

**TOWN OF INUVIK  
BY-LAW #2651/TR/20**

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**A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF INUVIK IN THE NORTHWEST TERRITORIES TO REGULATE THE TRANSPORTATION OF DANGEROUS GOODS**

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PURSUANT TO the *Cities, Towns and Villages Act* of the Northwest Territories, S.N.W.T. 2003, c.22 as amended, and the *Transportation of Dangerous Goods Act*, R.S.N.W.T. 1988, c.81 (Supp.) as amended;

**NOW THEREFORE BE IT RESOLVED** that the Council of the Municipal Corporation of the Town of Inuvik in session duly assembled enacts as follows:

**1.0 SHORT TITLE**

1.1 This by-law may be cited as the “**Dangerous Goods Routing By-law**”.

**2.0 DEFINITIONS**

2.1 In this by-law:

- (a) “**Carrier**” means any person operating a vehicle for the conveying of dangerous goods into, through or out of the Town of Inuvik by any vehicle including, but not as to restrict the foregoing, truck trailer, or semi trailer.
- (b) “**Council**” means the Council of the Municipal Corporation of the Town of Inuvik.
- (c) “**Dangerous Goods**” means any product, substance or organism that falls within any of the classes listed in Schedule A attached to and forming part of this by-law.
- (d) “**Dangerous Goods Route**” means a highway or road so designated in Schedule B attached to and forming part of this by-law.
- (e) “**Director of Protective Services**” means the Director of Protective Services of the Municipal Corporation of the Town of Inuvik.
- (f) “**Peace Officer**” means a motor vehicle Officer appointed under subsection 318(1) of the *Motor Vehicles Act*, and a person who ex officio is a motor vehicle Officer under subsection 318(2) of the *Motor Vehicles Act*.
- (f) “**Permitted 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 and at least fifteen (15) metres away from any other building and is acceptable to the Town Manager.
- (g) “**Residential Occupancy**” means the occupancy or use of a building or part thereof by persons for whom sleeping accommodation is provided but who are not harboured or detained to receive medical care or treatment or are not involuntarily detained.
- (h) “**Safety Mark**” includes any design, symbol, device, sign, label, placard, letter, word, number, abbreviation or any combination thereof that is to be displayed on dangerous goods, packaging or containers or vehicles used in the transportation of dangerous goods.
- (i) “**Senior Administrative Officer**” means the Senior Administrative Officer of the Municipal Corporation of the Town of Inuvik.
- (j) “**Town**” means the Municipal Corporation of the Town of Inuvik.
- (k) “**Transportation of Dangerous Goods Act**” means the *Transportation of Dangerous Goods Act*, R.S.N.W.T. 1988, c.81 and all amendments thereto.
- (l) “**Transportation of Dangerous Goods Regulations**” means the *Transportation of Dangerous Goods Regulations*, R-049-2002 and all amendments thereto.

### **3.0 TRANSPORTATION RESTRICTIONS**

- 3.1 No person shall transport within the Town limits any dangerous goods for which safety marks are required by the Government of the Northwest Territories *Transportation of Dangerous Goods Act and Regulations* made pursuant thereto in or on any vehicle other than on an approved Dangerous Goods Route as designated in Schedule B attached to and forming part of this by-law, and as identified by such safety marks which conform to the standards and specifications set out in the "Uniform Traffic Control Manual for Canada" unless the said person is:
- i) obtaining dangerous goods from or delivering dangerous goods to a location in the Town of Inuvik by the most direct route between Dangerous Goods Routes; or
  - ii) proceeding to or from a vehicle storage location by the most direct route between Dangerous Goods Routes.
- 3.2 Notwithstanding Section 3.1, where a person is required to transport dangerous goods off a designated Dangerous Goods Route, a permit on a form established by the Town must be obtained from the Senior Administrative Officer or from the Director of Protective Services during regular business hours.
- 3.3 Upon application from a carrier, the Senior Administrative Officer or Director of Protective Services may issue an off-route permit authorizing the transportation of dangerous goods on a roadway within the town limits where, for any reason, a designated dangerous goods route cannot be used by the carrier or does not reach the destination of the carrier and provided that such transportation may, in the opinion of the Senior Administrative Officer or Director of Protective Services, be conducted safely.
- 3.4 No person transporting dangerous goods for which safety marks are required shall stop within the Town except:
- a) at a permitted storage location;
  - b) to load or unload;
  - c) when required by a Peace Officer;
  - d) to repair or refuel the vehicle; or
  - e) in compliance with a valid permit.
- 3.5 A person shall, when requested by a Peace Officer, produce for such Officer's inspection any shipping document, any permit issued pursuant to this by-law, or any other document showing the origin and destination of the trip and a description of the load.

### **4.0 EXCEPTIONS**

- 4.1 This by-law shall not apply to the following quantities of dangerous goods being transported for delivery within the Town of Inuvik:
- i) Individual containers of less than 50 kilograms or consumer packaged merchandise transported by vehicle with a gross weight under 11,000 kilograms;
  - ii) Fuel in the tank or tanks of the carrier vehicle, provided the fuel is carried in permanently mounted tanks with a maximum capacity of 2000 litres; or,
  - iii) Vehicles transporting fuel oil UN-1202 to a location within the municipality.

### **5.0 SPILLS REPORTING AND COST RECOVERY**

- 5.1 The owner of a vehicle, or their authorized agent, transporting dangerous goods which sustains a spill release within the town shall immediately report such spill or release to the Town in a manner and form satisfactory to the Senior Administrative Officer or the Director of Protective Services.

- 5.2 It shall be an offence under this by-law for any person to wilfully spill or release dangerous goods within the town.
- 5.3 Where the Town of Inuvik Protective Services/Fire Department has taken any action whatsoever for the purpose of mitigating or responding to a dangerous goods or hazardous material call or incident within or outside the town or for the purpose of preserving life or property, or the environment from injury or destruction on land within or outside of the town, including any such action taken by Town Protective Services/Fire Department on a false call or incident, the Senior Administrative Officer may, in respect of any costs incurred by the Town in taking such action, charge any costs so incurred by the Town to the person who caused the call or incident or the owner or occupant of the land in respect of which the action was taken.
- 5.4 The carrier assumes all responsibility for cleaning up any spills.
- 5.5 The schedule of costs and fees to be charged by the Town for services rendered pursuant to this by-law shall be set out in the Town of Inuvik Fees and Charges Policy FM.021.
- 5.6 In respect of the costs or fees described in sections 5.3 and 5.4:
- a) The Town may recover such cost or fee as a debt due and owing to the Town; and,
  - b) In the case of action taken by the Town in respect of land within the Town, where the cost or fee is not paid upon demand by the Town, then in default of payment, such cost or fee may be charged against the land as taxes due and owing in respect of that land.

## **6.0 PENALTIES**

- 6.1 Any corporation which fails or neglects to perform the duties or requirements imposed upon it under the provisions of this by-law is guilty of an offence and liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000.00).
- 6.2 Any other person who contravenes any of the provisions or requirements of this by-law is guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars (\$2,000.00).
- 6.3 An Officer may issue a Summary Offence Ticket Information in the form prescribed by the *Summary Conviction Procedures Act* and regulations, to any person who violates any provision of this by-law and such person may, in lieu of prosecution, pay the Town the applicable voluntary penalty prior to the court date specified on the ticket. Specified penalties for offenses under this by-law are listed in Schedule C attached to and forming part of this by-law.

## **7.0 SEVERABILITY**

- 7.1 If any provision or part of a provision of this by-law is declared by court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

## **8.0 REPEALS**

- 8.1 By-laws 88-1025, 90-1119 and any previous transportation of dangerous goods routing by-laws currently in effect are hereby repealed.


## **9.0 EFFECT**

- 9.1 This by-law shall come into effect upon the day of its final passage.

READ A FIRST TIME THIS 15<sup>TH</sup> DAY OF APRIL, 2020 A.D.

READ A SECOND TIME THIS 15<sup>TH</sup> DAY OF APRIL, 2020 A.D.

READ A THIRD TIME AND FINALLY PASSED THIS 29<sup>TH</sup> DAY OF APRIL, 2020 A.D.

  
MAYOR

  
SENIOR ADMINISTRATIVE OFFICER

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Town of Inuvik.

  
SENIOR ADMINISTRATIVE OFFICER

**SCHEDULE A**

**CLASSES OF DANGEROUS GOODS**

Class 1 – Explosive, including explosives within the meaning of the Government of Canada Explosives Act.

Class 2 – Gases: compressed, liquified, or dissolved under pressure.

Class 3 – Flammable and combustible liquids.

Class 4 – Flammable solids: substances liable to spontaneous combustion: substance that on contact with water will emit flammable gases.

Class 5 – Oxidizing substances: organic peroxides.

Class 6 – Poisonous (toxic) and infectious substances.

Class 7 – Radioactive materials and prescribed substances within the meaning of the Government of Canada Atomic Energy Control Act.

Class 8 – Corrosives

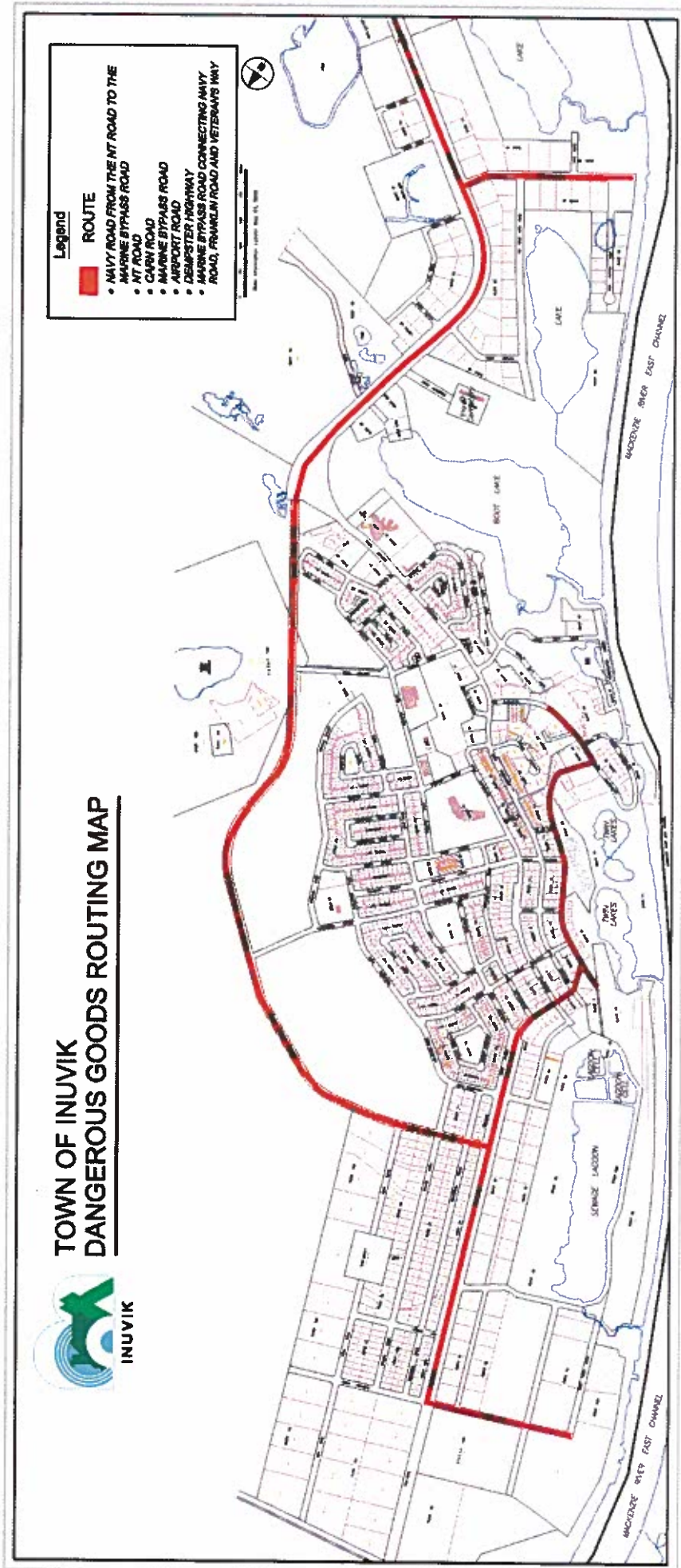
Class 9 – Miscellaneous dangerous substances or organisms not included in any other classes listed herein.

SCHEDULE B

DANGEROUS GOODS ROUTING MAP

TOWN OF INUVIK  
 BY-LAW 2651/TR/20

SCHEDULE B



SCHEDULE C

SPECIFIED PENALTIES

SECTION	OFFENCE	SPECIFIED PENALTY
3.1	Drive vehicle carrying dangerous goods contrary to the by-law	\$500.00
3.2	Fail to produce Town Permit to transport dangerous goods off dangerous goods route	\$500.00
3.4	Fail to produce documents which identify origin and destination of trip and description of load contrary to the by-law	\$500.00
5.1	Failure to immediately report a spill or release of dangerous goods	\$1000.00