

# **TOWN OF WAINWRIGHT BYLAW 2004-01**

A BYLAW OF THE TOWN OF WAINWRIGHT IN THE PROVINCE OF ALBERTA TO REGULATE THE TRANSPORTATION OF DANGEROUS GOODS.

WHEREAS the Council of the Town of Wainwright deems it desirable for the safety and security of its citizens and their property that the transportation of Dangerous Goods within the boundaries of the Town be regulated;

NOW THEREFORE THE COUNCIL OF THE TOWN OF WAINWRIGHT, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED UNDER THE AUTHORITY VESTED IN SECTION 17 OF THE DANGEROUS GOODS TRANSPORTATION AND HANDLING ACT HEREBY ENACTS AS FOLLOWS:

## **PART 1 – TITLE AND DEFINITIONS**

1. This bylaw may be called the “Dangerous Goods Route Bylaw”.
2. Definitions in the Dangerous Goods Transportation and Handling Act, and its Regulations, as applicable; and the definitions in the Traffic Safety Act and its Regulations, as applicable; are adopted for the purpose of interpretation and application of this Bylaw.
3. For the purpose of this bylaw;

“Carrier” means any person firm or corporation conveying Dangerous Goods in, into, through or out of Town by any vehicle;

“Carrier Vehicle” means any vehicle owned, operated or used by a carrier to transport or convey Dangerous Goods;

“Council” means the Council of the Town of Wainwright;

“Dangerous Goods Route” means a Designated Route;

“Dangerous Goods Routes Signs” means signs erected under Section 15 of this Bylaw;

“Designated Route” means those highways located within the Town and identified as Designated Routes on Schedule “B” attached hereto and in respect of which no permit is required for the transportation of Dangerous Goods;

“Peace Officer” means a member of the Royal Canadian Mounted Police, a special constable or a bylaw enforcement officer appointed for or by the Town;

“Permit” means the Off-Route Permit in the form of Schedule “A” attached hereto;

“Permitted Storage Location” means any site which is at least one hundred and fifty (150) metres away from the nearest residential, institutional or assembly occupancy and is approved in writing by the Fire Chief;

“Town” means the Town of Wainwright.

## **PART 2 – TRANSPORTATION OF DANGEROUS GOODS**

4. No Carrier or operator of a Carrier Vehicle shall transport Dangerous Goods, for which the Dangerous Goods Transportation and Handling Act, and its Regulations requires placards, on a highway in the Town other than on a Designated Route specified in Schedule “B” attached hereto without first having obtained a Permit from the Town authorizing such transportation.

5. No owner or operator of a Carrier Vehicle shall operate, or permit the operation of a Carrier Vehicle entering or leaving the Town other than on a Designated Route.
6. On the application of a Carrier, the Municipal Administrator or Fire Chief may issue a Permit authorizing the transportation of Dangerous Goods on a highway in the Town other than a Designated Route where for any reason the Designated Route cannot be used by the Carrier or does not reach the destination of the Carrier and provided, that such transportation may, in the opinion of the Municipal Administrator and Fire Chief be conducted safely.
7. 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 transportation of Dangerous Goods on other than a Designated Route.
8. As a condition of issuing such Permit the Municipal Administrator or Fire Chief may impose any or all of the following requirements:
  - a. that a copy of the Permit shall be carried in the vehicle or vehicles affected at all times;
  - b. that the applicant shall take every precaution necessary to prevent damage to property or injury to persons as a result of the transportation of Dangerous Goods;
  - c. such other conditions as may be deemed necessary such as restricting the gross vehicle weight, number of trailers and the times and dates on which such routes may be used.
9. The owner or operator of a Carrier Vehicle transporting Dangerous Goods from a location outside the Town, through the Town, to a location outside the Town shall cause the Carrier Vehicle to:
  - a. proceed on the shortest Designated Route between the location where the Carrier Vehicle enters the Town and the location where the Carrier Vehicle proposes to leave the Town; and
  - b. remain at all times on a Designated Route, except as permitted under this Bylaw.
10. No owner or operator of a Carrier Vehicle shall operate, or permit the operation of a Carrier Vehicle with a Permit except for the purpose of making a pickup or delivery of Dangerous Goods.

### **PART 3 – PARKING OR STOPPING OF VEHICLES CONTAINING DANGEROUS GOODS**

11. No owner or operator of a Carrier Vehicle shall suffer, allow or permit a Carrier Vehicle to stop, park or be left within the Town, except:
  - a. at a permitted storage location;
  - b. to load or unload;
  - c. in compliance with the directions of a Peace Officer or traffic control device;
  - d. in compliance with a valid Permit; or
  - e. to repair or refuel the vehicle.
12. A Carrier whose vehicle requires emergency repairs shall notify the Town RCMP Detachment.

#### **PART 4 – PRODUCTION OF SHIPPING DOCUMENT**

13. A Carrier shall when, requested by a Peace Officer, produce for such person's inspection any shipping document, any Permit issued under this bylaw, or any other document showing the origin and destination of all shipments and the description of any Dangerous Goods.
14. Particulars produced by a Peace Officer from a shipping record produced to him under Section 13 and submitted by him 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.

#### **PART 5 – SIGNAGE OF DANGEROUS GOODS ROUTES**

15. Council may authorize Dangerous Goods Route Signs and Dangerous Goods Routes Prohibition Signs conforming to the design standards and specifications of the Uniform Traffic Control Manual of Canada, or other traffic control devices to be erected along highways within the Town to identify a Dangerous Good Route.

#### **PART 6 – LIABILITY OF OWNER**

16. Where a vehicle is driven, used, parked or left in contravention of any of the provisions of this bylaw, the owner of the vehicle and the Carrier are jointly and severally liable for the contravention and subject to the penalty provided in this bylaw unless either establishes to the satisfaction of the Court trying the case that, at the time of the contravention, the vehicle was not driven, used, parked or left by him or by any other person with his consent, expressed or implied.

#### **PART 7 – OFFENCE AND PENALTY**

17. Any person that breaches or contravenes any provisions of this bylaw or fails to act in compliance and accordance with any notice given to him under this bylaw is guilty of an offence.
18. When a Peace Officer has reasonable grounds to believe that a person has contravened any provisions of this bylaw, he may serve upon such person an offence ticket allowing the payment of a specified penalty as described in Schedule "C" to the Town within fourteen (14) days of the issuance date of the offence ticket. The Town shall accept such payment in lieu of prosecution for the offence.
19. Service of an offence ticket shall be sufficient if it is:
  - (a) personally served;
  - (b) attached to the vehicle in respect of which an offence is alleged to have been committed; or
  - (c) mailed by registered mail to the address of the person who has contravened the bylaw.
20. The offence ticket shall state:
  - (a) the name and address of the offender if ascertainable;
  - (b) the offence;
  - (c) the location, date and time of the offence;
  - (d) the specified penalty, and
  - (e) that the penalty shall be paid with fourteen (14) days of the issuance of the offence ticket to avoid prosecution for the offence.

- 21. Unless otherwise stated in this bylaw, where contravention of this bylaw is of a continuing nature, further offence tickets may be issued by a Peace Officer, provided, however, that no more than one offence ticket shall be issued for each day that the contravention continues.
- 22. A Peace Officer is hereby authorized to issue a violation ticket in accordance with the provisions of the Provincial Offences Procedure Act, Chapter 21, R.S.A. 2000 and amendments thereto to any person who fails to pay the penalty specified in an offence ticket issued under Section 18 within the prescribed time period.
- 23. A violation ticket issued under Section 22 may specify a penalty as described in Schedule "C".

**PART 8 – EFFECTIVE DATE**

- 24. This bylaw shall come into force on the date it receives the approval of the Minister responsible for Alberta Transportation and upon passing of third reading, whichever shall last occur.

READ a First Time in Council this 3<sup>rd</sup> day of February 2004.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Administrator

READ a Second Time in Council this 3<sup>rd</sup> day of February 2004.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Administrator

Approved by the Minister responsible for Alberta Transportation, or delegated representative, this \_\_\_\_ day of February 2004.

\_\_\_\_\_  
Signature

READ a Third Time in Council this \_\_\_\_ day of \_\_\_\_\_ 2004.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Administrator

## **SCHEDULE "C"**

### **SCHEDULE OF FINES**

1. For a first offence, \$500.00.
2. For a second or subsequent breach of the same offence committed within one year of a previous offence, \$1000.00.