

Bill No. 91 of 1951.

A BILL TO AMEND THE TOWN AND RURAL
PLANNING ACT.

NOTE.

This Bill amends *The Town and Rural Planning Act*, being chapter 169 of the Revised Statutes of Alberta, 1942.

Section 2 is amended by striking out clause (ff) and by substituting a new definition of the term "official scheme". The meaning of official scheme is extended so that as well as public improvements it will include improvements made jointly by the municipal authorities and private enterprises.

Section 6 is struck out and a new section is substituted. The effect of the amendment is to prohibit the construction of any object, other than a fence, either above or below the ground, nearer to the highway than the building line established under the Act.

Section 12, clauses (g), (h) and (i), sections 13 to 16, inclusive, section 17, subsection (1), sections 18 to 21, inclusive, and sections 29 to 34, inclusive, are amended by adding the word "official" before the word "scheme". These amendments are necessary because of the effect of the 1950 amendment changing the word "official" to the word "general".

Section 12a is amended to clarify the position of any municipal authority administering its territory under an interim development order and to make certain that the sections of the Act applying to zoning by-laws likewise apply to by-laws enacted under authority of an interim development order.

Section 16 is amended by the addition of a new subsection (4) which provides that where a District Planning Commission has prepared a general plan or official scheme for adoption by several municipalities, instead of each municipality being required to advertise its intention to adopt the plan, the District Planning Commission will advertise the intended adoption and hear objections on behalf of all the municipalities, after which the Commission will report to the municipalities concerned.

Section 21 is amended. The amended section enables a local authority to expropriate lands required for an official project. The local authority already has power to ex-

appropriate neighboring lands which may be injuriously affected and lands which, if not controlled, might prejudice the success of the project. Provision is also made in subsection (2) for compensation of the owners of land so taken.

Section 31 is struck out and replaced by a new section. The existing section provides that a zoning by-law shall be deemed not to injuriously affect property. In addition to this, the new section provides that a by-law passed pursuant to section 12a and an interim development order shall likewise be deemed not to injuriously affect property.

This Bill comes into force on the 1st day of July, 1951.

KENNETH A. MCKENZIE,
Legislative Counsel.

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

BILL

No. 91 of 1951.

An Act to amend The Town and Rural Planning Act.

(Assented to _____, 1951.)

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

1. *The Town and Rural Planning Act*, being chapter 169 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. Section 2 is amended by striking out clause (ff) and by substituting the following: Section 2 amended

“(ff) ‘official scheme’ means a plan or scheme for the specific development of any particular part of a municipality in a manner consistent with the general plan, if any;” ‘official scheme’

3. Section 6 is struck out and the following is substituted: Section 6 amended

“**6.** No person shall construct or place nearer to a highway than the building line established under this Act any building, erection, structure, storage tank, gasoline pump, billboard, lumber or other article or object other than a fence, whether above or below the ground, unless,— Observance of building line

“(a) plans, designs and specifications therefor have been previously approved by the Board; and

“(b) the construction or placement is completed in accordance with the plans, designs and specifications.”

4. Section 12, clauses (g), (h) and (i), is amended by adding immediately before the word “scheme”, wherever it occurs, the word “official”. Section 12 amended

5. Section 12a is amended,— Section 12a amended

(a) by adding immediately after the words “exercise control”, where they occur in subsection (2), the words “by by-law”;

(b) by adding immediately after subsection (3) the following new subsection:

“(4) The provisions of this Act with respect to the enactment, application, amendment and enforcement of a zoning by-law shall apply to any by-law passed pursuant to this section, the necessary changes being made.”

Sections 13,
14 and 15
amended

6. Sections 13, 14 and 15 are amended by adding immediately before the word "scheme", wherever it occurs, the word "official".

Section 16
amended

7. Section 16 is amended,—

- (a) by adding immediately before the word "scheme", wherever it occurs, the word "official";
- (b) by adding immediately after subsection (3) the following new subsection:

District
Planning
Commission
to hear
objections

"(4) Where a general plan or official scheme has been prepared by a District Planning Commission, the Commission, on behalf of the municipalities concerned, shall,—

- “(a) do everything required by this section to be done by a municipality; and
- “(b) submit to the councils of the municipalities concerned all written objections received, together with the recommendations of the Commission with respect thereto.”

Section 17
amended

8. Section 17, subsection (1) is amended by adding immediately before the word "scheme" the word "official".

Sections 18,
19 and 20
amended

9. Sections 18, 19 and 20 are amended by adding immediately before the word "scheme", wherever it occurs, the word "official".

Section 21
amended

10. Section 21 is amended,—

- (a) by adding immediately before the word "scheme", where it occurs in subsection (1), the word "official";
- (b) by striking out the words "in addition to", where they occur in subsection (1), and by substituting the words "acquire, by expropriation or otherwise,";
- (c) by striking out the word "acquire", where it occurs in subsection (1) immediately after the word "project", and by substituting the words "and any";
- (d) by striking out subsection (2) and by substituting the following:

Compensa-
tion for
lands taken

"(2) When any land is acquired under the authority of subsection (1), the owner of the land shall have the same right to compensation therefor as he would have if the land were being acquired for public purposes by the municipality under the provisions of the municipal Act by which it is governed, and in acquiring the land and undertaking any necessary arbitration proceedings, the council shall proceed in the manner which is prescribed in the municipal Act for the acquisition of land for public purposes.";

(e) by striking out the word "additional" where it occurs in subsection (5).

11. Sections 29 and 30 are amended by adding immediately before the word "scheme", wherever it occurs, the word "official". Sections 29 and 30 amended

12. Section 31 is amended,— Section 31 amended

(a) by striking out subsection (1) and by substituting the following:

"31. (1) Property shall not be deemed to be injuriously affected by reason of the passing or making, pursuant to this Act, of,— Property not deemed injuriously affected

"(a) a zoning by-law;

"(b) a by-law passed pursuant to section 12a;

"(c) an interim development order.";

(b) by adding immediately before the word "scheme", where it occurs in subsection (2), the word "official".

13. Sections 32, 33 and 34 are amended by adding immediately before the word "scheme", wherever it occurs, the word "official". Sections 32, 33 and 34 amended

14. This Act shall come into force on the first day of July, 1951. Coming into force

No. 91.

FOURTH SESSION
ELEVENTH LEGISLATURE

15 GEORGE VI

1951

BILL

An Act to amend The Town and
Rural Planning Act.

Received and read the

First time

Second time

Third time

HON. MR. GERHART.
