

Date of Consolidation: March 26, 2009

Consolidation of Bylaw No. 558-2004

DANGEROUS GOODS TRANSPORTATION BYLAW

Adopted March 9, 2004

As Amended By:

Bylaw No. 712-2008 adopted December 8, 2008

This Consolidation is not an Official Bylaw. It is prepared by the City Clerk's Office for assistance only. Copies of the Official Bylaw(s) may be purchased from the City Clerk's Office.

This Consolidated Bylaw was authorized pursuant to Bylaw No. 389-97.

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DANGEROUS GOODS TRANSPORTATION BYLAW

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A BYLAW OF THE CITY OF LEDUC IN THE PROVINCE OF ALBERTA, TO REGULATE THE TRANSPORTATION OF DANGEROUS GOODS

The *Dangerous Good Transportation and Handling Act*, RSA 2000, Chapter D-4, as amended, grants a Municipality the authority to regulate the route and time of travel of vehicles transporting Dangerous Goods and specify restrictions and controls necessary for public safety.

The *Traffic Safety Act*, RSA 2000, Chapter T-6 grants a Municipality the authority to designate routes for vehicles and the issuing of tags, tickets or other documents.

AND: in accordance with the Acts Council wishes to regulate the transportation of Dangerous Goods within the City;

THEREFORE: the Council of the City of Leduc in the Province of Alberta duly assembled, hereby enacts as follows:

PART I: BYLAW TITLE

That Bylaw shall be known as the "Dangerous Goods Transportation" Bylaw.

PART II: DEFINITIONS

City means the Municipal Corporation of the City of Leduc.

City Manager means the Chief Administrative Officer of the City, as appointed pursuant to the *Municipal Government Act*, RSA 2000, Chapter M-26.

Council means the Council of the City.

Dangerous Goods means any product, substance or organism in amounts for which placards are required by the *Dangerous Goods Transportation and Handling Act* and Regulations.

Dangerous Goods Route means those highways delineated and described on Schedule I of this Bylaw.

Dangerous Goods Route Signs means those signs identified in Schedule IV attached to and forming part of this Bylaw.

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Director of Protective Services

means a Municipal official in the role of Director of Protective Services, or anyone designated to act in his stead.

Driver

means a person who is driving or is in actual physical control of a vehicle.

Highway

means any thoroughfare, driveway, street, road, trail, avenue, parkway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and

(a) includes

(i) a sidewalk (including a boulevard portion thereof).

(ii) where a ditch lies adjacent to and parallel with the roadway, the ditch, and

(iii) where a highway right-of-way is contained between fences or between a fence and one side of the roadway, all the land between the fence and the edge of the roadway, as the case may be.

but

(b) does not include a place declared by the Lieutenant Governor in Council not to be a highway.

Owner

means the person who owns a vehicle and includes any person renting a vehicle or having the exclusive use of a vehicle under a lease.

Peace Officer

means a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer, or Special Constable appointed pursuant to the provisions of the *Police Act*, RSA 2000, Chapter P-17.

Trailer

means a vehicle so designed that it may be attached to or drawn by a motor vehicle and intended to transport property or persons and includes any trailer that is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, but does not include machinery or equipment used in the construction or maintenance of highways.

Truck

means a vehicle designed primarily for the transportation of property or equipment but does not include a chassis-cab, crawler mounted vehicle, trailer, machinery or equipment used in the construction or maintenance of highways or an off-highway vehicle as defined in the *Off Highway Vehicle Act*, RSA 2000, Chapter O-5.

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Vehicle means a device in, on or by which a person or thing may be transported or drawn on a highway and includes a combination of vehicles.

PART III: APPLICATION

1. No person shall operate a vehicle carrying Dangerous Goods on a Highway other than a Highway specified in Schedule I of this Bylaw.
2. On the application of a Driver or Owner, the Director of Protective Services for the City may issue an Off-Route permit authorizing the transportation of Dangerous Goods on a Highway in the City other than a Dangerous Goods Route where for any reason the Dangerous Goods Route cannot be used by the Driver or Owner or the Dangerous Goods Route does not reach the destination of the Driver or Owner and provided that such transportation may, in the opinion of the Director of Protective Services, be conducted safely.
3. No Driver or Owner shall transport Dangerous Goods other than on a Dangerous Goods Truck Route except (with an authorized Dangerous Goods Off-Route Permit):
 - (a) to obtain or deliver Dangerous Goods from or to a location off a Dangerous Goods Truck Route or to gain access to a vehicle storage location, in which event he shall:
 - (i) proceed on a Dangerous Goods Truck Route to the heavy vehicle truck route, which forms the most direct route to the collection or delivery point or the vehicle storage location;
 - (ii) proceed on the heavy truck route specified in (i) directly to the collection or delivery point, the vehicle storage location or to the street which forms the most direct route thereto;
 - (iii) if applicable, proceed on the street specified in (ii) directly to the collection or delivery point or the vehicle storage location; and
 - (iv) return to the Dangerous Goods Truck Route on the same street and heavy vehicle truck route.
4. Residential roads are not to be used to access a Dangerous Goods Route.
5. It is a condition of all Off-Route permits that the Driver and Owner shall indemnify and hold harmless the City, its employees, officials and agents against all actions, suits, claims, damages, losses or expenses, including the legal expenses on a solicitor client basis, that may result from or be connected, directly or indirectly, to the transportation of Dangerous Goods.

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6. As a condition of issuing the Off-Route permit, the Director of Protective Services may impose any or all of the following requirements;
- (a) that a copy of the Off-Route permit or, where a permit is issued by telephone, the permit number, shall be carried in the vehicle or vehicles affected at all times;
 - (b) that the Driver and Owner to whom the Off-Route permit has been issued shall take every precaution necessary to prevent damage to property or injury to persons as a result of the transportation of such Dangerous Goods;
 - (c) such other conditions as the Director of Protective Services may deem necessary including but not limited to restricting the gross vehicle weight, numbers of trailers and times and dates on which such routes may be used.
7. Dangerous Goods Off-Route permits are obtained by contacting:
- Protective Services
City of Leduc
#2, 4119- 50 Street
LEDUC, Alberta
T9E 7L9
- Telephone: 980-7275 during regular office hours.
8. Payment of fees as specified in the Fees & Charges Bylaw to be made at the address stated in Section 7 prior to a permit being in effect. **Amended – Bylaw 712-2008 adopted December 8, 2008**
9. No Driver or Owner transporting Dangerous Goods shall stop within the City except:
- (a) at a permitted storage location;
 - (b) to load or unload;
 - (c) in compliance with a valid Dangerous Goods Off-Route Permit approved by the Director of Protective Services.
 - (d) in compliance with a Peace Officer, an Inspector as defined in the *Dangerous Goods Transportation and Handling Act* and Regulations or a traffic control device;
10. Shipping Documents:
- (a) A Driver or Owner shall, when requested by a Peace Officer or Inspector, as defined in the *Dangerous Goods Transportation and*

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Handling Act and Regulations, produce for such Peace Officer or Inspector any shipping document, any permit issued pursuant to this Bylaw, or any other document showing the origin and destination of the trip and a description of the load.

- (c) Particulars obtained by a Peace Officer or Inspector under Section 10 (a) and submitted as evidence in court shall be proof of the particulars submitted in evidence without proof of the signature or official capacity of the person signing the document.

PART IV: PENALTIES

- 11. A form commonly called a Traffic Tag having a printed wording approved by the City Manager, may be issued by a Peace Officer to any Driver or Owner alleged to have breached any provisions of this Bylaw and the Traffic Tag shall require forfeiture and payment of the appropriate fine specified for the particular breach of this Bylaw as provided in Schedule II, attached to and forming part of this Bylaw, to such official as the City Manager may designate.
- 12. A Traffic Tag shall be deemed to be sufficiently served:
 - (a) If served personally on the Driver or Owner; or
 - (b) If mailed to the address of the registered owner of the vehicle concerned; or to the Driver concerned; or
 - (c) If attached to or left upon the vehicle in respect of which the offence is alleged to have been committed.
- 13. Where payment of the penalty for a Traffic Tag issued for contravention of any section of this Bylaw is received within 15 days of the date of service of the Traffic Tag, by a person authorized by the City to receive such payment, the penalty specified in Schedule II shall be reduced by \$10.00 and such reduced payment shall be accepted in lieu of prosecution.
- 14. Should a Driver or Owner not pay the penalty provided for contravention of any section of this Bylaw and a prosecution has been entered against him, he shall be liable on summary conviction to pay the minimum fine equal to the penalty stated in the said Traffic Tag, and in default of payment, the penalty imposed by the Court.
- 15. Nothing in this Bylaw shall:
 - (a) prevent any person from exercising his right to defend any charge laid for contravention of any sections of this Bylaw, or

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- (b) prevent any Peace Officer in lieu of serving a Traffic Tag, or any other person from laying a complaint or serving a violation ticket against any Driver or Owner for contravention of any section of this Bylaw.
16. Any Driver or Owner who contravenes any of the provisions of this Bylaw for which no penalty has herein been specified, shall be liable on summary conviction to a fine not exceeding \$10,000, and in default of payment, the penalty imposed by the Court.

PART V: CONSEQUENTIAL AMENDMENTS

17. Traffic Bylaw No 46-1985 is amended as follows:
- (a) Part 14: TRANSPORTATION OF DANGEROUS GOODS is hereby repealed in its entirety;
 - (b) Schedule V – Dangerous Goods Transportation Route is hereby repealed in its entirety;
 - (c) Schedule V-A – Dangerous Goods Transportation Route (Map) is hereby repealed in its entirety, and
 - (d) Schedule VI – Permit Fees is hereby repealed in its entirety;
 - (e) Schedule VII – Dangerous Goods Route Signs is hereby repealed in its entirety.

PART VI: ENACTMENT

This Bylaw shall come into force and effect when it receives approval from the Minister, Third Reading from Council and is duly signed.

READ A FIRST TIME IN COUNCIL THIS 9th DAY OF FEBRUARY, AD 2004.

READ A SECOND TIME IN COUNCIL THIS 9th DAY OF FEBRUARY, AD 2004.

"original signed"

George Rogers
MAYOR

"original signed"

Coral Callioux
CITY CLERK

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Approved by the Minister responsible for Alberta Transportation, or delegated representative THIS 18th DAY OF FEBRUARY, 2004.

"original signed"

Signature

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 9th DAY OF MARCH, AD 2004.

"original signed"

George Rogers
MAYOR

"original signed"

Coral Callioux
CITY CLERK

March 9, 2004

Date Signed

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**SCHEDULE I -- DANGEROUS GOODS TRANSPORTATION ROUTE
(DESCRIPTION)**

1. AVENUES

50 Avenue from West Corporate Limits to Highway 2.

65 Avenue from 50 Street to 45 Street.

64 Avenue from Highway 2 Northbound to 50 Street (East direction only).

2. STREETS

50 Street from 64 Avenue to 65 Avenue (North direction only).

45 Street from 54 Avenue to 72 Avenue.

43 Street from 72 Avenue to 81 Avenue.

42 Street from 81 Avenue to the North Corporate Limits.

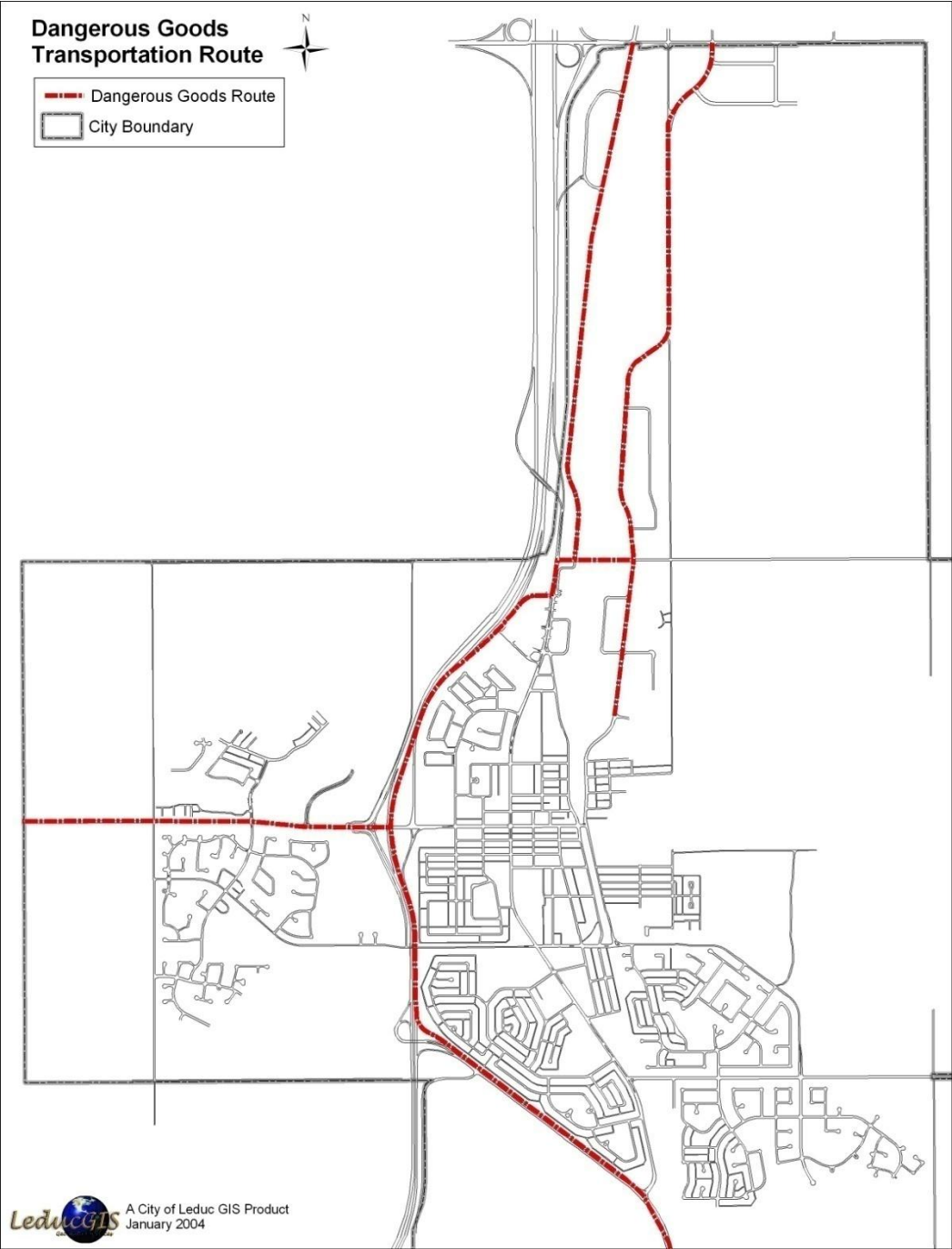
Highway 2A from Highway 2 to the South Corporate Limits.

Sparrow Drive from 65 Avenue to North Corporate Limits.

*FOR DANGEROUS GOODS ROUTE MAP REFER TO SCHEDULE I-A

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Schedule I – A
DANGEROUS GOODS TRANSPORTATION ROUTE
(MAP)



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SCHEDULE II - PENALTIES

Transportation of Dangerous Goods OFFENCE	SECTION	FINE
Drive Vehicle Carrying Dangerous Goods Off Assigned Route as Described in Schedule I	1	\$500.00
Drive Vehicle Carrying Dangerous Goods Without an Off-Route permit or in Violation of an Off-Route permit.	3	\$500.00
Stopping Vehicle Carrying Dangerous Goods	9	\$500.00
Failure to Provide Documents Which Identify Load Content and Destination	10 (a)	\$500.00

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SCHEDULE III- PERMIT FEES

Repealed – Bylaw 712-2008 adopted December 8, 2008

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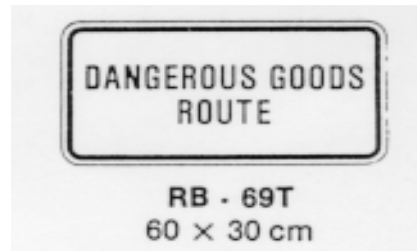
SCHEDULE IV - DANGEROUS GOODS ROUTE SIGNS

DANGEROUS GOODS ROUTE SIGNS

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

Dangerous Goods Route Sign (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.



Dangerous Goods Route Sign (RB-70)

The Dangerous Goods Route sign indicates that Dangerous Goods carriers, as prescribed by legislation, are prohibited from traveling 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 50m. nor more than 150m. 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 reflectorized or illuminated to show the same color and shape by night as by day.

