

**TOWN OF BOW ISLAND
PROVINCE OF ALBERTA
BYLAW #2009-03**

WHEREAS, the Council is empowered by section 17 of the Dangerous Goods Transportation and Handling Act, RSA 2000, Chapter D-4, and amendments thereto, to regulate the transportation of dangerous goods within the corporate limits;

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

NOW THEREFORE, THE COUNCIL OF THE TOWN OF BOW ISLAND, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the “Dangerous Goods Route Bylaw.”
2. Definitions contained in the Dangerous Goods Transportation and Handling Act, RSA 2000, Chapter D-4; and definitions of the Traffic Safety Act, RSA 2000, Chapter T-6 and amendments thereto, are adopted for the purposes of the interpretation and the definition of this Bylaw.
3. In this Bylaw:
 - a) “**Carrier**” means any person transporting dangerous goods in, into, through, or out of the Town by any vehicle.
 - b) “**Council**” means the Municipal Council of the Town of Bow Island duly assembled and acting as such;
 - c) “**Dangerous Goods**” means dangerous goods for which placards are required by the Dangerous Goods Transportation and Handling Act, RSA 2000, Chapter D-4;
 - d) “**Dangerous Goods Route Signs**” means those signs identified in Schedule “D”;
 - e) “**Dangerous Goods Route**” means any highway so designated by Schedule “A” attached to and forming part of this Bylaw;
 - f) “**Day**” means a continuous period of twenty-four (24) hours but shall not include the time periods known as weekends or holidays;
 - g) “**Enforcement Officer**” means a Bylaw Enforcement Officer of the Town or a Peace Officer as defined in the Traffic Safety Act; RSA 2000, Chapter T-6;
 - h) “**Inspector**” means a person designated as an Inspector pursuant to Section 6 of the Dangerous Goods Transportation and Handling Act, RSA 2000, Chapter D-4;
 - i) “**Service Station or Repair Depot**” means any premises licensed for the purposes of dispensing fuel or carrying out mechanical repairs;
 - j) “**Town**” means the Town of Bow Island, a Municipal Corporation of the Province of Alberta, and includes the area contained within the boundaries of the Town where the context so requires;

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- k) **“Truck Route”** means a truck route as defined in the Heavy Truck Bylaw being Bylaw No. 2008:01;
 - l) **“Vehicle Storage Location”** means any area which is at least one hundred and fifty (150) metres away from the nearest residential, institutional or assembly occupancy and has been accepted by an Inspector or other location accepted by an Inspector.
4. Subject to Section 6, no carrier shall transport dangerous goods other than on a Dangerous Goods Route except:
- a) To obtain or deliver dangerous goods from or to a location off of a Dangerous Goods Route or to gain access to a vehicle storage location in which event he shall:
 - (i) Proceed on a Dangerous Goods Route to the truck route which forms the most direct route to the collection or delivery point or the vehicle storage location;
 - (ii) Proceed on the 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 Route on the same street and truck route; or
 - b) To obtain emergency repairs or service at the nearest service station or repair depot located on a truck route.
5. No carrier shall stop within Town except:
- a) In compliance with an Enforcement Officer, an Inspector or a traffic control device;
 - b) To load or unload;
 - c) To repair or refuel the vehicle, or
 - d) At a vehicle storage location.
- 6.
- 1) A carrier may apply for a Special Permit to transport dangerous goods off a designated Dangerous Goods Route, other than in the manner set out in Section 4.
 - 2) (a) A Special Permit may be issued by the Town through an Inspector by telephone or in writing.
(b) Applications shall contain evidence to support that compliance with section 4 is impractical.

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- 3) An Inspector may issue a Special Permit granting total or partial exemption from the requirements of Section 4 and may impose any terms and conditions considered necessary in the circumstances to safeguard the citizens of the Town and their property.
 - 4) Applications shall be made at least three (3) days before the Special Permit is required.
 - 5) Any contravention of the terms and conditions contained in a Special Permit issued pursuant to Subsection (3) shall render such Special Permit invalid.
- 7.
- 1) A carrier, when requested to do so by an Enforcement Officer, shall produce for such Officer's inspection the shipping document showing the description, origin and destination of all consignments of dangerous goods being transported.
 - 2) Particulars obtained by an Enforcement Officer from a shipping document produced under subsection (1) and submitted by him in evidence in Court shall be prima facie proof of the particulars thereon without proof of signature or official capacity of the person signing the shipping document.
8. Any person who commits a breach of any of the provisions of this bylaw shall, on conviction for such breach, be liable to a penalty not exceeding \$1,000.00, exclusive of costs, or to imprisonment, in the case of non-payment, for a term not exceeding 30 days unless the fines and costs are paid up.
- 9.
- 1) Where an Enforcement Officer believes that a person has contravened a provision of this bylaw, he may serve upon or mail such person a violation tag allowing the voluntary payment of a penalty to the Town in lieu of prosecution for the offence.
 - 2) The amount so paid shall belong to the general revenue of the Town.
 - 3) The amount of the voluntary penalty referred to in this section shall be prescribed in Schedule "C".
- 10.
- 1) Notwithstanding the provisions of this Bylaw, pursuant to the provisions of the Provincial Offenses Procedure Act, where an Enforcement Officer believes that a person has contravened a provision of this Bylaw, provided such provision is listed in Schedule "C" he may commence proceedings under Part 2 of the Provincial Offenses Procedure Act.
 - 2) Nothing in this section shall
 - a) Prevent a person from exercising his right to defend any charge of committing a breach of any provision of this Bylaw, or
 - b) Prevent an Enforcement Officer from laying charges in lieu of serving a violation ticket.

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- 11. The documents attached hereto and marked Schedules A, B, C & D are hereby incorporated into and form part of this Bylaw.

- 12. 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, RSA 2000, Chapter D-4.

- 13. Bylaw No. 1056 of the Town of Bow Island is hereby repealed.

Read a first time this _____ day of _____, 2009.
Read a second time this _____ day of _____, 2009.

MAYOR

TOWN MANAGER

Read a third time and finally passed this _____ day of _____, 2009.

MAYOR

TOWN MANAGER

Approved by the Minister responsible for Alberta Transportation, or delegated representative this _____ day of _____, 2009.

Signature

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SCHEDULE “A”

Dangerous Goods Route

1. Highway #3 (7th Avenue) throughout Bow Island.
2. Roads in North East Industrial Park, excluding 1st Avenue E from 6th Street E to 10th Street West. (see attached map)

SCHEDULE “B”

Signs

1. As required to designate Dangerous Goods Routes (described in Schedule “A”) in accordance with the standardized means of designation (described in Schedule “D”).

SCHEDULE “C”

SCHEDULE OF FINES

- | | | |
|----|---|----------|
| 1. | Drive vehicle carrying dangerous goods, contrary to the bylaw. | \$500.00 |
| 2. | Stop vehicle carrying dangerous goods contrary to the bylaw. | \$500.00 |
| 3. | Fail to produce documents which identify origin and destination of trip and a description of the load, contrary to the bylaw. | \$500.00 |

SCHEDULE “D”

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Dangerous Goods Route Signs

Dangerous Goods Route Signs will be used to indicate regulations 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.

The sign shall be supplemented with proper advance and directional arrows (IB-5 to IB-9) to indicate a turn or 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)

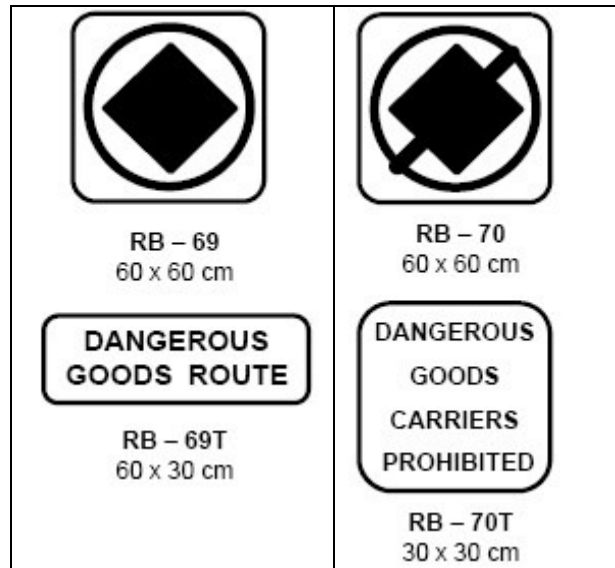
The Dangerous Goods Prohibition Sign indicates that dangerous goods carriers, as prescribed by legislation, are prohibited from traveling upon a street or highway.

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 colour and shape by night as by day.

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**Informational or
Educational Sign**