

Bill No. 17 of 1953

A BILL PROVIDING A MEANS OF OBTAINING
ORDERLY DEVELOPMENT OF MUNICIPALITIES
IN THE PROVINCE BY PLANNING THE DEVELOP-
MENT AND THE USE OF LAND

NOTE

This Bill enacts *The Town and Rural Planning Act, 1953*, which repeals and replaces the existing *The Town and Rural Planning Act*.

In general *The Town and Rural Planning Act, 1953*, is a consolidation and revision of the earlier Act. The earlier Act was first enacted in 1929 as *The Town Planning Act* and replaces two Acts dating from 1922 and 1928, respectively. In the years since 1929 many additions, amendments and other alterations have been made to the earlier Act in the course of which its scope was considerably enlarged.

The new Act is divided into three Parts.

Part I deals with those matters which are of a provincial nature or originate with the provincial authorities or affect rights throughout the Province without regard to municipal divisions. In this Part are found the provisions relating to the establishment of district planning commissions, relating to zoning caveats, and relating to restrictions on certain transfers of interest in land.

Part II deals with those matters which originate with or within municipalities, or are by their nature of municipal concern. In this Part are found the provisions relating to compulsory subdivisions, replotting schemes, general plans, interim controls, zoning by-laws and general by-laws required under this Act, the municipal planning boards or commissions, by-law enforcements and other matters.

Part III contains certain miscellaneous provisions not included in Part I or Part II.

This Bill comes into force on the 1st day of July, 1953.

J. W. RYAN,
Acting Legislative Counsel.

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

BILL

No. 17 of 1953

An Act Providing a Means of Obtaining Orderly Development of Municipalities in the Province by Planning the Development and the Use of Land

(Assented to , 1953)

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

1. This Act may be cited as "*The Town and Rural Planning Act, 1953*". Short title

Interpretation

2. In this Act, unless the context otherwise requires,
- | | |
|---|-------------------------------|
| (a) "Board" means the Provincial Planning Advisory Board established pursuant to this Act; | Interpretation
"Board" |
| (b) "council" means the council of any city, town, village, municipal district, county, and in the case of an improvement district means the Minister of Municipal Affairs; | "council" |
| (c) "commission" means a district planning commission established pursuant to this Act; | "commission" |
| (d) "Director" means the Director of Town and Rural Planning; | "Director" |
| (e) "development scheme" means a scheme made by a council under section 74; | "development scheme" |
| (f) "general plan" means the statement the preparation of which is authorized by a council under section 64; | "general plan" |
| (g) "interim development control" means the control exercised under section 69; | "interim development control" |
| (h) "interim development by-law" means a by-law passed pursuant to an interim development order; | "interim development by-law" |
| (i) "interim development order" means an order of the Minister made pursuant to section 71; | "interim development order" |
| (j) "Minister" means that member of the Executive Council for the time being charged with the administration of this Act; | "Minister" |
| (k) "municipality" means a city, town, village, municipal district, county and improvement district; | "municipality" |
| (l) "non-conforming building" means a building constructed or lawfully under construction at the date of the first publication of the official notice of a | "non-conforming building" |

- proposal to pass a zoning by-law in the municipality within which the building is situate and which does not or will not conform to the requirements of the zoning by-law when passed;
- "non-conforming use" (m) "non-conforming use" means
- (i) that use being made of land or a building, or
 - (ii) that use intended to be made of a building lawfully under construction
- at the date of the first publication of the official notice of a proposal to pass a zoning by-law in the municipality within which the land or building is situate and which use does not or will not conform to the requirements of the zoning by-law when passed;
- "parcel" (n) "parcel" means a parcel of land that is registered in a Land Titles Office and is the subject of a separate certificate of title;
- "Registrar" (o) "Registrar" means a Registrar of Titles under *The Land Titles Act*;
- "replotting scheme" (p) "replotting scheme" means a scheme authorized by a council under section 35;
- "small parcel" (q) "small parcel" means an area of land containing less than five acres
- (i) adjoining a main highway established pursuant to *The Public Highways Act*, or
 - (ii) situated within
 - (A) the boundaries of a city, town or village, or
 - (B) two miles of a city, or
 - (C) one mile of a town or village, or
 - (D) a hamlet within the meaning of *The Municipal District Act*;
- "subdivision" and "subdivide" (r) "subdivision" means an area of land which has been divided into two or more parcels whether by plan or by description or otherwise, and "subdivide" has a corresponding meaning;
- "zoning by-law" (s) "zoning by-law" means a by-law passed pursuant to section 81;
- "zoning caveat" (t) "zoning caveat" means a caveat prepared by the Director under the provisions of section 17.

Division of Act

Division
of Act

3. For convenience of reference only, this Act is divided into Parts and classified under the following headings:

Part	Section
I	PROVINCIAL PLANNING
	Provincial Planning Advisory Board
	District Planning Commissions.....
	Zoning Caveats
	Transfers
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PART I

PROVINCIAL PLANNING

Provincial Planning Advisory Board

4. The Lieutenant Governor in Council may appoint a Director of Town and Rural Planning, may prescribe his duties and fix his salary. Director
of Town
and Rural
Planning

5. There shall be a Provincial Planning Advisory Board which shall consist of Provincial
Planning
Advisory
Board

- (a) the Director of Town and Rural Planning who shall be the executive member of the Board,
- (b) such representatives of Departments of the Provincial Government concerned with any aspects of urban and rural development within the Province as may be appointed by the Lieutenant Governor in Council.

6. Subject to the provisions of *The Public Service Act, 1947*, the Lieutenant Governor in Council may appoint such other officers, clerks and employees as may be necessary to assist the Director. Personnel

7. The Provincial Planning Advisory Board shall Duties of
Board
- (a) confer with and advise the Director of Surveys as to any regulations made or hereafter to be made respecting plans of subdivision pursuant to *The Surveys and Expropriation Act* and administer such regulations subject to any provisions contained therein to the contrary,
 - (b) hear and decide appeals in all cases where by virtue of any by-law passed by any council under the provisions of this Act the Provincial Planning Advisory Board is assigned such duties,

- (c) discharge any other duties or functions conferred upon it by this or any other Act or assigned to it by the Minister,
- (d) make an annual report to the Minister concerning the activities of the Provincial Planning Advisory Board which shall be submitted by the Minister to the ensuing session of the Legislature.

Powers of
Board re
planning
and
development

8. The Provincial Planning Advisory Board may

- (a) advise and assist any council in the planning and orderly development of its municipality and as to the methods whereby such planning and orderly development may be effected,
- (b) encourage the planning and orderly development of the municipalities of the Province and collect such information, undertake such research and publish and disseminate such material as will serve this purpose,
- (c) pay moneys and make grants to any municipality or district planning commission for such purposes and within such amounts as may be specified by the Lieutenant Governor in Council from time to time.

Powers of
Board re
meetings,
delegation of
duties and
regulations

9. The Provincial Planning Advisory Board may

- (a) fix a quorum for its meetings,
- (b) delegate such of its duties as may seem to it proper to any person or persons,
- (c) make regulations prescribing forms to be used and the procedures to be followed in carrying out the intent of this Part.

District Planning Commissions

Application
to establish
district
planning
commission

10. The Lieutenant Governor in Council, upon receipt of an application made by the councils of two or more municipalities and upon the recommendation of the Provincial Planning Advisory Board, by order, subject to the provisions hereinafter contained, may establish a district planning commission.

Order
establishing
commission

11. The order establishing a commission shall specify

- (a) the municipalities which shall be represented on the commission and the name of the commission,
- (b) the area to be known as the district planning area with respect to which the commission shall exercise its powers,
- (c) the number of members to be appointed to the commission by each represented municipality,
- (d) the number of members to be appointed to the commission by the Provincial Planning Advisory Board to represent the Province.

12. The Lieutenant Governor in Council may make regulations with respect to a commission Regulations
re
commission

- (a) prescribing the proportions in which any funds required to meet the expenses of the commission are to be contributed by the represented municipalities and the Province,
- (b) governing the organization of the commission, the holding of its meetings and the transaction of its business in general.

13. Upon receipt of an application made by Amendment
of order
establishing
commission

- (a) the council of a municipality for representation on a commission, or
- (b) a commission
 - (i) for the representation of a council of a municipality on the commission, or
 - (ii) for the alteration of the district planning area of the commission,

the Lieutenant Governor in Council, upon the recommendation of the Provincial Planning Advisory Board, by order, may provide for the representation of the municipality on a commission, or alter the district planning area, as the circumstances may require, and amend the order establishing the commission.

14. A commission may Powers of
commission

- (a) study the resources and development of the district planning area with a view to preparing a general plan for the area,
- (b) advise and assist the council of any municipality represented on the commission in the planning and orderly development of the municipality and on matters affecting planning and orderly development which are of common concern to the municipality and any other municipality or the Province,
- (c) prepare and recommend to the council of any municipality represented on the commission a general plan, development scheme and zoning by-law, or any of them,
- (d) promote public interest in the planning and orderly development of the district planning area,
- (e) appoint such planning engineers, consultants or other officers as may be necessary for any of the purposes of the commission,
- (f) expend such funds as may be furnished by the municipalities represented on the commission and the Province for any of the purposes of the commission,
- (g) exercise such rights and powers and perform such duties as may be vested in it by the Lieutenant Governor in Council or delegated to it by a council of a municipality represented on the commission.

Zoning Caveats

Land
affected
by zoning

15. The provisions of sections 16 to 24 apply to land that is not

- (a) located within the boundaries of any city or town, and
- (b) subject to the provisions of any zoning by-law.

Regulations
re zoning

16. The Provincial Planning Advisory Board may make regulations

- (a) setting out a list of districts into any or all of which any proposed subdivision may be classified or divided by the Director,
- (b) prescribing, prohibiting and regulating, as to each district, such things as a council, under the provisions of section 81, may do by zoning by-law.

Zoning
caveat

17. (1) The Director, in his discretion, may divide or classify any proposed subdivision into any or all of the districts set out in the regulations and prepare and sign a caveat to be known as a zoning caveat.

(2) The zoning caveat shall

- (a) specify and describe the districts into which the Director has divided or classified the subdivision,
- (b) set out the regulations applicable to each such district,
- (c) be signed by the Director,
- (d) be filed in the proper Land Titles Office at the time the plan of subdivision is submitted for registration.

Signing of
zoning
caveat by
owner

(3) The owner of the subdivision may sign the zoning caveat but if he does so the zoning caveat shall be witnessed and sworn pursuant to the provisions of section 150 of *The Land Titles Act*.

Filing of
unsigned
zoning
caveat

(4) If the owner of the subdivision does not sign the zoning caveat, the Director may file the zoning caveat notwithstanding that the signature of the owner of the subdivision is not affixed thereto.

Discharge
of zoning
caveat

18. The Director may

- (a) discharge any zoning caveat in whole or in part, or
- (b) discharge any zoning caveat and file a new zoning caveat in lieu thereof for the purpose of altering the districts into which the subdivision is divided.

Memorandum
of zoning
caveat

19. (1) Upon the filing of a zoning caveat, the Registrar shall endorse a notification of the zoning caveat upon the certificate of title to every lot or parcel that is affected by the zoning caveat.

(2) Upon the endorsement of a notification of a zoning caveat every lot or parcel affected by the zoning caveat is subject to the regulations set out in the zoning caveat and applicable thereto.

20. Until a transfer, disposition or other instrument presented for registration and relating to a lot or parcel affected by a zoning caveat is approved by the Director, the Registrar may refuse to register the transfer, disposition or other instrument if in his opinion the use of the lot or parcel is not or may not be in compliance with the provisions of any zoning caveat applicable thereto.

Approval of
Director

21. The owner of the subdivision and each subsequent owner or occupier of any lot or parcel included in the subdivision shall comply with the regulations set out in the zoning caveat.

Compliance
with zoning
caveat
regulations

22. Any person who violates any provision of the regulations set out in the zoning caveat is guilty of an offence.

Offence

23. The Minister shall have the same powers of enforcement of the regulations set out in a zoning caveat as a council has under this Act in respect of a zoning by-law.

Enforcement
of zoning
caveat
regulations

24. Upon the coming into effect of a zoning by-law affecting a subdivision in respect of which a zoning caveat has been registered,

Effect of
zoning
by-law

- (a) the zoning caveat ceases to have any force or effect, and
- (b) the Director shall forthwith register in the proper Land Titles Office a discharge of the caveat, and thereupon the Registrar shall cancel from each certificate of title the notification of the zoning caveat endorsed thereon.

Transfers

25. (1) No sale, lease, mortgage or charge, and no agreement to sell, lease, mortgage or charge, and no other document or act which would, but for this section, effect the voluntary transfer of an interest in any small parcel of land, the description of which is not of record in a Land Titles Office immediately prior to the execution of the document or completion of the act, shall be effective to pass any interest either at law or in equity in the small parcel until the same has been approved by the Provincial Planning Advisory Board.

Approval of
transfer by
Board

(2) The approval of the Provincial Planning Advisory Board may be given at any time, either before or after the execution of the document or completion of the act, and by such person or persons in such manner and upon such conditions as may be from time to time prescribed by regulation of the Provincial Planning Advisory Board.

26. No transfer of a small parcel adjoining a main highway established pursuant to *The Public Highways Act* shall be approved by the Provincial Planning Advisory Board unless it is first approved by the Minister of Highways.

Approval of
Minister of
Highways
to transfer

Registration

27. (1) The Registrar shall not, by way of caveat or otherwise, make any registration of or founded upon any document or act, of the nature specified in subsection (1) of section 25, without the approval of the Provincial Planning Advisory Board.

(2) Notwithstanding subsection (1), if any such registration is made by the Registrar it shall be valid and effective for all purposes.

(3) Section 25 is not applicable to

(a) a lease, or

(b) an agreement to lease,
for a period of three years or less.

Other
statutes

28. Nothing in sections 25, 26 and 27

(a) shall be deemed to affect the provisions of any other statute relating to subdivisions,

(b) affects the acquisition of land by expropriation under the provisions of any statute or by agreement in lieu of expropriation in cases where the purchaser has the right to expropriate.

PART II

MUNICIPAL PLANNING

Compulsory Subdivisions

Notice that
subdivision
required

29. (1) If an unsubdivided parcel of land is occupied by two or more occupiers of separate premises thereon, the council of the municipality within whose jurisdiction the parcel is situate, subject to the approval of the Provincial Planning Advisory Board, may serve upon the registered owner of the parcel a notice in writing requiring him to register a plan of subdivision of the parcel in the proper Land Titles Office within such period of time as may be specified in the notice.

(2) A certified copy of the notice shall be filed by the council in the proper Land Titles Office and a memorandum thereof shall be endorsed by the Registrar upon the certificate of title of the parcel to which the notice pertains.

Registration
of plan of
subdivision

30. Upon the endorsement of a memorandum of a notice issued pursuant to section 29 on a certificate of title, the Registrar shall not register any instrument purporting to claim or convey an interest in the parcel to which the notice pertains until the registration is consented to or the notice withdrawn or cancelled by the council.

Cancellation
of mem-
orandum
on certificate
of title

31. Upon the registration of the plan of subdivision required by the notice issued pursuant to section 29, the endorsement of the memorandum upon the certificate of title of the owner shall have no further effect and the same shall forthwith be cancelled by the Registrar.

32. If, upon the expiry of the period specified in the notice issued pursuant to section 29, the registered owner of the parcel described in the notice has refused or neglected to register a plan of subdivision as required by the notice, the council, on his behalf and with or without his consent, may have any necessary survey of the parcel made and may register a plan of subdivision thereof.

Survey of
parcel

33. The cost of making the survey and registering the plan of subdivision under the provisions of section 32 are a debt due to the municipality by the registered owner of the parcel in respect of which the notice was issued and are a charge upon the land included in the parcel and shall be added to and become part of the taxes payable on the parcel, and the council may recover the same as part of the general municipal taxes.

Recovery of
costs

34. A subdivision of a parcel made pursuant to the provisions of sections 29 to 33 need not be confined to those portions thereof which are occupied as separate premises at the time of the making of the survey but if the council so requires and subject to the approval of the Provincial Planning Advisory Board, may include the whole parcel or such portion or portions thereof as may suitably be subdivided for future separate occupancy.

Subdivisions
may include
whole parcel

Replotting Schemes

35. The council of a municipality may authorize the preparation of a scheme to be known as a replotting scheme for the purpose of

Replotting
scheme

- (a) cancelling an existing plan of subdivision or a part thereof or consolidating any parcels of land comprised in a subdivision into one area of land, and
- (b) making a new subdivision by means of registering a plan of subdivision of the consolidated area, and
- (c) redistributing the newly subdivided land amongst the owners of the lands so consolidated.

36. A replotting scheme shall be in such form as may be required by the regulations of the Provincial Planning Advisory Board and shall indicate

Form of
replotting
scheme

- (a) the parcels of land which are to be consolidated,
- (b) the names of the registered owners of the parcels and of any persons having any registered interest in those parcels, and the nature of any such interest,
- (c) the assessed value of such parcels, exclusive of any improvements thereon, and the area of each parcel,
- (d) the new subdivision, and the redistribution of the lands among the owners concerned,
- (e) the amount of compensation, if any, proposed to be paid to any owner concerned,

- (f) an estimate of the cost of the scheme and the share of the cost to be
 - (i) charged to each owner concerned, and
 - (ii) charged to the municipality.

Approval of
replotting
scheme

37. (1) When a replotting scheme has been prepared, the council, by resolution passed by vote of not less than two-thirds of all its members, may approve the same.

(2) Notwithstanding subsection (1), unless the replotting scheme has been consented to in writing by the registered owners

- (a) owning sixty per cent of the number of parcels affected by the scheme, and
- (b) assessed for sixty per cent of the assessed value, exclusive of improvements, of the parcels affected by the scheme,

no replotting scheme shall be approved by the council.

Replotting
notice

38. After approving a replotting scheme, the council shall file in the proper Land Titles Office a certified copy of the resolution approving the replotting scheme, together with a list of the parcels affected by the scheme, and thereupon the Registrar shall endorse upon the certificate of title of each such parcel a memorandum of the resolution to be known as a replotting notice.

Proceedings
under
replotting
scheme

39. The endorsement of a replotting notice on a certificate of title shall constitute notice of the replotting scheme to

- (a) all persons having any right, title or interest, in the land affected by the scheme whether the right, title or interest appears upon the certificate of title or not, and
- (b) all persons dealing in the land covered by the title after the endorsement of the replotting notice,

and all such persons are bound by all proceedings under the replotting scheme, whether taken before or after the date of the endorsement of the replotting notice on the certificate of title.

Notice of
proceedings
re replotting
scheme

40. Except only purchasers from the Crown and purchasers under *The Tax Recovery Act*, no person having any right, title, interest, claim or demand, in, to, out of or upon any land affected by the replotting scheme which is not of record against the title to the land in the proper Land Titles Office at the time of the endorsement of the replotting notice upon the title, shall be entitled to receive any notice of any proceedings as to replotting required to be given by this Part.

Notice to
secretary-
treasurer

41. No person who acquires an interest in land affected by a replotting scheme, after the endorsement of the replotting notice upon the title, shall be entitled to receive any

notice of any proceedings as to replotting until he has filed in the office of the municipality written notice of his interest, with evidence of registration thereof and an address to which notices may be mailed.

42. Any allotment, decision, award, consent or other proceeding under sections 35 to 61 are binding upon and ensures to the benefit of the owner of the land thereby affected, his heirs, executors, administrators and assigns. Allotments and decisions binding

43. (1) The council, not later than six months after the filing of the resolution approving a replotting scheme, shall either Discontinuation or adoption of replotting scheme

- (a) discontinue the scheme and file in the proper Land Titles Office a certified copy of the resolution of discontinuance, or
- (b) adopt the scheme and file in the proper Land Titles Office
 - (i) a certified copy of the adopting resolution,
 - (ii) a certified copy of the replotting scheme,
 - (iii) a plan of subdivision made in accordance with the scheme and sealed with the seal of the municipality.

(2) Notwithstanding the provisions of section 78 of *The Land Titles Act*, the plan of subdivision shall be signed on behalf of the municipality by its proper officers and it shall not be necessary to obtain on the plan the signatures of the owners of the land included therein.

44. Upon the filing of a certified copy of the resolution discontinuing a replotting scheme, the Registrar shall cancel all replotting notices relating to that scheme. Cancellation of replotting notices

45. Upon the filing of the certified copy of the resolution adopting a replotting scheme, together with the documents required to be filed therewith, the Registrar shall Duties of Registrar when replotting scheme adopted

- (a) register the plan of subdivision,
- (b) make such registrations, cancellations and issue such certificates of title and do such other things as may be proper and necessary to carry out the replotting scheme,
- (c) register persons named in the certified copy of the replotting scheme as the owners of the parcels allotted to them under the replotting scheme as owners in fee simple in possession, subject only to such encumbrances as appeared on the certificate of title to the former parcel in lieu of which the new allotment is made.

Effect of
filing
resolution
adopting
replotting
scheme

46. (1) Upon the Registrar accepting for filing the certified copy of the resolution adopting a replotting scheme, together with the documents required to be filed therewith,

- (a) the replotting scheme and the redistribution of the newly subdivided land thereby made is binding for all purposes upon all persons having any right, title or interest in the parcels affected by the scheme, subject only to such rights to compensation as is given them by this Part,
- (b) except as is otherwise provided in the replotting scheme, all rights, obligations and incidents of ownership of the owner of any parcel affected by the scheme or of an interest therein, and all public and private relationships whatsoever with respect to such parcel, shall be deemed to be transferred to and exist with respect to the new parcel allotted to such owner to the same extent and in the same manner as they existed with regard to the first mentioned parcel,
- (c) all municipal rates, taxes, assessments and charges levied against any parcel affected by the replotting scheme and the owner thereof shall be levied against the new parcel, and the new parcel and the owner thereof shall be subject to all proceedings taken and to be taken for the collection of such municipal rates, taxes, assessments and charges in any manner provided by law.

Taxes and
levies prior
to filing not
affected

(2) Nothing in this section shall be deemed to affect the power of a municipality to assess and to levy taxes and rates upon the parcels affected by the replotting scheme up until the time the Registrar accepts for filing the certified copy of the resolution adopting the scheme and the documents required to be filed therewith.

Apportioning
costs of
replotting
scheme

47. The cost of any replotting scheme shall be apportioned between the municipality and the owners of the lands comprised therein in the manner set out in the scheme.

Special
levy

48. (1) The portion of the cost of a replotting scheme payable by the municipality may be raised by a special tax levied and collected upon all lands and improvements in the municipality liable to assessment and taxation for general purposes.

(2) The portion of the cost of a replotting scheme payable by the owners of the lands comprised in the replotting scheme may be raised by a special tax levied and collected upon and from the lands comprised in the replotting scheme and liable to assessment and taxation for general purposes.

(3) All the provisions of any Act relating to the levying, payment and recovery of the general taxes of the municipality and applicable to the municipality, apply to a special tax levied under this section as if such tax were a general tax of the municipality.

49. (1) The municipality, by the issue of debentures, may borrow any sum or sums of money required to pay the cost of and incidental to a replotting scheme as if the replotting scheme had been made as a local improvement under any Act providing for local improvements and applicable to the municipality.

Debenture
borrowing

(2) The sums required for the repayment of any such debenture shall be apportioned between the municipality and the owners of the land comprised in the replotting scheme in the same manner as is provided in section 47 for the apportionment of the cost of the replotting scheme, and shall be raised by special taxes in the same manner as is provided in section 48.

50. If a person who is the owner of any registered estate, right, title or interest in land affected by the replotting scheme has not consented in writing to the scheme at the time the Registrar accepts for filing the certified copy of the adopting resolution and the documents required to be filed therewith, the council shall deposit with the Board of Public Utility Commissioners, within fourteen days of the registration of the plan of subdivision made under the replotting scheme, a certified copy of

Deposit of
documents
with Board
of Public
Utility Com-
missioners

- (a) the adopting resolution, and
- (b) the plan of subdivision, and
- (c) the replotting scheme.

51. A person who, at the time the Registrar accepts for filing the certified copy of the adopting resolution, has any registered right, title or interest in any land affected by the scheme and who has not previously consented to the scheme shall be entitled to apply for compensation and to receive the same in such amount as may be determined by the Board of Public Utility Commissioners.

Application
for
compensation

52. (1) The Board of Public Utility Commissioners, within thirty days after the council has made the deposit referred to in section 50, shall

Hearing

- (a) fix a time and place for the hearing of applications for compensation by all persons entitled to make such application,
- (b) send notice in writing to all such persons not later than ten days before the day fixed for the hearing.

(2) At the time and place fixed for the hearing or at any subsequent adjournment, the Board of Public Utility Commissioners shall hear and determine the applications for compensation.

53. The Board of Public Utility Commissioners may allow compensation for and on account of

Purposes for
which
compensation
allowable

- (a) the loss of value of the former parcel insofar as adequate compensation is not afforded by the new parcel allotted,

- (b) the loss or damage to or the cost of moving buildings or improvements upon the former parcel,
- (c) the loss of income from the use of buildings or the special condition or use of the former parcel caused by the carrying out of the replotting scheme.

When compensation prohibited

54. No compensation shall be allowed by the Board of Public Utility Commissioners in respect of

- (a) any costs, expenses, loss, damage or inconvenience incurred or sustained in investigating any replotting scheme, or in presenting any claim, or arising out of or caused by the promotion of any replotting scheme, or by any delay in proceeding to adopt or discontinue the same,
- (b) any actual or anticipated loss or inconvenience of access to any new parcels or the use of any municipal or public utility or service due to the fact that any new highway is not open to traffic,
- (c) any actual or anticipated loss, damage or inconvenience suffered in common by all or the greater part of the owners of the replotted lands,
- (d) any building or structure constructed, erected or placed upon land after the date of the endorsement of the replotting notice, or any alterations made to any existing buildings or any improvements to land subsequent to the date of endorsement of the replotting notice, or any actual or anticipated loss, damage or expense incidental thereto or incidental to the removal of any such building or structure,
- (e) any reduction in or loss of value on account of reduction of area within the limits of a right to take land for highway purposes contained in the Crown grant of the land or a statute applying to the land.

Determining amount of compensation payable

55. In determining the amount of compensation payable the Board of Public Utility Commissioners shall

- (a) ascertain the actual value of the former parcel as at the date of the acceptance for filing by the Registrar of the certified copy of the resolution and the documents required to be filed therewith, but shall not deduct from such value any increase in value caused by or attributed to the existence of the replotting scheme,
- (b) ascertain the actual value of the new parcels as at the date of filing of the certified copy of the resolution and the documents required to be filed therewith.

Compensation payable part of cost of replotting scheme

56. The compensation as fixed by the Board of Public Utility Commissioners shall be deemed to be part of, and shall be included in, the cost of the replotting scheme and it shall be paid by the municipality and recovered in the manner provided for the recovery of the costs of a replotting scheme.

57. Except only for the purpose of presenting a claim for compensation under the provisions of this Part to the Board of Public Utility Commissioners, no person shall at any time be entitled to make or proceed with any demand, claim or action whatsoever against the municipality or any of its officers, servants or workmen

Protection to officers, etc.

- (a) for any loss or damage sustained or threatened or anticipated by reason of anything done in the promotion or execution of any replotting scheme, or
- (b) for or in respect of any matter whatsoever caused by or arising out of any act or proceeding done or taken pursuant to the provisions of sections 35 to 61.

58. A municipality, by its servants, workmen or contractors, may

Carrying out works

- (a) move any buildings, structures, erections or utilities the removal of which is required pursuant to the provisions of any replotting scheme,
- (b) carry out any other works required to complete the replotting scheme.

59. A municipality may dispose of any new parcels allotted to it pursuant to a replotting scheme in any manner provided by law for the disposition of the former parcels.

Disposal of allotted parcels

60. In the absence of any express provision to the contrary, any proceedings, or any act or matter incidental thereto, required to be taken or done by the municipality under sections 35 to 59 shall be taken or done by resolution of the council.

Proceedings to be taken by resolution

61. The assent of the electors or burgesses of a municipality shall not be required for any proceedings taken pursuant to sections 35 to 60 by a municipality.

Assent of electors unnecessary

62. For the purpose of carrying out the provisions of sections 35 to 61 the council may exercise any of the powers conferred upon it by this Part in addition to the powers conferred upon it by the municipal Act under which it is governed.

Powers of council

63. The Provincial Planning Advisory Board, with the approval of the Lieutenant Governor in Council, may make regulations relating to

Regulations re replotting schemes

- (a) the manner and form in which replotting schemes are to be prepared,
- (b) negotiations with any person having a registered interest in the land affected by a replotting scheme,
- (c) the manner in which the consent or otherwise of persons affected by a replotting scheme shall be evidenced,
- (d) the notices to be given to persons affected by a replotting scheme,

- (e) the relocation and exchange of properties and highways affected by a replotting scheme,
- (f) the removal of buildings affected by a replotting scheme,
- (g) the temporary use of former highways pending the completion of new highways,
- (h) the accounts of the cost of replotting schemes and the apportionment of the cost, and
- (i) generally as to the procedure upon any replotting scheme.

General Plan

General
plan

64. (1) The council, by resolution, may authorize the preparation of a statement which shall be known as a general plan, setting out the manner in which the council considers the development of the municipality should be carried out within a defined period of time, having regard to considerations of orderliness, economy and convenience, and setting out the means and steps necessary to ensure or to effect that manner of development.

Resolution
authorising
general plan

(2) By the resolution authorizing the preparation of a general plan, the council shall authorize the carrying out of such investigations, surveys and research and the preparation of such reports as may be necessary for the purpose of preparing the general plan.

Basis for
general plan

65. (1) The general plan shall be based on surveys of land use, population, transportation, communication, services and social services within the municipality.

Preparation
of general
plan

(2) The general plan shall be prepared by qualified persons.

Proposals
included
in general
plan

66. A general plan may include proposals relating to

- (a) the manner in which the land within the municipality should be used or developed, whether for public or other purposes, and the stages or sequence by which any such development should be carried out,
- (b) the allocation of areas of land for use for agricultural, residential, industrial, commercial or other purposes of any class,
- (c) roads, services, public buildings, schools, parks and other open spaces, their location and the reservation of land for these and other similar purposes,
- (d) the programming of development in terms of time, costs and resources, insofar as works to be carried out by public authorities are concerned,
- (e) the nature and contents of the zoning by-law that may be required to ensure that private development will take place in accordance with the general plan.

67. The general plan shall contain such documents, descriptive matter and maps as may be necessary to illustrate the manner of development proposed by the general plan.

Contents of
general plan

68. (1) A general plan may be adopted by a by-law passed under section 84.

Adoption of
general plan

(2) When a general plan has been adopted by a by-law and approved by the Minister, the council shall not commence any undertaking within the purview of the general plan in any manner inconsistent with or at variance with the general plan.

Commence-
ment of
undertaking

Interim Development Control

69. (1) The council, at any time after passing a resolution authorizing the preparation of a general plan, may make application to the Minister for authority to exercise control over development which takes place in the municipality or part thereof prior to

Interim
development
control

- (a) the completion and adoption of the general plan, and
- (b) the passage of a zoning by-law prepared in accordance with the general plan.

(2) Control shall be exercised over the development within the municipality by the council on the basis of the merits of each individual application for permission to develop, having regard to the proposed development conforming with the general plan being prepared.

70. The council, in making an application under section 69, shall submit to the Minister

Application
for interim
development
control

- (a) a certified copy of the resolution authorizing the preparation of the general plan,
- (b) a description of the area over which interim development control is to be exercised,
- (c) a statement of the arrangements which the council has made for
 - (i) the preparation of the general plan, and
 - (ii) the administration of interim development control.

71. The Minister, upon receipt of an application for authority to exercise interim development control, and upon being satisfied that the arrangements made for the preparation of the general plan and for administration of the interim development control are satisfactory, may make an order to be known as an interim development order, which shall

Interim
development
order

- (a) suspend the operation of any existing zoning by-law in the municipality within the described area over which the control is to be exercised, and

- (b) authorize the council, upon the coming into effect of a by-law adopting the Minister's interim development order, to exercise interim development control over the described area.

Requirements
of interim
development
order

72. An interim development order shall prescribe

- (a) the date upon which the suspension of the operation of any existing zoning by-law comes into effect,
- (b) the manner in which the council, its agents or servants, may exercise interim development control and the matters to be subject to such control,
- (c) the circumstances in which appeal may lie to the Provincial Planning Advisory Board against any decision made pursuant to the exercise of interim development control.

Effective
date of
interim
development
control

73. Interim development control becomes effective within a municipality upon the approval by the Minister of a by-law to be known as an interim development by-law passed by the council pursuant to the interim development order in accordance with the provisions of section 84.

Development Scheme

Development
scheme

74. (1) At any time after the adoption of a general plan, or while interim development control is being exercised, the council, for the purpose of

- (a) ensuring that any proposal contained in the general plan will be carried out, or will be carried out in a particular way, or
- (b) amplifying as to its details any such proposal, may prepare and adopt a development scheme.

(2) Without limiting the generality of subsection (1), the council by a development scheme may

- (a) make available any land for agricultural, residential, commercial, industrial or other purposes of any class at any particular time and provide for the acquisition, assembly, consolidation, subdivision and sale or lease by the municipality of such land and buildings as may be necessary to carry out the development scheme, or
- (b) reserve land for future acquisition as the site or location of any road, service, public building, school, park or other open space, and impose such building and other restrictions on the use of the land and make such agreements with the owners of the land as may be necessary to carry out the development scheme, or
- (c) specify the manner in which any particular area of land is to be subdivided and prohibit buildings and works which would interfere with the carrying out of the development scheme.

75. A development scheme shall be in such form as may be required by regulation of the Minister and shall describe and set out Form of development scheme

- (a) the manner in which the scheme is intended to implement a proposal or part of a proposal contained or to be contained in the general plan,
- (b) the land affected by the scheme, and the names and addresses of the owners of such land,
- (c) the details of
 - (i) the development to be carried out, or
 - (ii) the land to be reserved and the manner in which the reservation is to be exercised, or
 - (iii) the manner in which land affected by the scheme is to be subdivided,
- (d) such other information as may be required by the regulation of the Minister.

76. (1) A development scheme does not come into force until it has been adopted by by-law and approved by the Minister in accordance with the provisions of section 84. Adoption of interim development scheme

(2) When a development scheme comes into force, the council within such period of time as may be specified by the Minister at the time he approves the adopting by-law, shall proceed to take such steps and do such things as he may require the council to take and do, and if such things are not taken and done within the specified period of time, the scheme shall cease to have any force and effect until it is again approved by the Minister.

77. When a development scheme comes into force, the council may acquire by expropriation or otherwise, any lands or buildings the acquisition of which is essential to the carrying out of the scheme, together with lands which Acquisition of land and buildings

- (a) are the remnants of parcels, portions of which are necessary for carrying out the scheme,
- (b) may be injuriously affected by the scheme,

78. (1) When any land is acquired under the authority of section 77, the owner of the land shall have the same right to compensation therefor as he would have if the land were land being acquired for public purposes by the municipality under the provisions of the municipal Act by which it is governed. Right to compensation

(2) In acquiring land pursuant to section 77, the council shall proceed in the manner prescribed in the municipal Act for the acquisition of land for public purposes.

(3) Where a municipal Act contains provisions providing for compensation for the acquisition of subdivided land by the council, together with other provisions providing for compensation for the acquisition of unsubdivided land by the council, the provisions providing compensation in the case of the acquisition of unsubdivided lands shall be applied for the purposes of subsection (1).

(4) Where a municipal Act contains provisions providing procedures for the acquisition of subdivided land by the council, together with other provisions for the acquisition of unsubdivided lands by the council, the provisions providing a procedure in the case of the acquisition of unsubdivided lands shall be applied for the purposes of subsection (2).

Disposition
of acquired
lands

79. The council, for the purpose of carrying out a development scheme, may dispose of any lands acquired for the purposes of the development scheme without the approval of the proprietary electors, subject to such building or other restrictions as may be set out in the development scheme.

Expenses

80. An expense incurred by the council in acquiring lands or in imposing building or other restrictions for the purposes of the development scheme shall be met as part of the cost of the scheme, and the proceeds of any sale or other disposition of the lands so acquired shall be applied against the cost of the development scheme.

Zoning By-laws

Zoning
by-law

81. (1) The council may pass a zoning by-law for the purpose of

- (a) dividing the municipality or any portion thereof into districts of such number, shape and area as the council considers advisable, and describing such districts by detailed description or by the use of plans, or partly by one method and partly by the other,
- (b) prescribing as to any district the purposes for which buildings and land within that district may be used and prohibiting or regulating the use of such buildings and land for any other purpose,
- (c) regulating as to any district
 - (i) the height, ground area and bulk of buildings,
 - (ii) the depth, size or area of yards, gardens, courts, parking areas and other open spaces around buildings,
 - (iii) the maximum density of population,
 - (iv) the size of rooms and the means of lighting and ventilating buildings in the district,
- (d) prescribing as to any district the minimum size of parcels into which land may be subdivided, and the minimum site area required for any particular
 - (i) class of use, or
 - (ii) size of buildings, or
 - (iii) use to which a building is or may be put,
- (e) prescribing as to any district, building regulations governing the type and minimum standards of construction which shall be permitted in the district,

- (f) controlling the design, character and appearance of buildings erected in a district,
 - (g) prohibiting the erection of any building in any district or part of a district until provision has been made for the supply to such building of light, water, sewerage, street, transit and other facilities, or any of them,
 - (h) regulating, restricting or prohibiting the public display of advertisements and regulating the nature, kind, size and description of any advertisement displayed in a district,
 - (i) prescribing
 - (i) a system of building permits and the terms and conditions under which any permit may be issued, reinstated, suspended or revoked, and
 - (ii) forms for permits and applications therefor,
 - (j) prohibiting the excavation, erection, construction, enlargement, alteration, repair, removal or demolition of any building
 - (i) until a building permit has been issued, or
 - (ii) after a building permit has been suspended or revoked.
- (2) The zoning by-law shall have no force and effect until passed by the council and approved by the Minister in accordance with the provisions of section 84.

82. (1) A zoning by-law shall provide for

- (a) an appeal being made by any person who claims that the strict enforcement of the requirements of the zoning by-law or of section 83, would cause unnecessary hardship, and
- (b) the hearing and determination of an appeal provided for under clause (a) by
 - (i) any board or commission appointed or constituted in the by-law to hear such appeals, or
 - (ii) the Provincial Planning Advisory Board, if no such board or commission has been appointed or constituted by the by-law.

Requirements of zoning by-law

(2) On an appeal, relaxation of the requirements may be allowed in such measure as may be deemed desirable, having regard to the merits and circumstances of the particular case, and to the general scope of the zoning by-law, if the relaxation will not permit the use of lands or buildings in a manner not permitted by the zoning by-law in the district in which the lands or buildings are situated, unless the use is a non-conforming use.

Relaxation of zoning by-law

83. (1) A non-conforming building shall not be enlarged or added to and no structural alterations except those required by statute or by-law shall be made therein.

Non-conforming building

(2) If a non-conforming building is damaged or destroyed by fire or other causes to an extent of more than seventy-five per cent of the value of the building above its foundation, the building shall not be repaired or rebuilt except in conformity with the provisions of the by-law.

(3) A non-conforming use may be continued, but if the use is discontinued or changed, any future use shall conform to the provisions of the by-law.

(4) A non-conforming use may be extended throughout the building in which it was permitted under subsection (3) in respect of a part of the building, but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made therein.

(5) The use of land or buildings shall not be deemed to be affected by reason only of a change of owners, tenants or occupants of the land or buildings.

Enactment of By-laws

By-laws

84. (1) The provisions of this section apply to zoning by-laws, interim development by-laws and by-laws adopting general plans and development schemes.

(2) The council, before giving a by-law its second reading, shall

(a) in two successive weeks publish in one or more newspapers circulating in its municipality, an official notice stating

- (i) that the council proposes to pass the by-law,
- (ii) the purpose for which the proposed by-law is required,
- (iii) the place within the municipality where a copy of the proposed by-law and of any maps or other documents referred to therein may be inspected by the public, and
- (iv) the time, not being less than eight weeks from the first publication of the notice, when the council will hold a public hearing at which objections to the proposed by-law may be made and discussed,

(b) hold the public hearing at the time stated in the notice and at that public hearing

- (i) hear the objections to the by-law that any person wishes to make, and
- (ii) give any person an opportunity of stating his opinion of the objections and of the by-law.

Consideration of objections to by-law

(3) As soon as may be after the public hearing, the council shall consider the objections and rule upon them and make such amendments to the by-law as it deems advisable in view of those objections, and may then

- (a) give second and third readings to the by-law or amended by-law, as the case may be, and
- (b) make application to the Minister for approval of the by-law.
- (4) An application under this section for the approval of the Minister to a by-law shall be accompanied by Application for approval of by-law
 - (a) the original and one certified copy of the by-law, duly sealed and signed,
 - (b) the original and one certified copy of the maps and other documents, if any, referred to in the by-law,
 - (c) copies of the successive newspapers in which the official notice was published,
 - (d) a statutory declaration by the proper officer of the municipality deposing as to
 - (i) the availability of the copy of the proposed by-law and of any maps or other documents referred to therein for public inspection in accordance with the terms of the notice,
 - (ii) the holding of the public hearing at the time specified in the notice,
 - (iii) the persons at the public hearing objecting to the by-law, the nature of their objections and the manner in which they were dealt with by the council,
 - (iv) the manner in which the by-law as passed by the council differs in form from the copy of the proposed by-law which was available for public inspection.
- (5) The Minister, in respect of an application submitted to him pursuant to subsection (4), may either approve the by-law, subject or not to such amendments or conditions as he deems necessary or desirable, or refuse to approve the by-law.

85. (1) The council, by by-law, may amend or repeal any zoning by-law, interim development by-law or by-law adopting a general plan or development scheme. Amendment or repeal of by-law

(2) An amending or repealing by-law does not become effective until it is approved by the Minister. Approval of amending or repealing by-law

(3) Section 84 applies to an amending or repealing by-law except that the time at which the council will hold a public hearing may be less than eight weeks, but shall not be less than four weeks, from the first publication of the official notice referred to in section 84.

(4) Notwithstanding the provisions of subsection (3), the council need not publish an official notice of its intention to pass the amending by-law or hold a public hearing pursuant to the provisions of section 84, if the Minister certifies that the amendment to be made by the by-law is for the purpose only of clarifying the provisions of the existing by-law.

Right to
compensation

86. (1) No person shall be entitled to compensation by reason of the passing or making of a zoning by-law or of any provisions contained therein, or of any lawful action taken under the provisions thereof.

(2) Where a person claims that he is entitled to compensation

(a) by reason of the passing of a by-law adopting a general plan or development scheme or by the passing or making of an interim development order or by-law, or

(b) by reason of the carrying out of a provision of a general plan or development scheme,

he shall not be entitled to compensation if the provisions of the plan, scheme, order or by-law are such as might have been contained in or enforceable by means of a zoning by-law.

District Planning Commissions

District
planning
commission

87. (1) The council, by resolution, may apply to the Lieutenant Governor in Council for the establishment of or for representation on a district planning commission which has been or may be established under the provisions of Part I of this Act.

(2) The council of a municipality represented on a district planning commission may

(a) pay the proportion of the funds required of it to meet the expenses of the district planning commission in accordance with the regulations prescribed in the order establishing the district planning commission,

(b) appoint by resolution the members of the council required by the regulations governing the district planning commission to be appointed by it to represent the municipality on the district planning commission.

(3) Notwithstanding any other provision of this Part, the council of a municipality represented on a district planning commission may delegate to that district planning commission the functions of

(a) publishing notices and holding hearings in respect of any by-law requiring to be passed and approved by the Minister in accordance with the provisions of section 84, when the by-law has been recommended to it jointly with any other municipality by the district planning commission,

(b) administering the provisions or part of the provisions of any such by-law, or general plan or development scheme adopted by such by-law when those provisions are of common concern to it and to any other municipality represented on the district planning commission.

Technical Planning Boards

88. (1) The council of a city, by by-law, may establish a board to be known as a technical planning board for the purposes of

Technical
planning
board

- (a) advising and assisting the council, and
- (b) co-ordinating the activities of the various departments and agencies of the city,

with respect to the planning and orderly development of the city.

(2) The technical planning board shall consist of officials of the city appointed by the council in the manner set out in the by-law.

Technical
planning
board
members

(3) The council may delegate to the technical planning board such powers as it may deem necessary for the purposes for which it is established, other than the power of raising money or expropriating land.

Powers of
technical
planning
board

(4) The by-law may authorize the technical planning board, for any of its purposes, to engage the services of planning technicians, consultants or other officers and to expend such funds as may be furnished by the council.

(5) The by-law shall provide for the holding of meetings, the keeping of minutes and any other matters pertaining to the organization of the technical planning board and the transaction of its business.

Planning Advisory Commissions

89. (1) The council of any municipality, by by-law may establish a commission to be known as a planning advisory commission for the purpose of advising and assisting the council with respect to the planning and orderly development of the municipality.

Planning
advisory
commission

(2) The planning advisory commission shall consist of members appointed by the council in the manner set out in the by-law, who shall represent the council, the citizens at large, and any organization concerned with planning and orderly development in and about the municipality, or all or any of them.

Planning
advisory
commission
members

(3) The council may delegate to the planning advisory commission such powers as it may deem necessary for the purpose for which it is established, other than the power of raising money or expropriating land.

Powers of
planning ad-
visory com-
mission

(4) The by-law may authorize the planning advisory commission, for any of its purposes, to engage the services of planning technicians, consultants or other officers, and to expend such funds as may be furnished by the council.

(5) The by-law shall provide for the terms of office of the members thereof, the filling of vacancies caused by the retirement or resignation of members, the holding of meet-

ings, the keeping of minutes and any other matters pertaining to the organization of the planning advisory commission and the transaction of its business.

Right of Entry

Inspection
of property

90. (1) The council or any of its duly authorized officers or servants shall be admitted into or upon any property within the municipality for the purpose of any inspection required in connection with the preparation of a zoning by-law, general plan or development scheme, or carrying out the provisions thereof, and if admission is refused, any magistrate, upon complaint on oath by an officer of the council made after reasonable notice in writing of intention to make the complaint has been given to the person having custody of the property, by order under his hand, may require that person to admit the council and its officers or servants into or upon the property during such reasonable hours as the magistrate thinks fit.

(2) If no person having custody of the property can be found, the magistrate, on oath made before him of the fact, shall authorize the council and its officers or servants, by order under his hand, to enter into or upon the property during the hours specified in the order.

(3) An order made by a magistrate shall continue in force until the purpose for which it was made has been fulfilled.

Unauthorized Construction

Unauthor-
ized con-
struction

91. (1) Where any excavation in connection with, or erection, construction, enlargement, alteration, repair, removal or demolition of a building is being carried out otherwise than in accordance with the provisions of this Part or of the provisions of any zoning by-law, interim development by-law or development scheme in effect pursuant to this Part, the council, by written notice either served personally upon or sent by registered mail to the owner of the property involved, may require the removal, demolition or alteration of any building or the filling in of any excavation upon his land.

(2) The notice shall state

- (a) the grounds upon which the removal, demolition, alteration or filling in is required, and
- (b) that the removal, demolition or alteration of the building or the filling in of the excavation, as the case may be, shall be carried out within the period stated in the notice, which period shall be more than two months computed from the date of the notice.

(3) If an owner of property to whom notice has been given pursuant to subsection (1) fails to comply with the requirements of the notice, the council, by its agents or

servants, may enter upon the property and carry out such removal, demolition, alteration or filling in as the notice requires to be done and may recover the expense thereof from the owner by an action in any court of competent jurisdiction, and the expenses, until paid by the owner, shall be a charge and lien upon the property in respect of which the notice was given.

By-law Enforcement

92. A zoning by-law or interim development by-law or development scheme that is in force pursuant to this Part may be enforced, and the contravention of any provision contained therein restrained, by the Supreme Court of Alberta upon action brought by the council, whether or not any penalty has been imposed for such contravention, and it shall be unnecessary for the Crown or the Attorney General or any other officer of the Crown to be a party to the action.

Enforce-
ment of by-
law or
scheme

93. (1) A person who

Penalties

- (a) violates a provision of a by-law or development scheme that is in force pursuant to this Part, or
- (b) suffers or permits an act or thing to be done in contravention or violation of a provision of a by-law or development scheme in force pursuant to this Part, or
- (c) neglects or fails to do any act or thing required to be done by a by-law or development scheme in force pursuant to this Part,

is guilty of an offence and liable on summary conviction to a penalty not exceeding one hundred dollars and costs, and in addition thereto to a penalty not exceeding twenty dollars for every day the default continues and in default to imprisonment for a period not exceeding thirty days, unless the fine, penalty and costs are sooner paid.

(2) The conviction of a person under the provisions of this section shall not operate as a bar to further prosecution under this section for the continued neglect or failure on the part of a person to comply with the provisions of a by-law or development scheme that is in force pursuant to this Part.

94. For the purpose of carrying out the provisions of sections 64 to 93, the council may exercise any of the powers conferred upon it by this Part in addition to the powers conferred upon it by the municipal Act under which it is governed.

Powers of
council

95. (1) When, due to an alteration or extension of municipal boundaries or to the formation or dissolution of a village, or to any other reason, land which was within one municipality and subject to a zoning by-law in that municipality is thereafter situate within the boundaries of an-

Change in
boundaries
of munic-
ipality

other municipality, the Minister, in his discretion, by order, may provide that the zoning by-law to which the land was subject in the first municipality shall remain in force and effect with respect to that land with such amendments thereto as the minister states in the order until a new zoning by-law comes into force in the municipality within which the land then is situate.

(2) Upon the making of an order under subsection (1), the council of the municipality within which the land is then situate, shall administer and enforce the zoning by-law as the order provides.

Enforcement of Municipal Planning

Inquiry by
Minister

96. (1) If, after making such inquiries as he deems sufficient, the Minister is satisfied

- (a) that the council of a municipality is not conforming to, enforcing or administering the provisions of a general plan, development scheme or zoning by-law in force in that municipality, or
- (b) that it is in the public interest that the council of a municipality shall prepare and adopt or enact a general plan, development scheme and zoning by-law, or any of them,

he may order the council to conform to, enforce, administer, prepare, adopt or enact, as the case may require, a general plan, development scheme, interim development by-law or zoning by-law, within such time or times as he may state in his order.

(2) If default is made by a council in carrying out the provisions of an order made under this section, the Minister may give notice of the default by publishing it in *The Alberta Gazette*, and thereupon the Minister, for the purpose of carrying out the provisions of the order, may exercise for and in the name of the council, any of the powers conferred upon the council in sections 64 to 93.

Regulations

Regula-
tions

97. The Minister may make such regulations as may be necessary to carry out the intent of this Part.

PART III

MISCELLANEOUS

Applica-
tion of *The
Town and
Rural Plan-
ning Act*

98. After the coming into force of this Act

- (a) interim development by-laws, orders and zoning by-laws made under the provisions of *The Town and Rural Planning Act*, being chapter 169 of the Revised Statutes of Alberta, 1942 continue in full force and effect until such time as they are repealed, and

- (b) planning advisory commissions, district planning commissions, technical planning boards, as heretofore established pursuant to the provisions of *The Town and Rural Planning Act*, being chapter 169 of the Revised Statutes of Alberta, 1942, may continue to function as if they had been established under this Act.

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

100. Notwithstanding section 99, all zoning regulations heretofore made by the Minister and all zoning caveats heretofore prepared and signed by the Director of Town and Rural Planning and registered in the proper Land Titles Office pursuant to or under the provisions of chapter 169 of the Revised Statutes of Alberta, 1942, are hereby confirmed, validated and continued and have the same force and effect as if made and registered pursuant to sections 15 to 24. Continuation of existing regulations, etc.

101. This Act comes into force on the first day of July, 1953. Coming into force

No. 17

FIRST SESSION
TWELFTH LEGISLATURE
2 ELIZABETH II

1953

BILL

An Act Providing a Means of Obtain-
ing Orderly Development of Mun-
icipalities in the Province by
Planning the Development and the
Use of Land

Received and read the

First time

Second time

Third time

HON. MR. GERHART
