulations solely to the movement on highways of vehicles classified as dangerous goods carriers.

Dangerous Goods Route Signs (RB-69)

The dangerous goods route sign indicates that dangerous goods carriers, as prescribed by legislation, are permitted to travel along a street or highway.

The sign shall be supplemented with proper advance and directional arrows (1B-5 to 1B-9) to indicate a turn or a change in the direction of a designated route. Advance turn arrows shall be installed at a point not less than 50 m nor more than 150 m in advance of an intersection where the route changes direction.

The tab sign (RB-69T) may be used for an educational period.

The signs shall be reflective or illuminated to show the same colour and shape by night as by day.

Dangerous Goods Prohibition Sign (RB-70)

The dangerous goods prohibition sign indicates that dangerous goods carriers, as prescribed by legislation, are prohibited from travelling upon a street or highway.

The sign will be installed along the street or highway on which the dangerous goods carriers are prohibited, at the point at which such street or highway intersects a dangerous goods route, to prohibit the illegal entry of these vehicles.

The tab sign (RB-70T) may be used for an educational period.

The signs shall be reflective or illuminated to show the same by night as by day.

SCHEDULE IV  
**BYLAW 08-2007**  
**Schedule III**

**Specified Penalties**

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<b>Section</b>	<b>Description</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third and Subsequent Offense</b>
3.1	Drive/Operate Vehicle carrying Dangerous Goods off Dangerous goods route	\$200.00	\$500.00	\$1,000.00
3.2	Transport Dangerous Goods off Dangerous Goods Route without a permit	\$200.00	\$500.00	\$1,000.00
4.1	Stop/Park Vehicle transporting Dangerous Goods other than approved location	\$200.00	\$500.00	\$1,000.00
5.1	Fail to produce documents of origin/load/trip	\$200.00	\$500.00	\$1,000.00

SCHEDULE IV

**TOWN OF HIGH PRAIRIE**

PO Box 179, 4806 – 53 Avenue  
High Prairie, AB T0G 1E0  
Phone (780) 523-3388 Fax (780) 523-5930

**Transportation of Dangerous Goods Permit**

Off Route Permit No.  
\_\_\_\_\_

PERMISSION IS HEREBY GRANTED TO:

PERMIT VALID FROM: \_\_\_\_\_ TO: \_\_\_\_\_

DATE AND TIME ISSUED: \_\_\_\_\_

**TO TRANSPORT THE FOLLOWING DANGEROUS GOODS:**

**FROM:** \_\_\_\_\_

**TO: VARIOUS LOCATIONS WITHIN THE TOWN OF HIGH PRAIRIE**

**VIA: Designated Transportation of Dangerous Goods routes within the Town of High Prairie. Off TDGR utilizing the most direct route.**

**DESCRIPTION OF VEHICLE:** \_\_\_\_\_

**VEHICLE LICENCE NUMBER:** \_\_\_\_\_

**PERMIT CONDITIONS:**

1. This permit number or copy of this permit must be carried in the vehicle or vehicles affected.
  2. The applicant shall keep the Town of High Prairie fully indemnified from any loss or property damage that may arise from the transportation of the said dangerous goods.
  3. The applicant shall take every precaution necessary to prevent damage to property or injury to person(s) as a result of the transportation of dangerous goods.
  4. When loading or unloading dangerous goods, no portion of the vehicle shall protrude on or into any pedestrian or vehicle right-of-way.
- Failure to comply with the conditions of this permit may result in prosecution.

ADDITIONAL CONDITIONS:

\_\_\_\_\_  
**SIGNATURE (OR NAME) OF APPLICANT**

\_\_\_\_\_  
**FIRE CHIEF OR DESIGNATE**