

BYLAW NO. 2759

CONSOLIDATION OF A BYLAW OF THE CITY OF MEDICINE HAT designating the route and time of travel of vehicles transporting dangerous goods, and prohibiting the carriage of dangerous goods on those highways specified in the bylaw

Amended by: **WHEREAS** section 17 of the Dangerous Goods Transportation and Handling Act Bylaw 3601 R.S.A. 2000 Chapter D-4 empowers a municipal council, with the approval of the responsible Minister, to make bylaws with respect to highways under its direction, control and management, designating the route and time of travel of vehicles transporting dangerous goods, prohibiting the carriage of dangerous goods on those highways specified in the bylaw, and specifying restrictions or conditions to ensure the safe transportation in or by means of transport, safe storage and controls necessary for public safety.
May 17, 2005

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE CITY OF MEDICINE HAT IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:

1. **TITLE**

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

2. **DEFINITIONS**

(1) In this Bylaw, unless the context expressly or by necessary implication indicates otherwise:

(a) "Bylaw Enforcement Officer" means a person appointed as a bylaw enforcement officer pursuant to City Bylaw No. 2463, and also includes any peace officer or police officer employed by the City's Police Service;

(b) "City" means the Municipal Corporation of the City of Medicine Hat, or the area contained within the boundary thereof, according to the context in which the word is used;

(c) "Dangerous Goods" means dangerous goods for which placards are required by the Dangerous Goods Transportation and Handling Act R.S.A. 2000 Chapter D-4 and regulations thereunder;

(d) "Dangerous Goods Route" means those highways or portions of highways that are represented diagrammatically and textually as the Dangerous Goods Route or the Restricted Dangerous Goods Route in Schedule "E" to this Bylaw;

Amended by:
Bylaw 3601
May 17, 2005

(e) "Dangerous Goods Route Sign" means a sign identified in Schedule "C" to this Bylaw;

(e.1) "Dangerous Goods Vehicle Storage Area" means land that has been designated as a Dangerous Goods Vehicle Storage Area pursuant to the provisions of Schedule "D" to this Bylaw;

(f) "Fire Chief" means the person designated as and occupying the office of Fire Chief of the City, and includes a Deputy Fire Chief or other employee of the City's Fire Department acting on behalf of and under the authority of the Fire Chief;

Amended by:
Bylaw 3601
May 17, 2005

(g) "Restricted Dangerous Goods Route" means those highways or portions of highways that are represented diagrammatically and textually as the Restricted Dangerous Goods Route in Schedule "E" to this Bylaw;

Amended by:
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(h) "Small Payload Vehicle" means a vehicle having not more than three axles that is:

(i) licensed under the Traffic Safety Act R.S.A. 2000 Chapter T-6 or under any similar legislation in another jurisdiction, to transport a total mass not exceeding 24,300 kilograms inclusive of the mass of the vehicle itself; or

(ii) less than 11 metres in length, inclusive of any trailer attached to it.

Amended by:
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(i) "Truck Route" means any route designated as a heavy truck route or restricted heavy truck route under PART VI of The Traffic Bylaw.

Amended by:
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(2) Any word or expression that is specifically defined in the Dangerous Goods Transportation and Handling Act R.S.A. 2000 Chapter D-4 or the Traffic Safety Act, R.S.A. 2000 Chapter T-6 has the same meaning under this Bylaw as defined in those statutes or either of them, unless otherwise specifically defined in this Bylaw or unless the context necessarily implies a different meaning.

3. TRANSPORTATION OF DANGEROUS GOODS

(1) No person shall transport Dangerous Goods in the City other than on the Dangerous Goods Route, unless such transport is authorized under subsections (2), (3) or (4) of this section.

(2) A person may transport Dangerous Goods off the Dangerous Goods Route in any vehicle, if the person is driving to or from a location at which vehicles transporting Dangerous Goods may be stopped pursuant to clauses (b), (c) or (d) of subsection 3(5) via the route which results in the shortest possible distance travelled on a highway that is not the Dangerous Goods Route.

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- (3) In addition to the provisions of subsection 3(2), a person who is operating a Small Payload Vehicle may transport Dangerous Goods off the Dangerous Goods Route in that vehicle subject to the following restrictions:
- (a) the person must be driving to or from a location at which vehicles transporting Dangerous Goods may be stopped pursuant to clause (e) of subsection 3(5);
 - (b) the vehicle must be transporting only Dangerous Goods listed in Schedule "B" to this Bylaw; and
 - (c) the person must drive on a Truck Route wherever possible, so as to result in the shortest possible distance travelled on a highway that is neither the Dangerous Goods Route nor a Truck Route.
- (4) Notwithstanding the provisions of subsections (2) and (3) of this section, a person may transport Dangerous Goods off the Dangerous Goods Route if the Dangerous Goods are being transported under the authority of, and in compliance with the terms and conditions of, a permit issued by the Fire Chief under section 4.
- (5) No person transporting Dangerous Goods shall cause or allow the vehicle in which the Dangerous Goods are being transported to stop in the City except at the following locations or in the following circumstances:
- (a) in compliance with a lawful signal to stop from a Bylaw Enforcement Officer or traffic control device;
 - (b) at a location that has been designated as a Dangerous Goods Vehicle Storage Area, pursuant to the provisions of Schedule "D" to this Bylaw;
 - (c) at a location, not on a highway, within the areas identified on Schedule "E" as "Permitted Loading and Unloading Areas", provided that:
 - (i) the stop is made for the sole purpose of loading or unloading Dangerous Goods and the vehicle is moved from the location promptly after the loading or unloading has occurred;
 - (ii) the stop occurs at a distance not less than 100 metres from the nearest hotel, motel, restaurant, residence, school, playground, park, child care facility, museum or meeting hall; and
 - (iii) no portion of the vehicle overhangs any highway or other public place.

Amended by:
Bylaw 3601
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Amended by:
Bylaw 3601
May 17, 2005
Amended by:
Bylaw 4047
August 16, 2011

- (d) at a location, not on a highway, that is less than 200 metres of traveled roadway from the Dangerous Goods Route, provided that:
 - (i) the vehicle is not transporting any Dangerous Goods other than those listed in Schedule "B";
 - (ii) the stop is made for the sole purpose of unloading the Dangerous Goods, or refueling or repairing the vehicle, and the vehicle is moved from the location promptly after the unloading, refueling or repairing has occurred; and
 - (iii) no portion of the vehicle overhangs any highway or other public place."
 - (e) at a location, not on a highway, where Dangerous Goods listed in Schedule "B" are lawfully sold or offered for sale, irrespective of the distance of that location from the Dangerous Goods Route, provided that:
 - (i) the vehicle is not transporting any Dangerous Goods other than those listed in Schedule "B";
 - (ii) the stop is made for the sole purpose of unloading the Dangerous Goods and the vehicle is moved from the location promptly after the unloading has occurred;
 - (iii) no portion of the vehicle overhangs any highway or other public place; and
 - (iv) the vehicle is a Small Payload Vehicle.
 - (f) in compliance with the terms and conditions of a permit issued under section 4; or
 - (g) in the event of a mechanical malfunction of the vehicle or of a traffic accident or an emergency, provided that the person operating the vehicle takes all reasonable steps, consistent with public safety, having regard to the nature of the incident and of the Dangerous Goods being transported, to remove the vehicle from the highway as soon as practicable after the occurrence of the mechanical malfunction, traffic accident or emergency.
- (6) A person may transport Dangerous Goods in a vehicle on the Restricted Dangerous Goods Route, only if all of the following conditions are complied with:
- (a) the total number of axles on the vehicle, inclusive of its trailer or other form of payload, must not exceed six;
 - (b) Repealed.
 - (c) the vehicle must be transporting only Dangerous Goods listed in Schedule "B" to this Bylaw;

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- (d) the transport must occur between the hours of 10:00 o'clock p.m. and 7:00 a.m. the following day; and
- (e) the transport occurs for the sole purpose of taking the Dangerous Goods to a location where they are lawfully sold or offered for sale.

4. **SPECIAL PERMITS**

- (1) The Fire Chief may issue a permit to authorize a person to transport Dangerous Goods in the City other than on the Dangerous Goods Route.
- (2) A permit under this section may be issued by the Fire Chief where
 - (a) the person desiring the permit has made application therefor, by attending personally at the office of the City's Fire Department between the hours of 8:00 o'clock a.m. and 5:00 o'clock p.m. from Monday through Friday inclusive, or by telephoning the Fire Department at 403-529-8282; and
 - (b) the Fire Chief is satisfied that the person applying for a permit has a *bona fide* reason for requiring permission to transport Dangerous Goods other than on the Dangerous Goods Route.
- (3) In considering any application for a permit under this section, the Fire Chief may require the applicant to furnish any information or documentation that the Fire Chief considers necessary for the proper determination of whether a permit should be issued, and any permit issued may be subject to such terms and conditions as the Fire Chief considers advisable to reduce or eliminate the risk associated with transportation of the Dangerous Goods.
- (4) A person who operates a vehicle transporting Dangerous Goods under the auspices of a permit issued under this section shall comply with all the terms and conditions of the permit.

5. **DANGEROUS GOODS ROUTE SIGNS**

Amended by:
Bylaw 3601
May 17, 2005

- (1) The City's Chief Commissioner or his delegate, pursuant to Bylaw No. 3085 or its replacement, may cause a Dangerous Goods Route Sign to be erected or placed at any location within the City.
- (2) A Dangerous Goods Route Sign may be erected or placed in conjunction with, or adjacent to, a traffic control device designed to inform drivers of a telephone number to call for further information concerning the Dangerous Goods Route or this Bylaw, or to obtain a permit under section 4.

6. INSPECTION OF DOCUMENTS

- (1) A person transporting Dangerous Goods within the City shall, upon the request of a Bylaw Enforcement Officer, produce for inspection any shipping document, permit issued pursuant to this Bylaw, or other document showing the origin and destination of the trip and a description of the load.
- (2) Information obtained from any document inspected by a Bylaw Enforcement Officer under the authority of this Section, and submitted by him as evidence in a prosecution for an alleged contravention of this Bylaw, shall be *prima facie* accepted by the Court as true information without the necessity of proof of the signature or the official capacity of the person or persons who signed or authorized the document or documents from which the information was obtained.

7. VIOLATION NOTICE

- (1) Where a Bylaw Enforcement Officer has reasonable and probable grounds to believe that a person has contravened any provision of this Bylaw, he may serve upon the person a written violation notice.
- (2) A violation notice issued under this section shall be in such form as directed from time to time by the Chief of Police of the City, provided that the violation notice shall state the provision of this Bylaw alleged to have been contravened and the amount set out in Schedule "A" to this Bylaw which will be accepted by the City in lieu of prosecution.
- (3) If payment is received by the City from or on behalf of a person in respect of whom a violation notice has been issued under this Section:
 - (a) in the amount set out on the violation notice as the sum the City will accept in lieu of prosecution; and
 - (b) within seven (7) days of service of the violation notice upon the person in any manner permitted under this section;that person shall thereafter not be liable to be prosecuted for the act or omission in respect of which the violation notice was issued.
- (4) A violation notice shall be deemed to be sufficiently served for the purposes of this section
 - (a) if served personally on the person alleged to have contravened the provision of this Bylaw set out in the violation notice;
 - (b) if mailed to the address of any registered owner of the vehicle in respect of which the offence is alleged to have been committed, in which case service is deemed to have occurred on the seventh day after mailing of the violation notice, the day of mailing excluded; or

(c) if attached to or left upon the vehicle in respect of which the offence is alleged to have been committed.

(5) Nothing in this section shall:

- (a) prevent a Bylaw Enforcement Officer from issuing a summons or offence notice under Part 2 or Part 3 of the Provincial Offences Procedures Act R.S.A. 2000 Chapter P-34, either in lieu of a violation notice or at any time after a violation notice has been issued; or
- (b) prevent a person from defending a charge of contravening any provision of this Bylaw.

Amended by:
Bylaw 3601
May 17, 2005

8. OFFENCES

(1) A person who contravenes a provision of this Bylaw is guilty of an offence and liable upon summary conviction to pay a fine of:

- (a) one thousand dollars (\$1,000.00) in the case of a contravention of any provision of section 3 or section 6, or in the case of a failure to comply with the terms and conditions of a permit issued under Section 4; or
- (b) three hundred dollars (\$300.00) in the event of a contravention of any other provision of this Bylaw;

or in default of payment to imprisonment for a period not exceeding six (6) months.

(2) Payment of any fine or imprisonment as provided for in this Bylaw shall not relieve any person from any civil liability that may arise by reason of the person's contravention of this Bylaw.

9. GENERAL, COMMENCEMENT AND CONSEQUENTIAL

(1) In this Bylaw the singular may be read as though the plural were expressed, and vice versa, wherever the context in which this Bylaw has application so requires.

(2) It is the intention of the Council of the City that if any provision of this Bylaw be declared invalid by a Court of competent jurisdiction, then all other provisions of this Bylaw shall remain valid and enforceable.

(3) Section 5, Part IX, and Schedule "D" of City of Medicine Hat Bylaw No: 2434 are repealed concurrently with the coming into force of this Bylaw.

(4) This Bylaw shall come into force on the date it receives approval by the Minister responsible for Alberta Public Safety Services or on the date it

receives third and final reading and passage, whichever date last occurs.

READ A FIRST TIME in open Council on March 21, 1994.

READ A SECOND TIME in open Council on January 23, 1995

READ A THIRD TIME in open Council on February 21, 1995

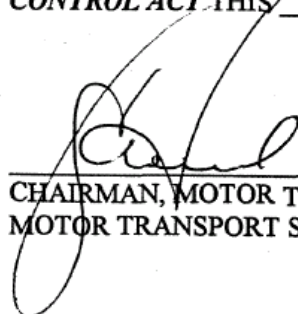
SIGNED AND PASSED on February 24, 1995


MAYOR - TED J. GRIMM




CITY CLERK - L.P. GODIN

APPROVED UNDER SECTION 17 OF THE *TRANSPORTATION OF DANGEROUS GOODS CONTROL ACT* THIS 16th DAY OF AUGUST A.D., 1995


CHAIRMAN, MOTOR TRANSPORT BOARD/
MOTOR TRANSPORT SERVICES

Note: For amendments approved by the Minister responsible for Alberta Infrastructure and Transportation or Delegated Representative, see original bylaws:
Bylaw 3601 - May 11, 2005
Bylaw 4047 - August 16, 2011

I HEREBY CERTIFY that this is a true and correct copy of Bylaw No. 2759 consolidated pursuant to Section 69 of the *Municipal Government Act* to incorporate all subsequent amendments thereto, printed under the authority vested in me by the said Section 69 and by City of Medicine Hat Bylaw No. 1957.

CERTIFIED THIS _____ DAY OF _____, 20____.

DAVID S. LEFLAR
MUNICIPAL SECRETARY AND CITY CLERK
CITY OF MEDICINE HAT

SCHEDULE "A" TO BYLAW NO. 2759**AMOUNTS WHICH WILL BE ACCEPTED BY CITY
IN LIEU OF PROSECUTION:**

<u>SECTION OF BYLAW</u>	<u>NATURE OF VIOLATION</u>	<u>PENALTY</u>
3(1)	Operation of vehicle transporting Dangerous Goods off Dangerous Goods Route and not otherwise allowed under Bylaw or permit	\$ 500.00
3(5)	Bringing vehicle transporting Dangerous Goods to a stop, other than as allowed under Bylaw	\$ 500.00
3(6)	Unlawful operation of vehicle on Restricted Dangerous Goods Route	\$ 500.00
4(4)	Failure to comply with terms and conditions of a permit	\$ 500.00
6(1)	Failure to produce shipping documents upon demand of Bylaw Enforcement Officer	\$ 200.00
-	Any contravention of any other provision of this Bylaw	\$ 200.00

**SCHEDULE "B" TO BYLAW NO. 2759
AS AMENDED BY BYLAW 3601
MAY 17, 2005**

All Dangerous Goods listed in this Schedule are described in accordance with the classification scheme and nomenclature used in the Dangerous Goods Transportation and Handling Act R.S.A. 2000 Chapter D-4 and regulations thereunder.

CLASS 2 -- COMPRESSED GASES

Liquified Petroleum Gas, U.N. 1075, Class 2.1
Propane, U.N. 1978, Class 2.1
Oxygen, Compressed, U.N. 1072, Class 2.2(5.1)
Nitrogen, Compressed, U.N. 1066, Class 2.2

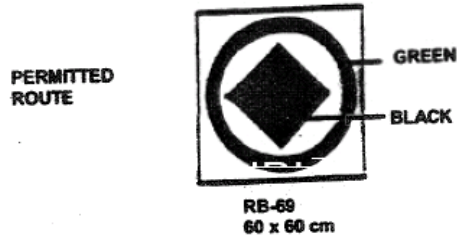
CLASS 3 -- FLAMMABLE LIQUIDS

Fuel Oil, U.N. 1202, Class 3.2
Gasoline, U.N. 1203, Class 3.1
Petroleum Crude Oil, U.N. 1267, Class 3.1

**SCHEDULE "C" TO BYLAW NO. 2759
AS AMENDED BY BYLAW 3601
MAY 17, 2005**

(This Schedule, containing a diagrammatic depiction of the various types of signs that are erected or may be erected under the authority of the Chief Commissioner pursuant to Section 5(1), remains as it was at first reading of this bylaw).

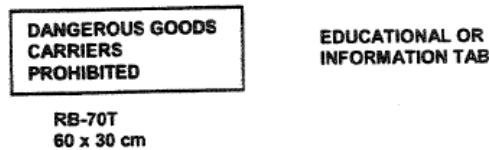
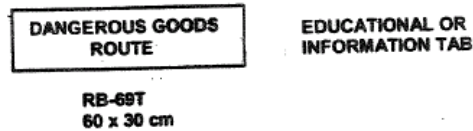
SIGNAGE



THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES OF CANADA SETS OUT DESIGN STANDARDS AND SPECIFICATIONS FOR BOTH DANGEROUS GOODS ROUTE SIGNS AND DANGEROUS GOODS PROHIBITION SIGNS.

SIGNS MAY BE SUPPLEMENTED WITH PROPER ADVANCE AND DIRECTIONAL ARROWS TO INDICATE A TURN OR A CHANGE IN THE DIRECTION OF A ROUTE.

THE SIGNS SHALL BE REFLECTORIZED OR ILLUMINATED TO SHOW THE SAME COLOUR AND SHAPE BY NIGHT AS BY DAY



SCALE	N/A	DATE	City of Medicine Hat	GRID REF.
DRWN	VKS	Mar 8/93	DANGEROUS GOODS ROUTE	DRAWING NO.
APP'D	WGT	Mar8/93		

**SCHEDULE "D" TO BYLAW NO. 2759
AS AMENDED BY BYLAW 3601
MAY 17, 2005**

DANGEROUS GOODS VEHICLE STORAGE AREAS

1. An owner or occupier of land may allow the land to be used as a storage area for vehicles containing Dangerous Goods ("DG Vehicles") upon obtaining:
 - (a) approval from the Fire Chief, in writing, to use the land for that purpose; and
 - (b) development approval to use the land for that purpose, under the City's Land Use Bylaw.

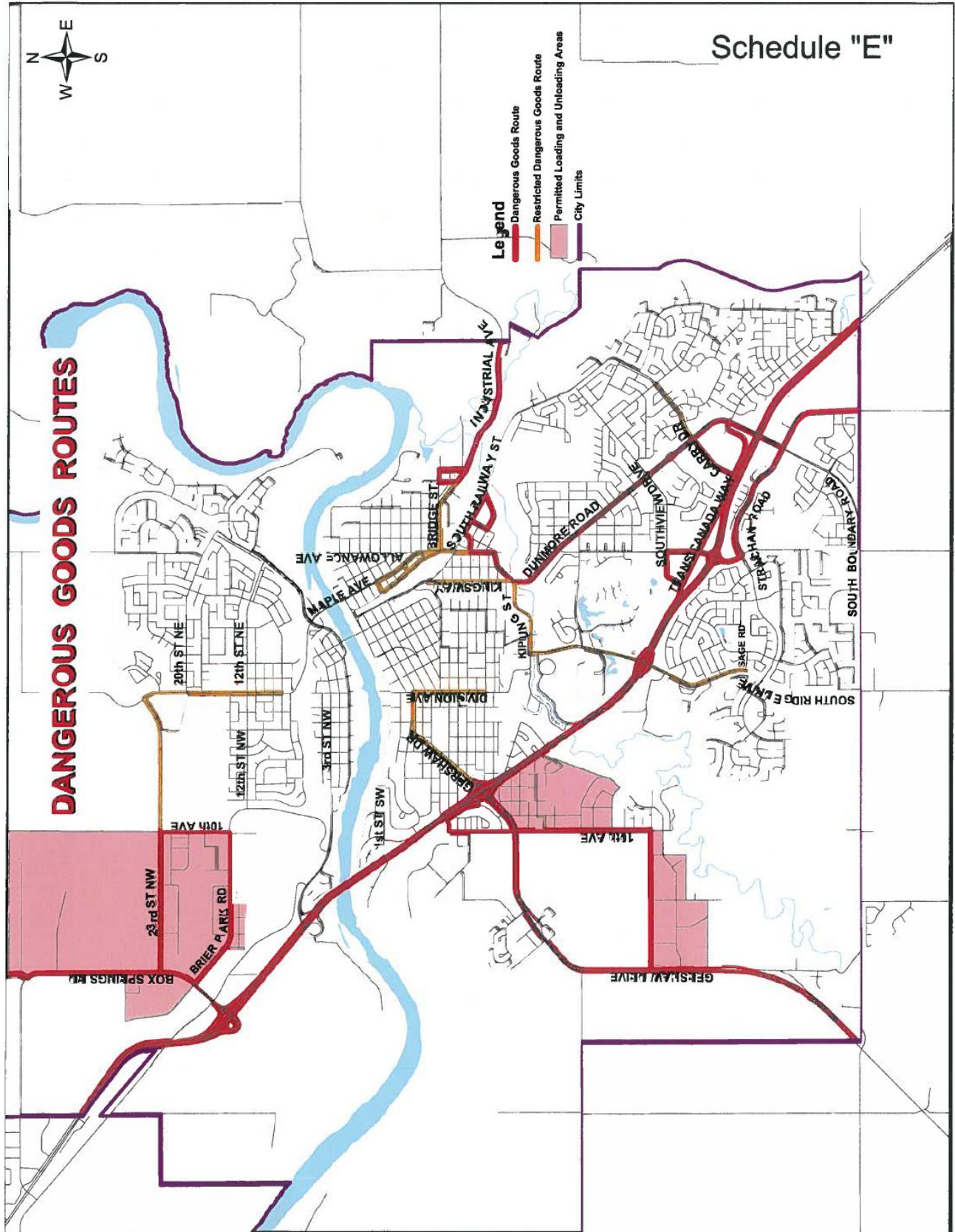
The approval of the Fire Chief may be subject to such terms or restrictions as the Fire Chief deems appropriate, and it is an offence under this bylaw to use land or allow land to be used for storage of DG Vehicles in contravention of any term or restriction so imposed by the Fire Chief.

2. Subject to any terms or restrictions in an approval, a person may park a DG Vehicle on land that has been approved for use as a storage area for DG Vehicles, for any length of time that may be allowed by the owner or occupier of the land.
3. Repealed.

**SCHEDULE "E" TO BYLAW NO. 2759
AS AMENDED BY BYLAW 4047
AUGUST 16, 2011**

This Schedule consists of a map of the City of Medicine Hat, with the Dangerous Goods Routes, Restricted Dangerous Goods Routes and Permitted Loading and Unloading Areas clearly marked and written in text.)

In the event of a discrepancy between the text and the map, the text governs.



Dangerous Goods Routes

Route	From	To
7 Street SW	Trans Canada Highway	10 Avenue SW
9 Street SE	Allowance Avenue	South Railway Street
10 Avenue NW	23 Street NW	Brier Park Road
10 Avenue SW	7 Street SW	30 Street SW
13 Avenue SE	Strachan Road	Southview Drive
23 Street NW	Box Springs Road	10 Avenue NW
30 Street SW	Gershaw Drive	10 Avenue SW
Allowance Avenue	Spencer Street	9 Street SE
Box Springs Road	Trans Canada Highway	North City Limits
Bridge Street	London Avenue	Medalta Avenue
Brier Park Road	10 Avenue NW	Box Springs Road
Carry Drive	Dunmore Road	Trans Canada Way
Dunmore Road	Trans Canada Highway	Spencer Street
Factory Street	South Railway Street	Smelter Avenue
Gershaw Drive	Trans Canada Highway	West City Limits
Industrial Avenue	East City Limits	London Avenue
London Avenue	Industrial Avenue	Bridge Street
Medalta Avenue	Bridge Street	Industrial Avenue
Redcliff Drive	7 Street SW	Trans Canada Highway
Smelter Avenue	Factory Street	South Railway Street
South Boundry Road	Trans Canada Highway	Strachan Road
South Railway Street	9 Street SE	Factory Street
Southview Drive	13 Avenue SE	Trans Canada Way
Spencer Street	Kingsway Avenue	Allowance Avenue
Strachan Road	South City Limits	13 Avenue SE
Trans Canada Highway	South City Limits	West City Limits
Trans Canada Way	Dunmore Road	College Avenue

Restricted Dangerous Goods Routes

Route	From	To
3 Street SW	Gershaw Drive	Division Avenue S
5 Street SE	Maple Avenue	North Railway Street
23 Street NW	10 Avenue NW	Division Avenue N
Allowance Avenue	9 Street SE	Pingle Street
Bridge Street	North Railway Street	Industrial Avenue
Carry Drive	Dunmore Road	Cameron Road
College Avenue	Trans Canada Highway	Kipling Street
Division Avenue N	8 Street NW	23 Street NW
Division Avenue S	3 Street SW	11 Street SE
Gershaw Drive	Trans Canada Highway	3 Street SW
Industrial Avenue	Bridge Street	London Avenue
Kingsway Avenue	Spencer Street	South Railway Street
Kipling Street	College Avenue	Spencer Street
Maple Avenue	Pingle Street	5 Street SE
North Railway Street	5 Street SE	Bridge Street
Prince Street	North Railway Street	Maple Avenue
South Ridge Drive	Sage Road	Trans Canada Highway
Spencer Street	Kipling Avenue	Kingsway Avenue