

CITY OF PRINCE GEORGE

BYLAW NO. 8192

**A bylaw of the City of Prince George to regulate the transport of dangerous goods.**

**WHEREAS** Council may, pursuant to Section 23(1) of the *Transport of Dangerous Goods Act*, designate the route and time of travel of road vehicles transporting dangerous goods, and prohibit the carrying of dangerous goods on the highways specified in the bylaw, with respect to highways under its direction, control and management;

**AND WHEREAS**, Council considers it necessary to restrict the transport of dangerous goods over certain highways vested in the municipality to reduce risk to public health and safety, the natural environment, and public works;

**NOW THEREFORE**, Council of the City of Prince George, in an open meeting assembled, **ENACTS AS FOLLOWS:**

**Section 1 - Introduction**

**1.1 Title**

This bylaw may be cited as the "City of Prince George Transport of Dangerous Goods Bylaw No. 8192, 2009."

**1.2 Definitions**

In this bylaw:

**"Authorized Person"** means the head of the Development Services Department, or a person designated in writing by the head of the Development Services Department to carry out any act of function under this bylaw;

**"Bylaw Enforcement Officer"** means an officer or employee of the City who has responsibility for inspection and enforcement related to bylaw compliance;

**"Carrier"** means any person transporting dangerous goods within, into, through or out of the City by any road vehicle;

**"City"** means the City of Prince George;

**"Dangerous goods"** shall have the same meaning as that term is given in the *Transport of Dangerous Goods Act* (B.C.) as amended from time to time;

**"Dangerous goods route"** means those portions of highways under the direction, control and management of the City and more particularly described in

Schedule "A" and outlined in black in Schedule "B" of this Bylaw. For clarity, arterial highways under the direction, control and management of the Province of British Columbia are shown in Schedule "B" as such for convenience only, as this Bylaw only applies to highways that are under the direction, control and management of the City;

**"Highway"** includes a street, road, lane, bridge, viaduct and any other way open to public use and under the direction, control and management of the City, other than a private right of way on private property;

**"Permitted road vehicle storage location"** means any area which is at least one hundred and fifty (150) metres away from the nearest residential, institution or assembly occupancy as defined in the British Columbia Building Code, and is:

- a) zoned for Fleet Service, Non-Accessory Parking, Outdoor Storage, Railway, Truck or Rail Terminal, or Warehousing & Storage in the City of Prince George Zoning Bylaw No. 7850, 2007, or
- b) permitted parking in the City of Prince George Parking and Traffic Bylaw No. 6056, 1993.

**"Residential Road"** means a highway classified as a Local Road by the City and abutting residentially-zoned properties under the City of Prince George Zoning Bylaw No. 7850, 2007.

**"Road vehicle"** means a vehicle as defined in the *Motor Vehicle Act (B.C.)* from time to time;

**"Service station"** means any premises used for the retail sale of road vehicle fuel, lubricant, or other automotive fluids;

**"Vehicle repair shop"** means any premises used for the servicing and incidental replacement of parts and fluids of engines, road vehicles or trailers, or general repair, rebuilding, or reconditioning of engines, road vehicles or trailers.

### 1.3 General Provision

Unless otherwise defined herein, all phrases in this Bylaw shall have the meanings given in the *Local Government Act*, *Community Charter* and *Transport of Dangerous Goods Act*.

### 1.4 Transitional Provision

This Bylaw shall not come into force or effect until September 1, 2009.

**Section 2 – Regulation of the Transportation of Dangerous Goods**

- 2.1** Council hereby designates those portions of the highways described in Schedule “A” and outlined in black in Schedule “B” to be dangerous goods routes.
- 2.2** No carrier may transport dangerous goods on a highway except on a dangerous goods route designated under this Bylaw.
- 2.3** Despite Section 2.2, a carrier may depart from and return to a designated dangerous goods route using the closest and most direct route possible:
- a. for the purpose of picking up or delivering dangerous goods to a destination indicated on a bill of lading for those dangerous goods;
  - b. for the purpose of accessing a permitted road vehicle storage location; or
  - c. to obtain emergency repairs or service to the road vehicle carrying dangerous goods at the vehicle repair shop nearest to the place where the carrier determines that such emergency repairs or service is necessary,

and provided that the carrier does not travel on residential roads in a vehicle with five (5) or more axles and a Gross Vehicle Weight over 13,500 kg.

- 2.4** No carrier may stop his or her road vehicle within the City except:
- a) as instructed by a Peace Officer, an inspector under the *Transport of Dangerous Goods Act*, or a traffic control device;
  - b) to load or unload dangerous goods from the road vehicle;
  - c) to repair or refuel the road vehicle;
  - d) at a permitted road vehicle storage location;
  - e) due to mechanical failure of the road vehicle;
  - f) due to a spill, emission or discharge of dangerous goods from any container or packaging being transported by the road vehicle; or
  - g) due to a road vehicle accident involving the road vehicle.
- 2.5** The Authorized Person may designate temporary dangerous goods routes if he or she considers that one or more of the dangerous goods routes designated under this Bylaw are unfit or impractical for use by carriers because of road repairs, emergency situations or other conditions which would unduly jeopardize the safety of persons or property.

**Section 3 – Severability**

3.1 If any section, subsection, clause, sub-clause or phrase of this Bylaw is for any reason held to be invalid, unlawful or unenforceable by the decision of any Court of competent jurisdiction, that section, subsection, clause, sub-clause or phrase shall be struck from the Bylaw and its severance shall not affect the validity of the remaining portions of this Bylaw.

**Section 4 – Offence and Penalty**

- 4.1 Every person who violates any provision of this Bylaw, or who permits, suffers or allows any act to be done in violation of any provisions of this Bylaw, or who neglects to do anything required to be done by any provisions of this Bylaw, commits an offence punishable upon summary conviction and is subject to a fine not less than \$2,000 and not more than \$10,000, or a term of imprisonment not exceeding six months, or both.
- 4.2 Each day during which any violation, contravention or breach of the Bylaw continues shall be deemed a separate offence.
- 4.3 This Bylaw may be enforced by means of a ticket in the form prescribed for the purpose of section 264 of the *Community Charter*.
- 4.4 Pursuant to section 264(1)(b) of the *Community Charter*, Bylaw Enforcement Officers, members of the Royal Canadian Mounted Police and the Authorized Person are designated to enforce this Bylaw.
- 4.5 Pursuant to section 264(1)(c) of the *Community Charter*, the words or expression in Column 1 of Schedule "C" to this Bylaw designate the offence committed under the Bylaw section number appearing in Column 2 opposite the respective words or expression.
- 4.6 Pursuant to section 265(1)(a) of the *Community Charter*, the fine amount in Column 3 of Schedule "C" to this Bylaw is the fine amount that corresponds to the words or expression and section number set out in Columns 1 and 2 opposite the fine amount.
- 4.7 Council hereby delegates the authority to refer any disputed tickets to the Provincial Court to Bylaw Enforcement Officers and to the Authorized Person.

READ A FIRST TIME THE           **27th**           DAY OF           **APRIL**           , **2009**

READ A SECOND TIME THE       **27th**           DAY OF           **APRIL**           , **2009**

READ A THIRD TIME THE         **27th**           DAY OF           **APRIL**           , **2009**

First three readings passed by a **unanimous** decision of Members of City Council present and eligible to vote.


Certified correct as passed First Three Readings, this the **28<sup>th</sup>** day of **April**, **2009**.

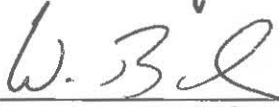
  
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CORPORATE OFFICER OF  
THE CITY OF PRINCE GEORGE

APPROVED BY THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE PURSUANT TO SECTION 23(2) OF THE TRANSPORT OF DANGEROUS GOODS ACT, R.S.B.C. 1996, C.458, THIS **25<sup>th</sup>** DAY OF **JUNE**, **2009**

  
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FOR MINISTER OF TRANSPORTATION  
AND INFRASTRUCTURE

ADOPTED THIS THE **13<sup>th</sup>** DAY OF **JULY**, **2009**, BY A **UNANIMOUS** DECISION OF ALL MEMBERS OF CITY COUNCIL PRESENT AND ELIGIBLE TO VOTE.

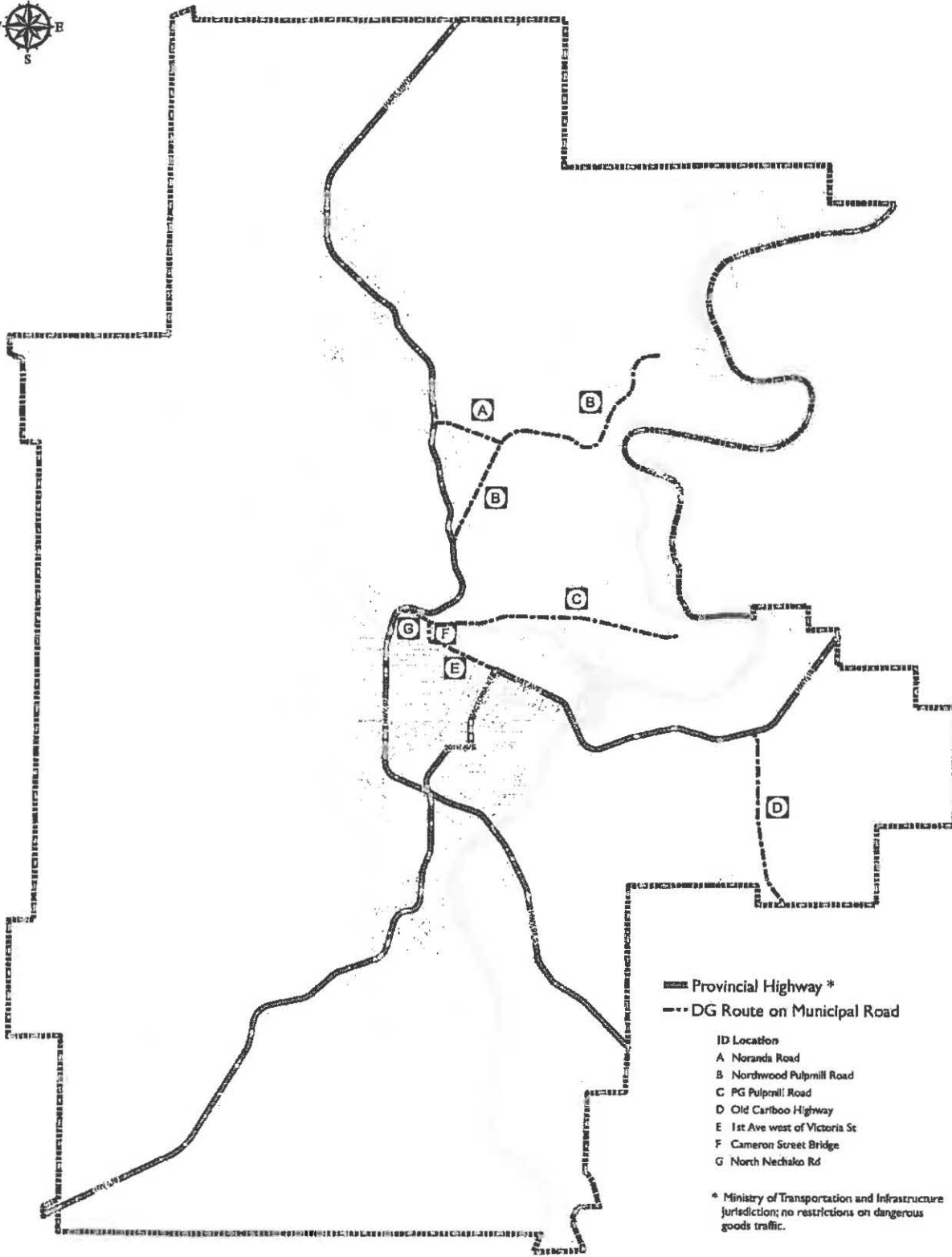
  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CORPORATE OFFICER

**Schedule "A" Dangerous Goods Routes in Prince George**

<b>STREET</b>	<b>FROM</b>	<b>TO</b>
Noranda Road	Highway 97	Northwood Pulpmill Road
Northwood Pulpmill Road	Highway 97	East Limit
Prince George Pulpmill Road	Cameron Street Bridge	East Limit
Old Cariboo Highway	Highway 16	City Limit
1 <sup>st</sup> Avenue	Victoria Street	Carney Street / River Road
Cameron Street Bridge	River Road	Prince George Pulpmill Road
North Nechako Road	Cameron Street Bridge	Highway 97 Interchange

Schedule "B" Prince George Dangerous Goods Routes Map



**Schedule "C" Municipal Ticket Information Fine Schedule**

<b>Column 1 Description of Offence</b>	<b>Column 2 Section #</b>	<b>Column 3 Fine</b>
Fail to transport dangerous goods on a designated dangerous goods route	2.2	\$200.00
Transporting dangerous goods in oversize/overweight vehicle on residential street	2.3	\$200.00
Stopping within the City	2.4	\$200.00