

## BYLAW NO. 3152/95

<sup>1</sup>WHEREAS the *Dangerous Goods Transportation and Handling Act, RSA 2000, Chapter D-4*, authorizes a municipality to make bylaws designating routes and the time of travel of vehicles transporting Dangerous Goods and prohibiting the carriage of Dangerous Goods on specified highways within the municipality;

AND WHEREAS the Council of the City of Red Deer 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 City of Red Deer be regulated;

NOW THEREFORE, THE COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

### SHORT TITLE

1 This Bylaw may be called the “Dangerous Goods Route Bylaw”.

### DEFINITIONS

<sup>2</sup> Definitions contained in Section 1 of the *Dangerous Goods Transportation and Handling Act, RSA 2000, Chapter D-4*, as applicable, are adopted for the purposes of interpretation and application of this Bylaw.

3 In this Bylaw the following words have the following meanings:

- (a) “Assembly”, “Institutional”, and “Residential Occupancy” shall have the same meanings assigned to those words in the Alberta Building Code;

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<sup>1</sup> 3152/A-2004

<sup>2</sup> 3152/A-2004

- (b) “Carrier” means any person, firm or corporation conveying Dangerous Goods in, into, through, or out of the City by any vehicle;
- (c) “Carrier Vehicle” means any vehicle owned, operated or used by a carrier to transport or convey Dangerous Goods;
- (d)<sup>1</sup> “Dangerous Goods” means Dangerous Goods for which placards are required by the *Dangerous Goods Transportation and Handling Act* and Regulations made pursuant thereto;
- (e) “Dangerous Goods Route” means a Designated or Supplemental Route;
- (f) “Dangerous Goods Routes Signs” means signs erected under section 17;
- (g) “Designated Route” means those highways located within the City and identified as Designated Routes on Schedule “B” attached hereto and in respect of which no permit for the transportation of dangerous goods is required;
- (h) “Fire Chief” shall include any person authorized under section 4;
- (i) “Emergency Services Department” shall mean the Emergency Services Department for the City;

<sup>1</sup> 3152/A-2004

- (j) "Permit" means the off-route permit in the form of Schedule "A" annexed hereto;
- (k) "Permitted Storage Location" means:
  - (i) any site which is at least 50 metres away from the nearest place of assembly, institutional or residential occupancy; or
  - (ii) a site approved in writing by the Fire Chief;
- (l) "Supplemental Route" means those highways located within the City and identified as Supplemental Routes on Schedule "B" attached hereto, being local access routes only in which there is not permitted any parking or stopping and the use of which requires no permit for the transportation of Dangerous Goods;
- (m)<sup>1</sup> "Vehicle" shall have the meaning assigned to it in the *Traffic Safety Act, RSA 2000, Chapter T-6*.

4 The Fire Chief is authorized to appoint and delegate to any employee in the Fire Department the authority to perform all duties of the Fire Chief and enforce the provisions of this Bylaw.

5 This Bylaw shall be administered by the Emergency Services Department under the direction of the Fire Chief whose address and telephone number as at the date of passage of this Bylaw is as follows:

<sup>1</sup> 3152/A-2004

Mailing Address:           Emergency Services Department  
Red Deer Fire Department  
Box 5008  
Red Deer, Alberta  
T4N 3T4

Street Address:           4340 - 32 Street  
Red Deer, Alberta

24 Hour Telephone:       346-9977  
Facsimile:                343-1866

#### TRANSPORTATION OF DANGEROUS GOODS

- 6     (1)    No carrier or operator of a carrier vehicle shall transport Dangerous Goods on a highway in the City on other than a Designated or a Supplemental Route specified in Schedule "B" annexed hereto without first having obtained a permit or permit number from the Emergency Services Department authorizing such transportation.
- (2)    No owner or operator of a carrier vehicle shall operate, or permit the operation of a carrier vehicle entering or leaving the City other than on a Designated Route.
- 7     (1)    On the application of a carrier, the Fire Chief may issue an Off-Route Permit authorizing the transportation of Dangerous Goods on a highway in the City other than a Designated or a Supplemental Route where for any reason the Designated or Supplemental Routes cannot be used by the carrier or do not reach the destination of the carrier and, provided, that such transportation may, in the opinion of the Fire Chief, be conducted safely.

- (2) It shall be a condition of all such permits that the carrier shall keep the City fully indemnified in respect of any losses, damages, or expenses which the City may suffer or for which the City may become liable as a result of such transportation of Dangerous Goods on other than a Designated or a Supplemental Route.
- (3) As a condition of issuing such permit, the Fire Chief may impose any or all of the following requirements:
  - (a) 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;
  - (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 such Dangerous Goods;
  - (c) such other conditions as the Fire Chief may deem necessary restricting the gross vehicle weight, numbers of trailers, and times and dates on which such routes may be used.

8 The owner or operator of a carrier vehicle conveying Dangerous Goods from a location outside the City, through the City, to a location outside the City shall cause the carrier vehicle to:

- (a) proceed on the shortest combination of Designated Routes between the location where the carrier vehicle enters the City and the location where the carrier vehicle proposes to leave the City; and

(b) remain at all times on a Designated Route, except as permitted under this Bylaw.

9 No owner or operator of a carrier vehicle shall operate, or permit the operation of a carrier vehicle on a Supplemental Route within the City, except for the purpose of making a pickup or delivery of Dangerous Goods.

10 No owner or operator of a carrier vehicle shall display a safety mark on a container, a vehicle or at a facility, if the safety mark is misleading as to the presence of danger, the nature of any danger, or compliance with any prescribed safety standard.

#### PARKING OR STOPPING OF VEHICLES CONTAINING DANGEROUS GOODS

11 No owner or operator of a carrier vehicle shall park, stop or leave a carrier vehicle or trailer containing Dangerous Goods nearer than 15 metres beneath or adjacent to any electrical transmission line, or in any location where there is a possibility of a conductor wire contacting the tank in the event of breakage of such wire.

12 No owner or operator of a carrier vehicle shall suffer, allow or permit a carrier vehicle to stop, park or be left within the City, 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;
  - (e) to refuel.
- 13
- (1) A carrier whose vehicle requires emergency repairs shall immediately notify the City Detachment of the R.C.M.P. and the Emergency Services Department.
  - (2) No owner or operator of a carrier vehicle shall suffer, allow or permit a carrier vehicle to stop, park or be left at any location within the City for the purposes of repair, other than a permitted storage location, without first having obtained a permit or permit number from the Emergency Services Department authorizing the repair of such vehicle at the proposed location.
  - (3) It shall be a condition of such permit that the carrier shall indemnify and save harmless the City from, of and against any losses, damages or expenses which the City may suffer or for which the City may become liable arising out of the repair of the carrier vehicle at the location authorized in the permit.
  - (4) As a condition of issuing such permit, the Fire Chief may impose any or all of the following requirements:
    - (a) that a copy of the permit, or where a permit is issued by telephone, the permit number shall be posted in the vehicle;
    - (b) that the permit holder shall take every precaution necessary to prevent damage to property or injury to persons;

- (c) that the vehicle be off-loaded or the container or cargo tanks be purged of all Dangerous Goods or hazardous vapours to the satisfaction of the Emergency Services Department;
- (d) the hours during which the vehicle may be repaired;
- (e) the maximum time and times of day when the vehicle may be at the repair site;
- (f) such further and other conditions which the Fire Chief deems necessary having regard to the nature of the repairs, the type of Dangerous Goods and the nature of uses on surrounding lands.

#### PRODUCTION OF BILLS OF LADING

- 14 A carrier shall, when requested by a Peace Officer or a Bylaw Enforcement Officer, produce for such person's inspection the bills of lading showing the origin and destination of the trip and the description of the load.
- 15 Particulars obtained by a Peace Officer or Bylaw Enforcement Officer from a bill of lading produced to him under section 14 and submitted by him in evidence in Court shall be prima facie proof of the particulars thereon without proof of the signature or official capacity of the person signing the bills of lading.
- 16 A carrier shall, when requested by a Peace Officer or Bylaw Enforcement Officer to do so, produce for such person's inspection a copy of a special permit he has received or identify the number of such permit.



## SIGNAGE OF DANGEROUS GOODS ROUTES

- 17 The Director of Development Services may authorize Dangerous Goods Routes 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 City to identify a Dangerous Goods Route.

## LIABILITY OF OWNER

- 18 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.

## OFFENCE AND PENALTY

- 19 (1) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a specified penalty of Five Hundred and Ten (\$510.00) Dollars.
- (2) Any person who being guilty of a first breach of this Bylaw contravenes any of the provisions of this Bylaw a second time with the same breach is guilty of an offence and is liable to a specified penalty of One Thousand Ten (\$1,010.00) Dollars.

20 A Peace Officer or a Bylaw Enforcement Officer, on reasonable and probable grounds believing an offence has been committed, may issue an offence ticket.

21 Bylaw No. 2942/87 is hereby repealed.

COMING INTO FORCE

22<sup>1</sup> This Bylaw shall come into force on the date it receives the approval of the Minister under to the *Dangerous Goods Transportation and Handling Act, RSA 2000, Chapter D-4* and upon passage of third reading, whichever shall last occur.

READ A FIRST TIME IN OPEN COUNCIL this 6 day of November 1995.

READ A SECOND TIME IN OPEN COUNCIL this 6 day of November 1995.

READ A THIRD TIME IN OPEN COUNCIL this 6 day of November 1995.

APPROVED BY THE MINISTER RESPONSIBLE FOR TRANSPORTATION AND UTILITIES this 14 day of December 1995.

AND SIGNED BY THE MAYOR AND CITY CLERK this 15 day of January 1996.

“G. D. SURKAN”

“KELLY KLOSS”

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MAYOR

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CITY CLERK

<sup>1</sup> 3152/A-2004

Approved pursuant to Section 17 of the *Dangerous Goods Transportation and Handling Act* this 14 day of December, A.D. 1995.

“L. O’NEILL”

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Executive Director,  
Regional Co-ordination  
Alberta Transportation and Utilities

**<sup>1</sup>Dangerous Goods Route Bylaw Amendment 3152/A-2004:**

This amendment comes into force on approval of this bylaw by the Minister responsible for Alberta Transportation, as provided for in section 17(2) of the *Dangerous Goods Transportation and Handling Act, RSA 2000, Chapter D-4.*

Approved by the Minister responsible for Alberta Transportation, or delegated representative, this 30<sup>th</sup> day of January, 2004.

“Shaun Hammond”

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Executive Director  
Dangerous Goods and Rail Safety Branch  
Alberta Transportation

<sup>1</sup> 3152/A-2004