

TOWN OF SELKIRK

BY-LAW NO. 4763

BEING A BY-LAW OF THE TOWN OF SELKIRK TO PROVIDE FOR THE REGULATION OF THE TRANSPORTATION OF DANGEROUS GOODS ROUTES WITHIN THE TOWN OF SELKIRK.

This By-Law may be referred to as the Town of Selkirk Transportation of Dangerous Goods and Truck Route By-Law.

WHEREAS Section 43 of the Dangerous Goods Handling and Transportation Act, permits a municipal corporation to by-law regulate the transportation of dangerous goods within the boundaries of the corporation;

AND WHEREAS it is deemed necessary and in the best interest of The Town of Selkirk to regulate the transportation of dangerous goods within the Town of Selkirk;

NOW THEREFORE the Council of the Town of Selkirk, duly assembled in an open meeting, enacts as follows:

DEFINITIONS

1. In this By-Law:
 - (1) “dangerous goods” means “dangerous goods” as defined in The Dangerous Goods Handling and Transportation Act;
 - (2) “dangerous goods routes” means those highways, roads and streets, and portions thereof, designated under Schedule ”B” to this By-law;
 - (3) “semi-trailer truck” means a truck tractor and semi-trailer combined;
 - (4) “trailer” means a vehicle designed for carrying persons or chattels, and for being towed by a motor vehicle, and includes a farm trailer and includes an implement of husbandry that is temporarily towed, propelled, or moved upon a highway;
 - (5) “transport” means hauling, moving, conveying, or delivery of goods by means of a vehicle on a highway;
 - (6) “truck” mean a motor vehicle or semi-trailer truck that is not a delivery car and that is constructed or adapted to carry goods, wares, and merchandise, freight or commodities, but not passengers or luggage;
 - (7) “truck route” means those highways, roads and streets, or portions thereof designed under Schedule “A” to this By-Law;
 - (8) “truck tractor” means a motor vehicle designed and used primarily for towing other vehicles, and not so constructed as to carry a load other than the driver thereof and a part of the weight of any vehicle so towed including the load thereon;
 - (9) “vehicle” means a “vehicle” as defined in The Highway Traffic Act;

DESIGNATION OF DANGEROUS GOODS ROUTE STREETS

2. The highways, roads and streets, or portions thereof, described in Schedule “B” as amended from time to time by resolution to this By-Law are hereby designated as Dangerous Goods Route Streets.

DANGEROUS GOODS LIMITED TO DANGEROUS GOODS ROUTE STREETS

3. No person shall operate or move a vehicle transporting dangerous goods on or over any highway, road or street, or portion thereof, with the Town of Selkirk which has not been designated as a Dangerous Goods Route Street, except that where the point of origin or destination of the dangerous goods cannot be reached by way of a Dangerous Goods Route Street. A person may operate and move a vehicle transporting dangerous goods on any highway, road or street provided a Truck Route is followed to and from the intersection nearest the point of origin or destination.

SHORTEST ROUTE TO BE FOLLOWED

4. Subject to Clause 3, every person operating or moving a vehicle transporting dangerous goods shall follow the shortest most direct route through the Town of Selkirk and to and from points of origin and destination within The Town of Selkirk, but where a Truck Route by-passes, or partially by-passes The Town of Selkirk, the by-pass shall be followed.

STOPPING PROHIBITED

5. No person shall stop or park a vehicle transporting dangerous goods on a Dangerous Goods Route Street.

SPECIAL PERMITS

6. The Director of Engineering and Public Works of The Town of Selkirk may in his discretion, issue a special permit authorizing a vehicle to be operated and moved on or over a Truck Route, or any other highway, road or street within The Town of Selkirk, notwithstanding that such operation and movement is otherwise prohibited under this By-Law.

IMPOSITION OF CONDITION

7. In granting a special permit, the Director of Engineering and Public Works may require the vehicle to be operated or moved under such conditions as The Town of Selkirk may, in its discretion impose.

PROHIBITION AGAINST BREACH OF CONDITIONS

8. Every person operating or moving a vehicle under the authority of a special permit shall comply with all conditions imposed therein.

VICAROUS LIABILITY

- 9. For the purpose of this By-Law and prosecutions thereunder, a person shall be conclusively deemed to have operated and moved a vehicle if the vehicle has been operated or moved by another person who
 - a) is an employee or agent of the person first mentioned; and
 - b) while operating or moving the vehicle, is acting within the general scope of his or her employment or agency.

PENALTY

- 10. (1) Every person who breaches any provisions of this By-Law is guilty of an offence and is liable on summary conviction to a fine not exceeding \$1,000.00 in addition to costs, and in case of non-payment of the fine and costs, may be imprisoned for a period not exceeding thirty days.
- (2) Where the contravention, refusal, neglect, omission or failure continues for more than one day, the person s guilty of a separate offence for each day it continues.

REPEAL

- 11. By-Law No. 4585 of the Town of Selkirk is hereby repealed.

DONE AND PASSED by Council of the Town of Selkirk, in Regular session assembled this 9th day of August A.D., 1993.

Original signed by RS Oliver

Mayor

Original signed by Gloria J. Vinie

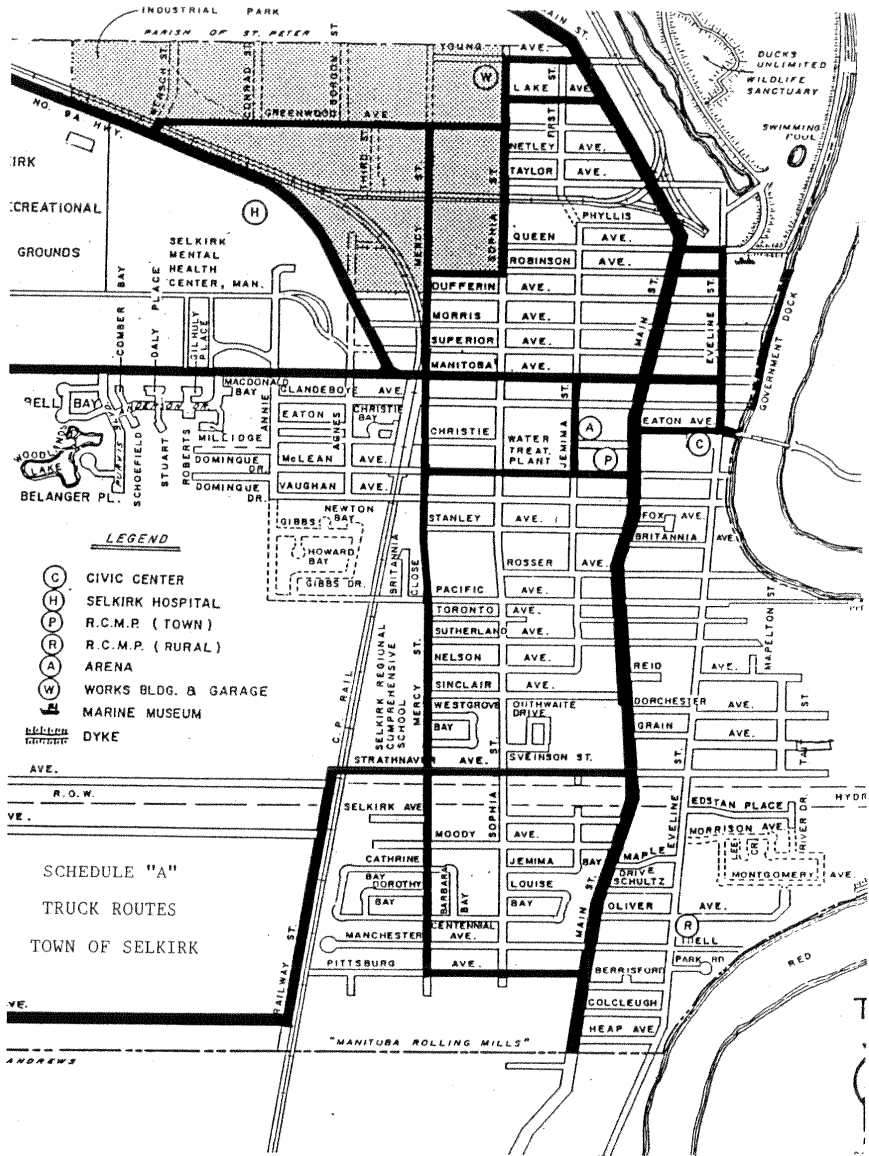
Secretary -Treasurer

READ A FIRST TIME this 26 day of July, A.D., 1993.

READ A SECOND TIME this 9 day of August, A.D., 1993.

READ A THIRD TIME this 9 day of August, A.D., 1993.

pursuant to provisions of the Municipal Act, Subsection 183 (2).



LEGEND

- (C) CIVIC CENTER
- (H) SELKIRK HOSPITAL
- (P) R.C.M.P. (TOWN)
- (R) R.C.M.P. (RURAL)
- (A) ARENA
- (W) WORKS BLDG. & GARAGE
- (M) MARINE MUSEUM
- (D) DYKE

SCHEDULE "A"
TRUCK ROUTES
TOWN OF SELKIRK

ANDREWS