

BYLAW #1534
of the
TOWN OF PINCHER CREEK

A BYLAW TO CONTROL AND MANAGE THE
TRANSPORTATION OF DANGEROUS GOODS
UPON HIGHWAYS WITHIN THE TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA.

WHEREAS, the Town is empowered by the Dangerous Goods Transportation and Handling Act RSA2000 Chapter D-4; to regulate the transportation of dangerous goods within the corporate limits;

WHEREAS, Section 7 (i) of the Municipal Governments Act, R.S.A. 2000, Chapter M.26 amendments thereto, allow a municipality to impose fines and penalties.

AND WHEREAS, in the interests of public safety the Town is desirous of restricting vehicles transporting dangerous goods to Dangerous Goods Truck Routes as much as possible;

NOW THEREFORE, the Council of the Town of Pincher Creek, in the Province of Alberta, duly assembled, hereby enacts as follows:

SHORT TITLE

This bylaw may be cited as the "Transportation of Dangerous Goods Bylaw".

1.0 DEFINITION

1.1 Definitions contained in the Dangerous Goods Transportation and Handling Act and Regulations, as applicable, are adopted for the purposes of the interpretation and application of this bylaw.

1.2 In this bylaw:

- (a) **ASSEMBLY OCCUPANCY** means the occupancy or the use of a building or part thereof by a gathering of persons for civic, political, travel, religious, social, educational, recreational or like purposes, or for the consumption of food or drink.
- (b) **CARRIER** means any person transporting dangerous goods in, into, through or out of the Town by any vehicle and includes the owner of the said vehicle.

1.0 DEFINITION ... CONT'D

- (c) **DANGEROUS GOODS** means dangerous goods for which placards are required by the Dangerous Goods Transportation and Handling Act and Regulations.
- (d) **DANGEROUS GOODS ROUTE SIGNS** means those signs identified in Schedule "A" attached to and forming part of this bylaw.
- (e) **DANGEROUS GOODS TRUCK ROUTE** means any highway so designated in Schedule "B" attached to and forming part of this bylaw which may be posted with Dangerous Goods Routes Signs.
- (f) **CHIEF** means the Chief of Pincher Creek Emergency Services or his designate.
- (g) **SERVICE STATION OR REPAIR DEPOT** means any premises licensed for the purposes of dispensing fuel or carrying out mechanical repairs.
- (h) **VEHICLE STORAGE LOCATION** means any area which is at least 150 metres away from the nearest residential, institutional, or assembly occupancy and has been accepted by the Chief, or other location accepted by the Chief.

2.0 TRANSPORTATION OF DANGEROUS GOODS

- 2.1 Subject to this bylaw, all vehicles transporting dangerous goods are also subject to the Traffic Bylaw as amended from time to time.
- (a) No carrier shall transport Dangerous Goods through the town on a route other than a Dangerous Goods Truck Route.
 - (b) No carrier shall enter or leave or travel within the Town other than on a Dangerous Goods Truck Route; except a carrier may for the purposes of obtaining dangerous goods from or delivering dangerous goods to a location off a Dangerous Goods Truck Route or going to or from a permitted vehicle storage location, drive his vehicle on a combination of truck routes forming the most accessible connection between the delivery point, collection point or permitted vehicle storage location, and a dangerous Goods Truck Route, subject to clause 2.3.
 - (c) No carrier shall transport Dangerous Goods on a highway in the Town on other than a Dangerous Goods Truck Route without first having obtained an Off-Route Permit (Schedule C) or permit number from the Chief authorizing him to do so.

2.0 TRANSPORTATION OF DANGEROUS GOODS ... CONT'D

- (d) On the application of a carrier the Chief may issue an Off-Route Permit authorizing the transportation of Dangerous Goods on a highway in the Town other than a Dangerous Goods Truck Route where for any reason the Dangerous Goods Truck Route cannot be used by the carrier or do not reach the destination of the carrier and provide that such transportation may, in the opinion of the Chief be conducted safely.
- (e) It shall be a condition of all such permits that the carrier shall keep the Town fully indemnified in respect of any losses, damages or expenses which the Town may suffer or for which the Town may become liable as a result of such transport of Dangerous Goods on other than a Dangerous Goods Truck Route.
- (f) As a condition of issuing such permit, the Chief may impose any or all of the following requirements:
 - That a copy of the permit, or where a permit is issued by telephone, the permit number, shall be carried in the vehicle or vehicles affected at all times;
 - That the applicant shall take every precaution necessary to prevent damage to property or injury to persons as a result of the transportation of such Dangerous Goods;
 - Permits may be granted for such periods of time not exceeding 1 year in duration as the Chief may deem appropriate.
 - Such other conditions as the Chief may deem necessary restricting the gross vehicle weight, number of trailers and times and dates on which such routes may be used.
- (g) It shall be an offence under this bylaw for any person to breach any of the requirements or conditions of an Off-Route Permit.

2.2 No carrier shall stop within the Town except:

- (a) In compliance with a peace officer, an inspector or a traffic control device.
- (b) In compliance with a valid permit.
- (c) To load or unload as permitted by this bylaw.
- (d) To repair or refuel the vehicle, or
- (e) At a vehicle storage location.

2.3 (a) No carrier shall unload dangerous goods at a service station from any vehicle or combination of vehicles exceeding a maximum length of 16 metres. In no instance will a carrier loading or unloading a dangerous good allow any portion of the delivery unit to project beyond the property boundary of the recipient.

2.0 TRANSPORTATION OF DANGEROUS GOODS ... CONT'D

2.3 (b) No carrier shall unload dangerous goods at any point of delivery lying west and south of Highway #6 from any vehicle or combination of vehicles exceeding a maximum length of 16 metres.

2.4 SPECIAL PERMIT

- (a) A carrier may apply for a Special Permit to transport dangerous goods in the Town of Pincher Creek other than in the manner set out in Sections 2.1, 2.2, and 2.3.
- (b) Application for a Special Permit shall be made to the Chief and shall contain evidence to support that compliance with Sections 2.1, 2.2, and 2.3 is impractical.
- (c) The Chief may issue a Special Permit granting total or partial exemption from the requirements of Sections 2.1, 2.2, and 2.3 and may impose any terms and conditions considered necessary in the circumstances to safeguard the citizens of the Town and their property.
- (d) Any contravention of the terms and conditions contained in a Special Permit issued in pursuance to Subsection (c) above, shall render such Special Permit invalid.

3.0 PERMIT FEES

3.1 The Chief Administration Officer with the approval of the Council may establish a schedule of fees for the issue of such Permit or Permits as are required pursuant to the provisions of this bylaw.

4.0 OFFENCE, PENALTIES AND POWERS OF PEACE OFFICER

4.1 A carrier shall, when requested to do so by peace officer or bylaw enforcement officer, produce for such officer's inspection the shipping document showing the description, origin and destination of all consignments of dangerous goods being transported.

4.2 Particulars obtained by a peace officer or bylaw enforcement officer from a shipping document produced under subsection 4.1 and submitted by him in evidence in Court shall be prima facie proof of the particulars therein without the proof of signature or official capacity of the person signing the shipping document.

4.0 OFFENCE, PENALTIES AND POWERS OF PEACE OFFICER ... CONT'D

4.3 Any carrier violating any of the provisions of Sections 2.1, 2.2, and 2.3 or any other person responsible for such violation is guilty of an offence and liable to penalty not exceeding ONE THOUSAND (\$1 000.00) DOLLARS.

4.4 Where a peace officer or bylaw enforcement officer of the Town of Pincher Creek believes that a person has contravened a provision of this bylaw, he may serve upon or mail such person an Offence Ticket.

4.5 The Offence Ticket shall be in such form as the Town Of Pincher Creek determine and shall indicate thereon the date of the offence, the time of the offence, the place where the offence occurred and the Section of the bylaw which was contravened.

4.6 Upon the issuance of an Offence Ticket for a breach of Sections 2.1, 2.2, and 2.3 of this bylaw, the penalty of FIVE HUNDRED (\$500.00) DOLLARS shall apply.

4.7 Notwithstanding the other provisions of this Section, a person to whom an Offence Ticket is served or mailed pursuant to Subsection 4.4 may exercise the right to defend any charge of a contravention of any of the provisions of this bylaw indicated on the Offence Ticket.

4.8 A person authorized to issue an Offence Ticket as provided in Subsection 4.4 is not required to issue an Offence Ticket in contravention if, in his sole discretion, it seems expedient to him to issue a Summons prosecuting the offence instead of issuing an Offence Ticket.

5.0 This bylaw does not come into force until it is approved by the designated Minister pursuant to Section 17 of the Dangerous Goods Transportation and Handling Act.

6.0 Bylaw #1449 A and amendments thereto is repealed upon Ministerial approval of Bylaw 1534.

7.0 This bylaw comes into effect upon final passing hereof.

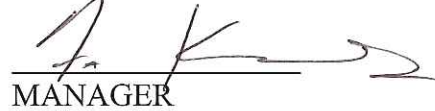
READ A FIRST TIME THIS 14 DAY OF June, 2004 A.D.


MAYOR


MANAGER

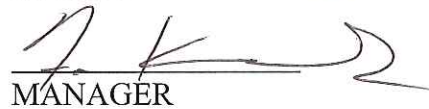
READ A SECOND TIME THIS 14 DAY OF June, 2004 A.D.


MAYOR

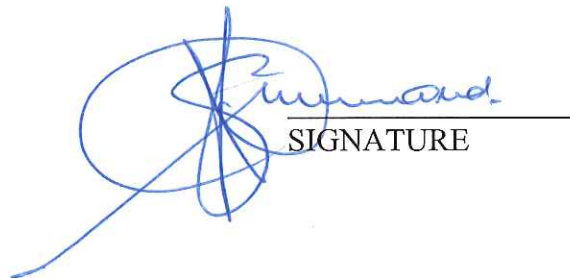

MANAGER

READ A THIRD TIME THIS 14 DAY OF June, 2004 A.D.


MAYOR


MANAGER

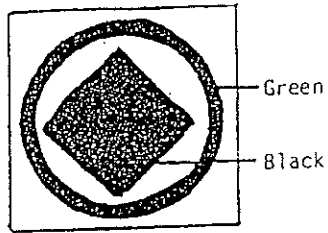
APPROVED BY THE MINISTER RESPONSIBLE FOR ALBERTA
TRANSPORATION, OR DELEGATED REPRESENTATIVE THIS 6th DAY
OF July, 2004.


SIGNATURE

BYLAW #1534

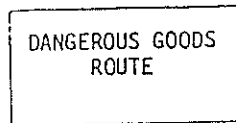
**SCHEDULE A
SIGNAGE**

The Uniform Traffic Control Manual of Canada sets out design standards and specifications for both dangerous goods route signs and dangerous goods prohibition signs. Examples as follows:



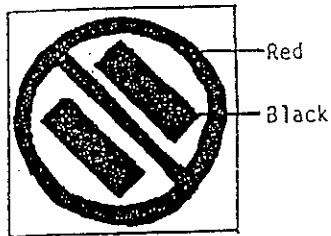
60 x 60 cm

Signs may be supplemented with proper advance and directional arrows to indicate a turn or a change in the direction of a route.



60 x 30 cm

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



60 x 60 cm

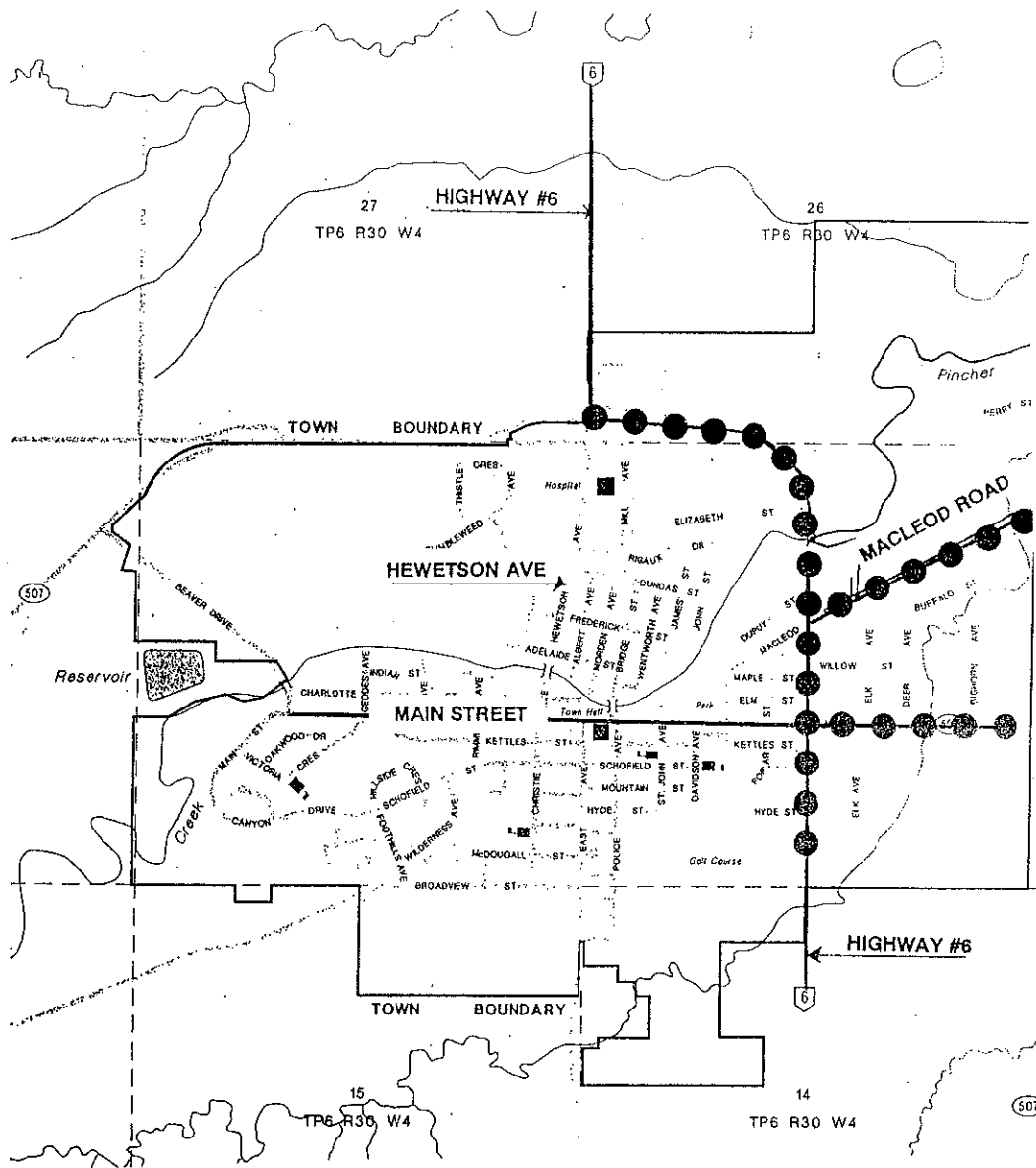


Educational
or
Information
Sign

60 x 30 cm

BYLAW #1534

**SCHEDULE B
DANGEROUS GOODS TRUCK ROUTE**



TOWN OF PINCHER CREEK

● ● ● DANGEROUS GOODS ROUTES

BYLAW #1534

**SCHEDULE C
OFF ROUTE PERMIT**

OFFICE OF:

OFF ROUTE PERMIT NO.

PERMISSION IS HEREBY GRANTED TO:

ADDRESS:

PHONE:

TO TRANSPORT THE FOLLOWING DANGEROUS GOODS:

FROM:

TO:

VIA:

PERMIT VALID FROM (date/time):

TO (date/time):

DESCRIPTION OF VEHICLE:

VEHICLE LICENSE NUMBER:

CONDITIONS:

1. This permit number (if issued by telephone) or copy of this permit must be carried in the vehicle or vehicles affected.
2. The applicant shall keep the Town of Pincher Creek fully indemnified from any loss or 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 or persons 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 vehicular right-of-way.
5. Failure to comply with the conditions of this permit may result in prosecution.

ADDITIONAL CONDITIONS:

NAME OF COMPANY

DATE AND TIME ISSUED

SIGNATURE (OR NAME) OF APPLICANT

CHIEF OR DESIGNATE