

TOWN OF COCHRANE
BYLAW NO. 02/2006
TRANSPORTATION OF DANGEROUS GOODS BYLAW

Being a bylaw to provide for the regulation of transportation of dangerous goods within the Town of Cochrane in the Province of Alberta.

WHEREAS: *The Dangerous Goods Transportation and Handling Act*, and amendments thereto, provides that a Municipal Council may pass a bylaw with respect to regulation of transportation of dangerous goods within the corporate limits.

AND WHEREAS: in the interests of public safety, the Town is desirous of restricting vehicles transporting dangerous goods to dangerous goods routes as much as possible.

NOW, THEREFORE, THE MUNICIPAL COUNCIL OF THE TOWN OF COCHRANE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. TITLE

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

2. DEFINITIONS

2.1 Words used in this bylaw which have been defined in the *Act* or the *Regulations* have the same defined meaning when used in this bylaw.

2.2 In this bylaw:

- (a) **"Act"** means the *Dangerous Goods Transportation and Handling Act*, as amended or replaced from time to time;
- (b) **"B-Train"** means a combination of vehicles composed of a truck-tractor, a semi-trailer attached to the rear end of the truck-tractor, and a semi-trailer attached to the rear end of the lead semi-trailer by means of a fifth-wheel mounted on the rear of the lead semi-trailer;
- (c) **"carrier"** means any person transporting dangerous goods in, into, through or out of the Town by any vehicle;
- (d) **"Chief Administrative Officer"** means a Municipal official in the responsible role of Chief Administrative Officer, and includes anyone designated and authorized to act on his or her behalf;
- (e) **"dangerous goods"** means dangerous goods for which placards are required by the *Dangerous Goods Transportation and Handling Act and Regulations*;
- (f) **"dangerous goods route"** means any highway which may be posted with dangerous goods route signs;

- (g) **“dangerous goods route sign”** indicates that dangerous goods carriers, as prescribed by legislation, are permitted to travel along the route;
- (h) **“heavy vehicle”** means a motor vehicle, alone or together with any trailer, semi-trailer or other vehicle being towed by the motor vehicle, with a registration gross vehicle weight of more than forty-five hundred (4,500) kilograms, or exceeding eleven (11) meters in total length;
- (i) **“highway”** is defined in the Act;
- (j) **“maximum weight”** means the maximum weight permitted for a vehicle and load pursuant to the vehicle’s official registration certificate issued by the Province of Alberta, or absent such certificate, the combined weight of the vehicle and the heaviest load that may be carried in accordance with the provisions of the Act and the applicable regulations passed pursuant to the Act;
- (k) **“park”** is defined in the Regulations;
- (l) **“peace officer”** is defined in the Act, and includes a duly appointed Bylaw Enforcement Officer employed by the Town or Special Constable;
- (m) **“Regulations”** means The Use of Highway and Rules of the Road Regulation, (A.R. 304/2002) made pursuant to the Act;
- (n) **“residential district”** means any area or district classified as residential by the Land Use Bylaw of the Town;
- (o) **“service station or repair depot”** means any premises licensed for the purposes of dispensing fuel or carrying out mechanical repairs;
- (p) **“sidewalk”** is defined in the Act;
- (q) **“Town”** means the Corporation of the Town of Cochrane or the area contained within the corporate boundaries of the Town, as the context requires;
- (r) **“traffic control device”** is defined in the Act;
- (s) **“truck route”** means a highway within the Town upon which the operation of heavy vehicles is permitted, and which has been designated as such in this bylaw;
- (t) **“vehicle”** is defined in the Act;
- (u) **“vehicle storage location”** means any area which is at least one hundred and fifty (150) meters away from the nearest residential, institutional or assembly occupancy, and that has been so designated and approved by the Fire Chief or Chief Administrative Officer.

- (v) **“violation tag”** means a tag issued in lieu of prosecution in respect of an infraction against this bylaw or the parking provisions of the Regulations in a form approved by the Chief Administrative Officer;

3. TRANSPORTATION

- 3.1 Subject to this bylaw, all trucks transporting dangerous goods are also subject to the Traffic Bylaw No. 02/2005 as amended from time to time.
- 3.2 Subject to Schedule “A” of this bylaw, no carrier shall transport dangerous goods other than on a dangerous goods route, identified by a Dangerous Goods Route Sign as appears in Schedule “B” of this bylaw, except:
- a) To obtain or deliver dangerous goods from or to a location off a dangerous goods route or to gain access to a vehicle storage location, in which event, the procedure will be to:
 - 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.
- 3.3 No carrier shall stop within the Town except:
- a) in compliance with a peace 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.
- 3.4 Notwithstanding section 3.2(a) and (b), no carrier shall transport dangerous goods except to obtain or deliver dangerous goods from or to a bona fide delivery location.
- 3.5 A carrier may transport dangerous goods to a service station with a tractor, trailer and pup with a definition of no greater than a B-Train. However, when discharging its goods, the vehicle combination must be parked in a manner so that it will not obstruct the natural movement of vehicles or pedestrians.

- 3.6 A carrier may apply for a Special Permit as provided in Schedule “C” of this bylaw, to transport dangerous goods off a designated dangerous goods route.
- 3.7 The Special Permit as provided in Schedule “C” of this bylaw may be issued by the Town through the Fire Chief or an official authorized by the Chief Administrative Officer. Applications shall contain evidence to support that compliance with section 3.2 is impracticable.
- 3.8 The Fire Chief or official authorized by the Chief Administrative Officer may issue a Special Permit granting total or partial exemption from the requirements of sections 3.2 and 3.3, and may impose any terms and conditions considered necessary in the circumstances to safeguard the citizens of the Town and their property.
- 3.9 Any contravention of the terms and conditions contained in a Special Permit issued in pursuant to section 3.7 shall render such Special Permit invalid.
- 3.10 A carrier shall, when requested to do so by a peace officer, produce for such officer’s inspection, the shipping document showing the description, origin and destination of all consignments of dangerous goods being transported.
- 3.11 Particulars obtained by a peace officer from a shipping document produced under section 3.9 and submitted by him in evidence in Court, shall be prima facie proof of the particulars thereon without proof or signature or official capacity of the person signing the shipping document.

4. PENALTIES AND ENFORCEMENT PROCEDURES

- 4.1 Any person who contravenes any provision of this bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) and not less than FIVE HUNDRED DOLLARS (\$500.00), and in default of payment is liable to imprisonment for a term not exceeding SIX (6) MONTHS.
- 4.2 Where a peace officer believes that a person has contravened any provision of this bylaw, he may serve upon:
- a) such person a violation tag referencing the section contravened; or
 - b) the registered owner of the motor vehicle a violation tag referencing section 160(1) of the Act and the section of the bylaw or Regulations contravened; in accordance with the provisions of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34.
- 4.3 The levying and payment of any penalty, or the imprisonment for any period as provided for in this bylaw shall not relieve a person from the necessity of paying any fees, charges or costs for which he is liable under the provisions of this bylaw.
- 4.4 In accordance with the provisions of section 77 of the Act, a peace officer may tow and impound any vehicle parked in contravention of the provisions of this bylaw or the parking provisions of the Regulations.

- 4.5 The specified penalty payable in respect of a contravention of a provision of this bylaw, proceeded with by way of prosecution, shall be double the amount payable in lieu of prosecution as provided in Schedule “D” of this bylaw.
- 4.6 Notwithstanding section 4.2 of this bylaw, a peace officer may issue, in lieu of prosecution, a violation tag in a form as approved by the Chief Administrative Officer, referencing the section of the bylaw contravened, to the alleged offender, or to the registered owner of any vehicle involved in contravention of this bylaw.
- 4.7 Service of any such violation tag shall be sufficient if it is:
- a) Personally served upon the driver or registered owner of the offending vehicle;
 - b) Served by regular mail upon the registered owner of the vehicle; or
 - c) Placed on or attached in a conspicuous location to the vehicle involved in the contravention of this bylaw or the parking provisions of the Regulations.
- 4.8 The penalty payable to the Town in lieu of prosecution in respect of a contravention of this bylaw, to be indicated on any such violation tag issued, is the amount provided for in Schedule “D” of this bylaw, said Schedule being hereby incorporated into and made part of this bylaw.
- 4.9 A person who has been issued a violation tag pursuant to the provisions of this bylaw, and who has fully paid the penalty as indicated to the Town within the time allowed for payment, shall not be liable to prosecution for the subject contravention.
- 4.10 No person, other than the owner or driver of a vehicle, shall remove a violation tag placed on or attached to such vehicle by a peace officer in the course of his duties.

5. GENERAL

- 5.1 It is the intention of the Council of the Town that each provision of this bylaw should be considered as being separate and severable from all other provisions. Should any section or provision of this bylaw be found to have been improperly enacted, then such section or provision shall be regarded as being severable from the rest of this bylaw and that the bylaw remaining after such severance shall remain effective and enforceable.
- 5.2 It is the intention of the Council of the Town that all offences created pursuant to this bylaw be construed and considered as being Strict Liability Offences.
- 5.3 Whenever the singular and masculine gender is used in this Bylaw, the same shall include the plural, feminine and neuter gender whenever the context so requires.
- 5.4 Schedules “A”, “B”, “C” and “D” may, from time to time, be amended by a resolution of Council.
- 5.5 This bylaw shall come into effect upon third reading.

Read a First Time January 9, 2006

Read a Second Time January 9, 2006

Read a Third Time January 9, 2006

Mayor

Municipal Clerk

TOWN OF COCHRANE
DANGEROUS GOODS ROUTE

SCHEDULE “A”

1. All of Highway 1A within the Town limits
2. All of Highway 22 within the Town limits
3. All of Griffin Road including extension to Spray Lake Sawmills Family Sports Centre
4. 5th Avenue from Railway Street to Griffin Road
5. 5th Avenue from Highway 1A to the north side of the CPR railway tracks (not including south of the tracks)
6. All of Charlesworth Avenue
7. Quigley Drive between Highway 22 & West Aarsby Road
8. River Avenue from Railway Street to the Bow River
9. All of Fisher Avenue
10. All of 2nd Avenue East
11. All of Railway Street
12. All of Bow Street
13. All of Range Road 43 within the Town limits

**TOWN OF COCHRANE
DANGEROUS GOODS ROUTE SIGNS**

SCHEDULE "B"





TOWN OF COCHRANE

SPECIAL PERMIT SCHEDULE 'C'

PERMIT TO TRANSPORT DANGEROUS GOODS

		DATE: YY MM DD
APPLICANTS NAME		TRANSPORT COMPANY NAME
DESCRIPTION OF GOODS		
BEING TRANSPORTED FROM		BEING TRANSPORTED TO
CONSIGNEE'S NAME		CONSIGNEE'S ADDRESS
ROUTE BEING TAKEN		
DAY AND TIME OF TRANSPORT		ANNUAL PERMIT FOR THE YEAR
RESTRICTIONS		SPECIAL CONDITIONS
APPLICANTS SIGNATURE		ADDRESS:
FIRE CHIEF OR DESIGNATE SIGNATURE		EMPLOYEE #

This Permit issued subject to Town of Cochrane Bylaw No 02/2006
 Cochrane Fire Services – 403-851-2540
 Bylaw Enforcement – 403-851-2532
 RCMP – 403-932-2213

NOTE: This permit or a copy of the signed permit must be carried in the vehicle at all times and produced upon demand of a peace officer.

**TOWN OF COCHRANE
DANGEROUS GOODS BYLAW PENALTIES**

SCHEDULE “D”

<u>SECTION</u>	<u>DESCRIPTION OF OFFENCE</u>	<u>PENALTY</u> (In lieu of prosecution)
Section 3.2	Transport of dangerous goods off Dangerous Goods Route	\$500.00
Section 3.3	Dangerous goods carrier stop vehicle other than specified	\$500.00
Section 3.4	Transport of dangerous goods outside delivery location	\$500.00
Section 3.5	Park in a manner obstructing normal traffic flow	\$150.00
Section 3.9	Contravene terms and conditions of Special Permit	\$500.00
Section 3.10	Obstruct Peace Officer	\$250.00