

Bill No. 44 of 1946.

A BILL TO AMEND THE PUBLIC WORKS ACT

NOTE.

This Bill introduces three new sections into *The Public Works Act*.

The proposed section 42*a* prohibits the excavating or removal of earth within six feet of power line poles, etc., erected on a road allowance or other highway. It has been found that where such excavations take place the poles may be blown over the highway and create a serious menace to life in certain circumstances.

Section 42*b* of the Bill prohibits the owner or occupant of irrigated land abutting on a highway from permitting irrigation water to escape from the land into a highway ditch. Subsection (2) provides a penalty for a breach of subsection (1), which penalty may include an amount based on the damage caused to the highway.

Section 42*c* prohibits the owner or occupant of land abutting on a highway from constructing a ditch or drain on his land within fifty feet of the road allowance without the written approval of the Minister of Public Works.

W. S. GRAY,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 44 of 1946.

An Act to amend The Public Works Act.

(Assented to _____, 1946.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Public Works Act*, being chapter 73 of the Revised Statutes of Alberta, 1942, is hereby amended by adding immediately after section 42 thereof the following new sections:

“42a.—(1) Where any poles have been erected on a road allowance or surveyed road or highway for the purpose of conveying electricity or electrical power and are used for such purpose, no person shall excavate or remove or cause to be excavated or removed any earth from any portion of the road allowance, surveyed road or highway which is within a distance of six feet from any such pole.

“(2) Any person violating the provisions of subsection (1) shall be guilty of an offence and liable on summary conviction to a penalty of not less than ten dollars nor more than fifty dollars, and in default of payment to imprisonment for a term of not less than ten days nor more than sixty days, and if such offence is committed by a corporation it shall be liable to a penalty of not less than twenty-five nor more than one hundred dollars.

“42b.—(1) No person who is the owner or occupant of irrigated land abutting on a road allowance, surveyed road or highway shall cause or permit any water, used or intended to be used for irrigation purposes, to escape from such land into a highway ditch upon such road allowance, surveyed road or highway or upon any other part of such road allowance surveyed road or highway.

“(2) Any person who violates the provisions of subsection (1) shall be guilty of an offence and liable on summary conviction to a penalty not exceeding one hundred dollars and in fixing the penalty the Court shall take into account any damage that may have been done to the road allowance, surveyed road or highway through the escape of water, and shall include in the penalty such sum as appears to the Court to be a reasonable compensation for the damage caused as aforesaid, subject always to the maximum hereinbefore provided for.

“42c.—(1) No person who is the owner or occupant of land abutting on road allowance, surveyed road or highway shall construct or cause to be constructed a ditch or drain

upon his land for any purpose whatsoever within fifty feet of such road allowance, surveyed road or highway unless he has first obtained the written approval of the Minister to the construction of the ditch or drain.

“(2) Any person who violates the provisions of subsection (1) shall be guilty of an offence and liable on summary conviction to a penalty of not less than fifty dollars nor more than two hundred dollars, or in default of payment to imprisonment for a term of not less than ten days nor more than thirty days, and if such person after being convicted hereunder shall continue to maintain such ditch or drain or does not fill it to the satisfaction of the Minister within fourteen days after the conviction he shall be guilty of an offence and liable on summary conviction to a further penalty of not less than ten dollars nor more than twenty-five dollars for each day after the expiration of said period of fourteen days during which he fails or neglects to fill up the ditch or drain, or in default of payment to imprisonment for a term of not less than thirty days nor more than ninety days.”

2. This Act shall come into force on the day upon which it is assented to.

THIRD SESSION
TENTH LEGISLATURE
10 GEORGE VI
1946

BILL
An Act to amend The Public Works
Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. FALLOW.

EDMONTON:
A. Shnitka, King's Printer
1946