

**VILLAGE OF ONOWAY
BY-LAW 564-01**

**BEING A BYLAW IN THE VILLAGE OF ONOWAY, IN THE PROVINCE OF ALBERTA,
TO REGULATE THE TRANSPORTATION OF DANGEROUS GOODS.**

WHEREAS the Village of Onoway is empowered by the Dangerous Goods Transportation and Handling Act, Chapter D-3.5, and amendments thereto, to regulate the transportation of dangerous goods within the municipal corporate limits;

AND WHEREAS in the interests of public safety, the Village of Onoway is desirous of restricting vehicles transporting dangerous goods to dangerous goods routes as much as possible;

NOW THEREFORE, the Council of the Village of Onoway, duly assembled, hereby enacts as follows:

A. NAME

1. This Bylaw may be cited as the “Dangerous Goods Route” bylaw.

B. DEFINITIONS

1. Definitions contained in the Dangerous Goods Transportation and Handling Act and Regulations, applicable, and the definitions of the Highway Traffic Act, C. H-7, are adopted for the purposes of the interpretation and the application of this Bylaw.
2. In this Bylaw:
 - (a) “Carrier” shall mean any person transporting dangerous goods in, into, through or out of the Village of Onoway by any vehicle;
 - (b) “Dangerous Goods” shall mean dangerous materials for which placards are required by the Dangerous Goods Transportation and Handling Act and Regulations;
 - (c) “Dangerous Goods Route” shall mean any highway so designated in Schedule “B”, attached to and forming part of this Bylaw, which shall be posted with Dangerous Goods Route signs;
 - (d) “Dangerous Goods Route Signs” shall mean those signs identified in Schedule “A”, attached to and forming part of this Bylaw;
 - (e) “Officer” shall mean the Fire Chief of the Village of Onoway Volunteer Fire Department and/or any official appointed by Council upon recommendation of the Disaster Services Director;
 - (f) “Peace Officer” shall mean a member of the Royal Canadian Mounted Police or a Bylaw Enforcement Officer appointed by the Village of Onoway;
 - (g) “Service Station or Repair Depot”, shall mean any premises licensed for the purposes of dispensing fuel or carrying fuel or carrying out mechanical repairs;
 - (h) “Vehicle Storage Location” shall mean any area which is at least One Hundred and Fifty (150) meters away from the nearest residential, institutional or assembly occupancy and has been accepted by the Fire Chief, or any official designated by the Municipal Manager or other location accepted by the Fire Chief or an official designated by the Municipal Manager.

C. REGULATIONS

1. Subject to Section C.3, no carrier shall transport dangerous goods other than on a designated Dangerous Goods Route, 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 he shall proceed on the most direct route to the collection or delivery point or the vehicle storage location return to the Dangerous Goods Route on the same most direct route; or
 - (b) to obtain emergency repairs or service at the nearest service station or repair depot.

2. No carrier shall stop within the Village of Onoway except:
 - (a) in compliance with an Officer, a Peace Officer, an inspector or a traffic control device;
 - (b) to load or unload;
 - (c) to repair or refuel the vehicle;
 - (d) at a vehicle storage location; or
 - (e) in compliance with a valid special permit issued under Section C.3

3. 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 C.1.
 - (a) Special Off-Route Route permits may be obtained by writing to:

Department of Disaster Services
Village of Onoway
Box 540
Onoway, Alberta T0E 1V0

A Special Off-Route Route permit may also be obtained by telephone – (780) 967-5338. Permits may be issued by the Fire Chief or an official authorized by the Municipal Manager.
 - (b) The Fire Chief or an official authorized by the Municipal Manager may issue a special permit granting total or partial exemption from the requirements of Section C.1 and may impose any terms or conditions considered necessary in the circumstances to safeguard the citizens of the Village of Onoway and their property.

Notwithstanding any other condition, it is a condition of all Off-Route permits that the carrier shall indemnify and hold harmless the Municipality, its employees, officials and agents against all actions, suits, claims, damages, losses or expenses, including the legal expenses of a Solicitor client basis, that may result from or be connected, directly or indirectly, to the transportation of Dangerous Goods.
 - (c) As a condition of issuing the Off-Route permit, the Director of Disaster Services for the Municipality or his authorized designate may impose any or all of the following requirements:
 - i. 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;
 - ii. that the carrier 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;
 - iii. such other conditions as the Director of Disaster Services for the Municipality or his authorized designate 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.
 - (d) Any contravention of the terms and conditions contained in a special permit issued pursuant to subsection 3 (c) shall render such permit invalid.

4. Shipping Documents:
 - (a) A carrier shall, when requested to do so by an Officer, 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.
 - (e) Particulars obtained by an Officer or a Peace Officer from a shipping document produced upon request as authorized by C.4 and submitted by him in evidence in court shall be prima facia proof of the particulars

therein without proof of signature or official capacity of the person signing the shipping document.

D. CONTRAVENTIONS

1. Service of Tags:
 - (a) Where an Officer of the Village of Onoway, or a member of the Royal Canadian Mounted Police, believes that a person has contravened a provision of this bylaw, he/she may serve upon or mail such person a tag.
 - (b) The tag shall be in such form as the Village of Onoway determines and shall indicate thereon the date of the offence, the time of the offence, the place where the offence occurred and the section of the bylaw which was contravened.
 - (c) Upon issuance of a tag for a breach of Sections C. 1 or C. 2 of this bylaw, the penalty of Two Hundred Dollars (\$200.00) shall apply.
 - (d) Notwithstanding the other provisions of this section, a person to whom a tag is served or mailed pursuant to subsection C. 5 (a), may exercise the right to defend any charge of a contravention of any of the provisions of this Bylaw indicated on the tag.
 - (e) A person authorized to issue a tag as provided in Section C. 5 is required to issue a tag in respect to the contravention if, in his or her sole discretion, it seems expedient to him or her to issue a Summons prosecuting the offence instead of issuing a tag.

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.

This Bylaw rescinds Bylaw 527-99 and any other bylaw relating to the transportation of Dangerous Goods within the Village of Onoway.

READ A FIRST TIME THIS 11th DAY OF JUNE, 2001.

Signed By Blaine Bretzlaff
Mayor

Signed By Catherine Dunn
Municipal Manager

**APPROVED PURSUANT TO SECTION 17 OF THE DANGEROUS GOODS
TRANSPORTATION AND HANDLING ACT THIS 13th DAY OF September, 2001.**

Signed By Shaun Hammond
Executive Director, Dangerous Goods and Rail
Safety Branch
Alberta Transportation

READ A SECOND TIME THIS 13th DAY OF August , 2001

READ A THIRD AND FINAL TIME THIS 13th DAY OF August 2001

**Signed By Blaine Bretzlaff
Mayor**

Signed By Catherine Dunn
Municipal Manager

Schedule B

DANGEROUS GOODS ROUTES

THROUGHFARE	FROM	TO
Lac Ste. Anne Trail South	Highway 43	49 Street
Lac Ste. Anne Trail North	Highway 37	Industrial Avenue

Schedule B approved pursuant to Section 17 of the Dangerous Goods Transportation and Handling Act this 13th day of September, 2001.

Signed By Shaun Hammond
Executive Director, Dangerous Goods and Rail
Safety Branch
Alberta Transportation

**VILLAGE OF ONOWAY
PERMIT FOR OFF-ROUTE
DANGEROUS GOODS TRAVEL
UNDER THE DANGEROUS GOODS ROUTE BYLAW**

Company/Permit Holder Name:

Address:

Phone No.

Fax No.

Terms/Conditions of Permit:

Date of Expiry: _____

ANY CONTRAVENTION OF THE TERMS AND CONDITIONS LISTED ON THIS PERMIT SHALL RENDER THIS PERMIT INVALID. COMPANIES OR INDIVIDUALS FOUND IN CONTRAVENTION OF ANY PROVISION UNDER THE DANGEROUS GOODS ROUTE BYLAW ARE SUBJECT TO FINES LISTED IN THE BYLAW.

This Permit has been approved this _____ day of _____, 20__.

Company Representative/Permit Holder: _____

Authorized Official, Village of Onoway: _____