

CITY OF WHITEHORSE

BYLAW 98-25

A bylaw to regulate the transportation of dangerous goods in the City of Whitehorse.

WHEREAS Sections 254, 267, 271, 286, 382, 383, and 384 of the *Municipal Act* provides that Council may create bylaws to regulate the transportation and storage of dangerous products; and,

WHEREAS the Council of the City of Whitehorse deems it advisable to set forth terms and conditions to regulate the transportation of dangerous goods in and through the City of Whitehorse;

NOW THEREFORE the Council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the "**Dangerous Goods Bylaw**".

DEFINITIONS

2. In this bylaw,
 - (1) "carrier" means any person conveying dangerous goods by vehicle and includes the owner, lessor, and/or operator of any such vehicle;
 - (2) "city" means the City of Whitehorse;
 - (3) "city manager" means the City Manager of the City of Whitehorse;
 - (4) "constable" means a Bylaw Constable of the City of Whitehorse;
 - (5) "dangerous goods" means any product, substance or organism included by its nature or by the regulations in any of the prescribed classes of dangerous goods pursuant to the Dangerous Goods Transportation Act;
 - (6) "dangerous goods route" means a highway, or a portion of a highway or a series of connecting highways designated as a dangerous goods route;
 - (7) "dangerous goods route signs" means those signs identified in Appendix C attached to and forming part of this bylaw;

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- (8) “highway” means any cul de sac, boulevard, thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and includes,
 - (a) land used as a highway, land surveyed for use as a highway, and land designated by the Commissioner in Executive Council as a road allowance;
 - (b) a bridge or other public improvement incidental to a highway; and
 - (c) an ice road.
 - (9) “local depot” means a place normally utilized for the normal activities of a carrier;
 - (10) “safety mark” includes any design, symbol, device, sign, label, placard, letter, word, or abbreviation, or any combination thereof, that is prescribed for display on dangerous goods or containers, packaging or vehicles used in the transportation of dangerous goods pursuant to the Dangerous Goods Transportation Act;
 - (11) “shipping document” means any document that accompanies dangerous goods being transported and that describes or contains information relating to the dangerous goods, and includes a bill of lading, cargo manifest, shipping order and way-bill pursuant to the Dangerous Goods Transportation Act;
 - (12) “vehicle” means a device in, upon or by which a person or thing may be transported or drawn upon a highway;
3. No carrier shall transport in or on any vehicle within the corporate limits of the City of Whitehorse, any dangerous goods for which safety marks are required under the Dangerous Goods Transportation Act, other than on an approved Dangerous Goods Route as listed in Appendix "A", attached to and forming part of this Bylaw, unless the said carrier is:
- (1) obtaining dangerous goods from or delivering dangerous goods to a location by the most direct route, other than on the Miles Canyon Road from the Alaska Highway to the float plane base as described in Appendix B, or,
 - (2) proceeding to or from a local depot by the most direct route, other than on the Miles Canyon Road from the Alaska Highway to the float plane base as described in Appendix B.

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4. No carrier transporting dangerous goods for which safety marks are required under the Dangerous Goods Transportation Act shall stop within the City of Whitehorse except:
 - (1) along the designated Dangerous Goods Routes (Highways #1 and #2); or
 - (2) at a local depot; or
 - (3) to load or unload; or
 - (4) in compliance with a Constable or a traffic control device; or
 - (5) to refuel or repair the vehicle. If repairs are required, the carrier must inform the Fire Department of:
 - (a) the location of the vehicle;
 - (b) the type of dangerous goods being hauled; and
 - (c) the length of time required to make the necessary repairs.

5. The City Manager or his/her designate may determine the location of road signage as per Appendix C, in accordance with sections 3 and 4 of this bylaw.

EXEMPTIONS

6. Portable fuel tanks under 600 litres are exempt from this Bylaw.

GENERAL PROVISIONS

7.
 - (1) A carrier shall, when requested by a Constable, produce for such Constable's review, any shipping documents, or any other document showing the origin and destination of the trip and description of the load.
 - (2) Particulars obtained by a Constable under this section and submitted as evidence in Court shall be prima facie proof of the particulars thereon submitted in evidence without proof of the signature or official capacity of the person signing the document.

SUMMARY CONVICTIONS

8.
 - (1) Any carrier that violates sections 3 or 4 of this bylaw commits an offence and is liable on conviction to a fine of \$ 500.00.

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- (2) A notice or form commonly called a Summary Conviction Ticket issued in accordance with the Yukon Summary Convictions Act may be issued by a Constable to any carrier alleged to have breached any provision of sections 3 and 4 of this bylaw, and the said notice requires the payment in an amount of \$500.00.
- (3) A Summary Conviction Ticket shall be deemed to be sufficiently served:
 - (a) if served on the carrier;
 - (b) if mailed to the address of the registered owner of the vehicle concerned or to the carrier concerned; or
 - (c) if attached to or left upon the vehicle used by the carrier.

REPEAL OF EXISTING LEGISLATION

- 9. Bylaw 91-61, including all amendments thereto, is hereby repealed.

COMING INTO FORCE

- 10. This bylaw shall come into full force and effect upon the final passing thereof.

FIRST and SECOND READING: June 22, 1998
THIRD READING and ADOPTION: July 13, 1998

ORIGINAL BYLAW SIGNED BY:

Mayor: "*Kathy Watson*"

City Clerk: "*Pat Burke*"

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APPENDIX A

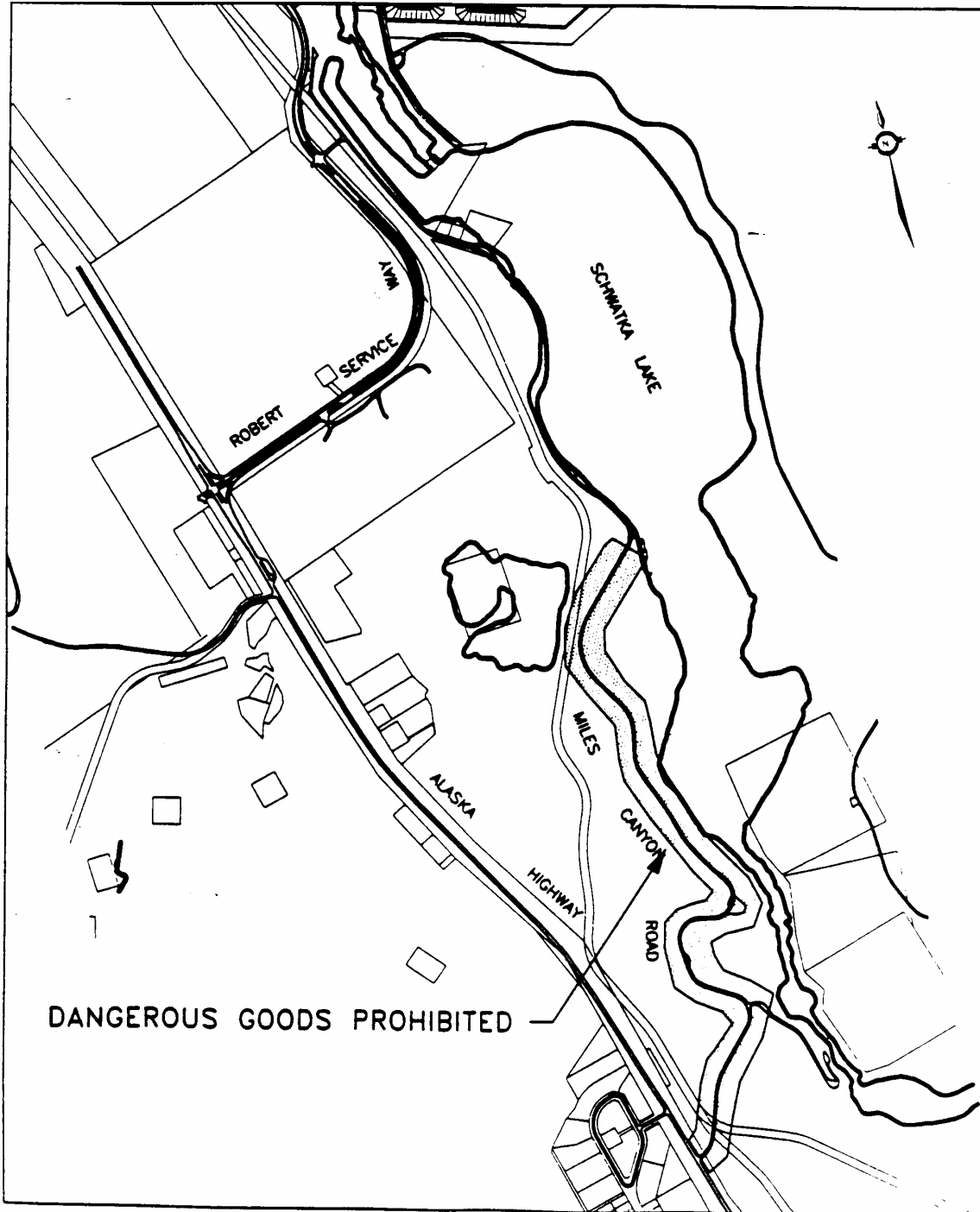
That portion of Highway #1 (the Alaska Highway) located within the City boundaries; and

That portion of Highway #2 (the Klondike Highway) located within the City boundaries.

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APPENDIX B

The following map indicates the portion of Miles Canyon Road that is prohibited from transporting dangerous goods.



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APPENDIX C

Road Signs, as noted below, shall be used on highways to indicate permitted/prohibited routes.

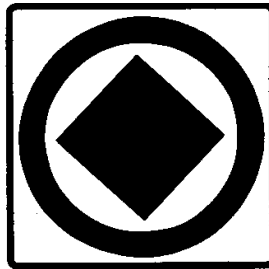
Illustrations of Signs

1. Dangerous Goods Route Sign

The Dangerous Goods Route sign as illustrated below, shall indicate that carriers are permitted to travel along this highway.

Green

Black



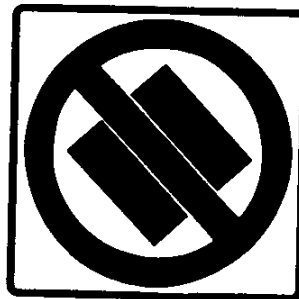
60 x 60 cm

2. Dangerous Goods Prohibited Sign

The Dangerous Goods Prohibited Sign included as illustrated below, shall indicate that carriers are prohibited from travelling on this highway

Red

Black



60 x 60 cm

The signs shall be reflectorized or illuminated to show the same colour and shape by night as by day