



BYLAW 2023-28

BEING A BYLAW OF THE TOWN OF DIAMOND VALLEY IN THE PROVINCE OF ALBERTA, TO REGULATE THE TRANSPORTATION OF DANGEROUS GOODS WITHIN THE TOWN OF DIAMOND VALLEY, ALBERTA.

WHEREAS pursuant to the *Municipal Government Act*, RSA 2000, Chapter M-26 as amended, a municipal council has authority to govern and the authority to pass bylaws respecting the municipality, including services provided by or on behalf of the municipality;

WHEREAS pursuant to the *Dangerous Goods Transportation and Handling Act*, R.S.A. 2000, Chapter D-4 the Town of Diamond Valley is empowered to regulate the transportation of Dangerous Goods within the Town's corporate limits.

AND WHEREAS the Council of the Town of Diamond Valley deems it desirable to pass a bylaw in the interests of public safety to regulate vehicles transporting Dangerous Goods to Dangerous Goods Truck Routes as much as possible.

THEREFORE, BE IT RESOLVED THAT the Council of the Town of Diamond Valley, duly assembled in Council Chambers in Diamond Valley, Alberta, enacts as follows:

1.0 TITLE AND PURPOSE

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

2.0 INTERPRETATION AND DEFINITIONS

2.1 Any terms not defined in this Bylaw shall have the meaning as defined in *Dangerous Goods Transportation and Handling Act*, R.S.A. 2000, Chapter D-4, and amendments thereto, as applicable, and the *Traffic Safety Act*, RSA 2000, Chapter T6, and amendments thereto, as applicable for the purposes of the interpretation and the application of this Bylaw.

2.2 In this bylaw and any schedules to this bylaw, the following terms, phrases, words and their derivations shall have the following meanings:

- a. **Carrier** means any person transporting Dangerous Goods in, into, through or out of the Town by any vehicle.
- b. **CAO** means the Chief Administrative Officer of the Town of Diamond Valley or designate.
- c. **Dangerous Goods** means Dangerous Goods for which placards are required by the *Dangerous Goods Transportation and Handling Act* and any regulations thereunder.
- d. **Dangerous Goods Route Signs** means those signs identified in Schedule "B" attached and forming part of this Bylaw.
- e. **Dangerous Goods Truck Route** means any highway so designed in Schedule "C" attached and forming part of this Bylaw which may be posted with Dangerous Good Route Signs;
- f. **Enforcement Officer** means any individual(s) designated and appointed, from time to time, by the Town of Diamond Valley for the purpose of administration and enforcement of this Bylaw and shall include a person designated as a Peace Officer appointed pursuant to the *Peace Officer Act*, S.A. 2006, c P-3.5, or a police officer under the *Police Act*, R.S.A. 2000, c. P-17

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Verna Staples, Legislative Services Manager
Town of Diamond Valley 403-933-4348

Elected Official Initial

A handwritten signature in blue ink, appearing to read "Verna Staples".

Verna Staples Nov 21 2023
Signature Date

CAO Initial

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- g. **Inspector** means a person or a member of a class of persons designated as an Inspector under section 6.1 of the *Dangerous Goods Transportation and Handling Act*, Chapter D-4, RSA 2000 and amendments thereto.
- h. **Placardable Quantities** means a) a consignment of Dangerous Goods in a quantity that requires placard(s) pursuant to the *Transportation of Dangerous Goods Regulations*; or b) an intermediate bulk container displaying labels pursuant to Section 4.15.3(c) of the *Transportation of Dangerous Goods Regulations*, SOR/2001-286, as amended.
- i. **Provincial Offences Procedure Act** means the *Provincial Offences Procedure Act*, RSA 2000, Chapter P-34, and the regulations thereof, as amended or replaced from time to time.
- j. **Service Station or Repair Depot** means any premises licensed for the purposes of dispensing fuel or carrying out mechanical repairs.
- k. **Town** means the municipality of the Town of Diamond Valley in the Province of Alberta, or where the context so requires, its municipal boundaries.
- l. **Truck Route** means a Truck Route as defined in the Traffic Safety Bylaw or any bylaw substituted therefor.
- m. **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, or other location, acceptable to the Fire Chief or the Chief Administrative Officer.
- n. **Violation Tag** means a notice or tag in the form as approved by the Chief Administrative Officer, issued by the Town, allowing a voluntary payment option of a fine established under this Bylaw.
- o. **Violation Ticket** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedures Act*, Revised Statutes of Alberta 2000, Chapter P-34, and any amendments or regulations thereto.

- 2.3 The headings in this bylaw do not form part of this bylaw and shall not affect its interpretation.
- 2.4 Any references in this bylaw to any Statutes are to the *Province of Alberta Statutes* as amended or replaced from time to time and any amendments thereto.
- 2.5 Within the text of this Bylaw;
 - a. use of a pronoun or determiner which indicates on gender shall include all genders unless the context requires otherwise, and
 - b. use of the singular shall include the plural and the plural shall include the singular as the context requires.

- 2.6 The word 'may' when used in this bylaw shall be construed as permissive and empowering, and the word 'shall' when used in this bylaw shall be construed as imperative.

3.0 GENERAL

- 3.1 Subject to anything to the contrary in this Bylaw, all trucks transporting Dangerous Goods are also subject to the Traffic Safety Bylaw as amended from time to time.

4.0 INSPECTION

- 4.1 Unless otherwise exempted by the *Transportation of Dangerous Goods Regulations*, a Carrier shall, when requested to do so by an Enforcement Officer, produce for such an officer's inspection the shipping document showing the description, and origin of all consignments of Dangerous Goods being transported.

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4.2 Particulars obtained by an Enforcement Officer from a shipping document produced under section 4.1 and submitted by them 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.

5.0 DANGEROUS GOODS ROUTE EXCEPTIONS

5.1 No Carrier shall transport Dangerous Goods other than on a Dangerous Goods Truck Route except:

- To obtain or deliver Dangerous Goods from or to a location off a Dangerous Goods Truck Route or to gain access to a Vehicle Storage Location, in which event the Carrier shall:
 - Proceeded on a Dangerous Goods Truck Route to the Truck Route which forms the most direct route to the collection or delivery point or Vehicle Storage Location;
 - Proceeded 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;
 - If applicable, proceed on the street specified in (ii) directly to the collection or delivery point or the Vehicle Storage Location; and
 - Return to the Dangerous Goods Truck Route on the same street and Truck Route; or
- To obtain emergency repairs or service at the nearest Service Station or Repair Depot located on a Truck Route.

6.0 STOPPING

6.1 No Carrier shall stop within the Town except:

- In compliance with an Enforcement Officer, an Inspector or traffic control device;
- To load or unload;
- Repair or refuel the vehicle; or
- At a Vehicle Storage Location.

7.0 SPECIAL PERMITS

7.1 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 5.1.

7.2 A special permit may be issued by the Chief Administrative Officer by contacting Municipal Enforcement Services. Applications shall contain evidence to support that compliance with Section 5 is impracticable.

7.3 The special permit may grant total or partial exemption from the requirements of Section 5 and may impose any terms and conditions considered necessary in the circumstances to safeguard the citizens of the Town and their property.

7.4 Any contravention of the terms and conditions contained in a special permit issued pursuant to Section 7.3 shall render such special permit invalid.

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Verna Staples, Legislative Services Manager
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Verna Staples
Signature

Nov 21 2023
Date

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8.0 ENFORCEMENT

8.1 Where an Enforcement Officer has reasonable grounds to believe that a Person has contravened any provision of this Bylaw, the Enforcement Officer may commence proceedings against such Person by:

- a. Issuing the Person, a Violation Ticket pursuant to the provisions of the ;
- b. Swearing out an Information and Complaint against the Person; or
- c. In lieu of prosecution, issuing the Person a Bylaw Violation Tag in a form as approved by the Chief Administrative Officer.

8.2 Where an Enforcement Officer issues a Person a Violation Ticket in accordance with Section 8.1 of this Bylaw, the Officer may either:

- a. allow the Person to pay the specified penalty as provided for in Schedule "A", which is hereunto attached and forms part of this Bylaw, by indicating such specified penalty on the Violation Ticket; or
- b. require a Court appearance of the Person where the Enforcement Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*.

8.3 Where a Bylaw Violation Tag is issued to a Person and is not paid within 14 days of the date of issue, the Enforcement Officer may proceed by way of prosecution in accordance with Sections 8.1 or 8.2 of this Bylaw.

8.4 A Person shall not prevent or obstruct an Enforcement Officer from carrying out any official duty authorized by the provisions of this Bylaw or by the provision of the *Municipal Government Act*.

9.0 GENERAL PENALTY PROVISION

9.1 Any Person that violates any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of \$10,000 or in default of payment of the fine to imprisonment for a period not exceeding one year, or to both fine and imprisonment in such amounts.

10.0 MINIMUM AND SPECIFIED PENALTIES

10.1 The specified and minimum penalties, and penalties in lieu of prosecution payable for a violation of any of the provisions of this Bylaw are as is set out in Schedule "A", which is hereunto attached to and forms part of this Bylaw, and which may be amended from time to time.

11.0 GENERAL PROVISIONS AND COMING INTO FORCE

11.1 If any term, clause or condition of this bylaw or the application thereof is found to be invalid or unenforceable, the remainder of this bylaw or application of such term, clause or condition shall not be affected and shall remain in force and effect.

11.2 Nothing in this bylaw relieves any person from compliance with any other bylaw or any applicable federal or provincial law, regulation or enactment.

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Verna Staples, Legislative Services Manager
Town of Diamond Valley 403-933-4348

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Verna Staples 16/01/2023
Signature Date

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11.3 In the event of a conflict between this bylaw and any other bylaw or any applicable federal or provincial law, regulation or enactment respecting public health and safety, the other bylaw, law, regulation or enactment shall prevail to the extent of the conflict.

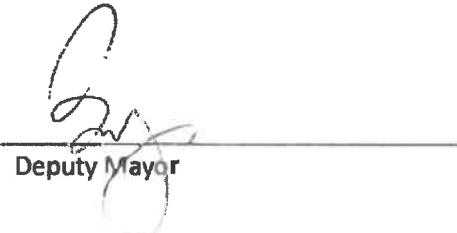
11.4 This bylaw repeals Black Diamond Bylaw 04-01 in its entirety and all amendments thereto and Turner Valley Bylaw 98-764 in its entirety and all amendments thereto.

11.5 This bylaw shall come into force upon signed approval by the Minister responsible for Transportation and Economic Corridors, or delegated representative, and third reading by the Council.

READ A FIRST TIME on the 15th day of November 2023

READ A SECOND TIME on the 15th day of November 2023

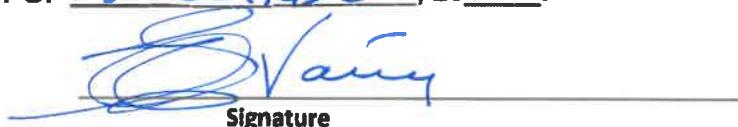
READ A THIRD AND FINAL TIME on the 15th day of November, 2023


Deputy Mayor


Chief Administrative Officer

APPROVED BY THE Minister responsible for Transportation and Economic Corridors, or delegated representative.

THIS 8th DAY OF December, 2023.


Signature

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Verna Staples, Legislative Services Manager
Town of Diamond Valley 403-933-4348

Elected Official Initial bk

Verna Staples Nov 21 2023
Signature Date

CAO Initial B

SCHEDULE "A"**PENALTIES**

SECTION	OFFENCE	SPECIFIED PENALTY	MINIMUM PENALTY
4.1	Carrier fail to produce shipping documents for Dangerous Goods being transported	\$2000	\$1000
5.1	Carrier transport Dangerous Goods in contravention of provisions	\$2000	\$1000
6.1	Carrier stop within Town in contravention of provisions	\$2000	\$1000
8.4	Obstruct Enforcement Officer	\$2000	\$1000

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Verna Staples Nov 21 2023
Signature Date

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SCHEDULE "B"

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) as prescribed by legislation, permits travel along a street or highway. The sign shall be supplemented with proper advance and directional arrows (1B-5 to 1B-9) to indicate a turn or a 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 reflectorized or illuminated to show the same color and shape by night as by day.



Dangerous Goods Prohibition Sign indicates that Dangerous Goods Carriers, as prescribed by legislation, are prohibited from travelling 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-69T) may be used for an educational period. The signs shall be reflectorized or illuminated to show the same color and shape by night as by day.



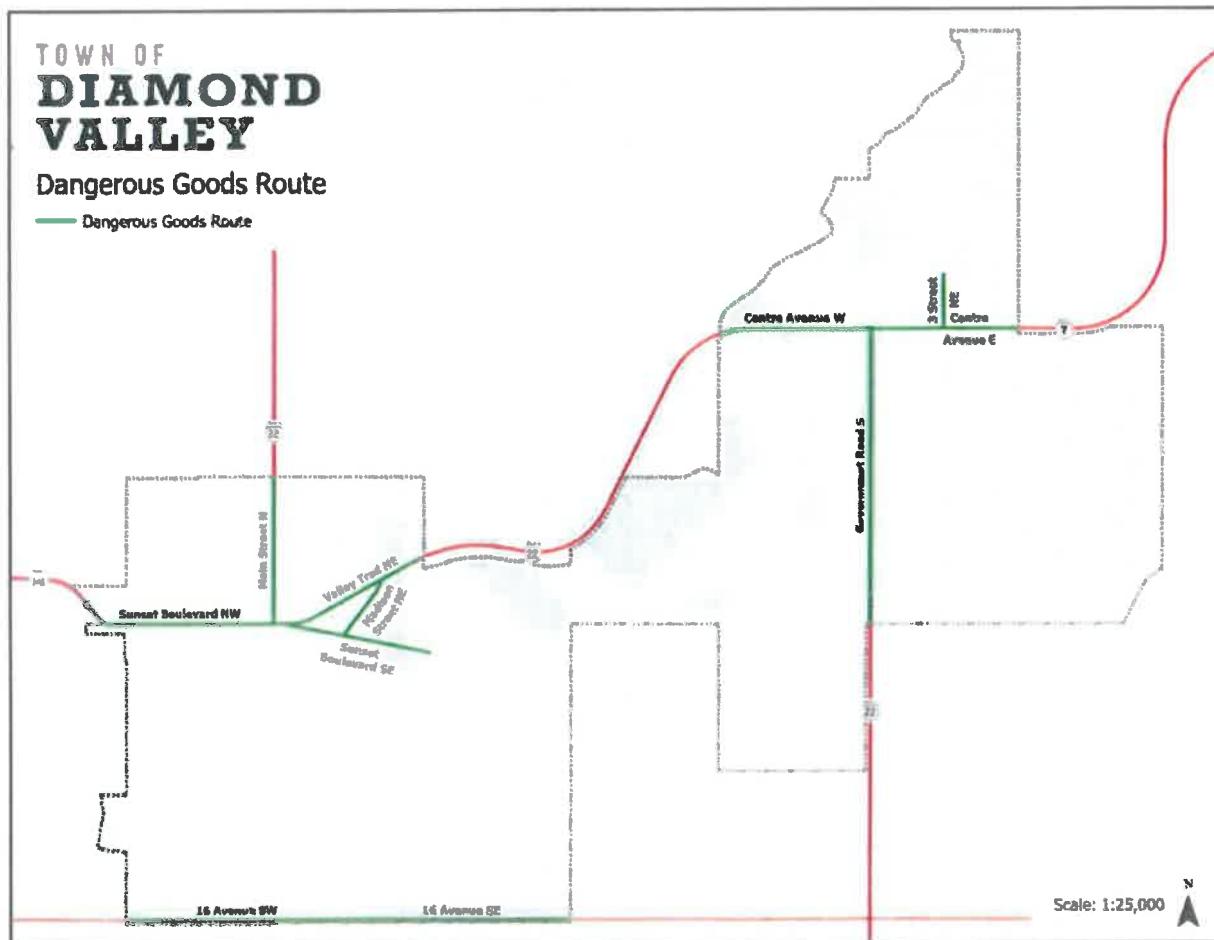
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Signature Date

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SCHEDULE "C"**DANGEROUS GOODS ROUTE**

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Verna Staples Apr 21 2023
Signature Date

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