

Bill No. 98 of 1953

A BILL TO AMEND THE PUBLIC HIGHWAYS ACT

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NOTE

This Bill amends *The Public Highways Act*, being chapter 74 of the Revised Statutes of Alberta, 1942.

Sections 25 to 32 are added. Sections 25 to 29 and section 31 were previously in *The Town and Rural Planning Act*. They relate to the control of areas bordering highways and provide for the control of the use of such areas along controlled highways, formerly under the old Act termed "declared" highways.

Section 30 is new and provides a means of controlling development along the route of a highway through an undeveloped area within a town or village.

Section 32 extends the meaning of "highway" in the new sections to include proposed highways over which control of development is desirable.

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.)*

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(Assented to , 1953)

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

1. *The Public Highways Act*, being chapter 74 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. The following new heading and sections are added immediately after section 24: New sections  
25 to 32

## "Control of Development Along Highways

"25. (1) The Minister, with the approval of the Lieutenant Governor in Council, may make regulations with respect to any part of the Province that is not included in a city, town or village, Regulations  
re

"(a) designating a highway or part thereof as a controlled highway and establishing a control line on either or both sides of the highway, control line  
on highway

"(b) governing the design, location, and construction of building be-  
tween high-  
way and con-  
trol line

"(i) any building proposed to be located on any land lying between the highway and the control line established under clause (a), which is intended to be used as a gasoline filling station, a garage, an automobile service station, a motel, a tourist cabin, or for the purpose of supplying travellers with refreshments, and

"(ii) any driveways from such premises to the highways,

"(c) determining the sites of tourist camps, motels and trailer camps and regulating the laying out and equipment thereof, tourist  
camps

"(d) regulating or prohibiting the erection and maintenance of signs and ad-  
vertising

"(i) signs and signboards, and

"(ii) the posting or painting of signs or notices, and

"(iii) the exposing of any advertising device on any land forming the site of the highway or adjoining the highway,

Limited access highway	<p>"(e) designating a controlled highway or part thereof as a limited access highway,</p> <p>"(f) prohibiting the location or erection along a limited access highway of any gasoline filling station, garage, automobile service station, tourist camp, industrial plant, place of amusement or refreshment or other place requiring access to the highway, or prohibiting the location or erection of such structures, or the location or construction of driveways from the highway to such structures, except at such locations or at such intervals as may be approved and designated by the Minister,</p>
permits	<p>"(g) requiring permits to be obtained from the Minister prior to the location or erection along a limited access highway of any place or structure that requires access to the highway,</p> <p>"(h) prescribing terms and conditions applicable to the granting of a permit to locate or erect any place or structure along the limited access highway.</p>
Publication of regulations	<p>"(2) Regulations made pursuant to subsection (1) shall be published in <i>The Alberta Gazette</i> and shall upon publication be in full force and effect.</p>
Control line	<p>"26. The control line established on any side of a controlled highway shall not be further from the centre line of the right of way than two thousand feet.</p>
Observance of control line	<p>"27. (1) No person shall construct or place nearer to a highway than the control line established pursuant to this Act, any building, erection, structure, storage tank, gasoline pump, signboard, driveway, lumber or other article or object, other than a fence, whether above or below the ground, or construct any driveway connecting with the highway, unless</p> <p>"(a) plans, designs and specifications therefor have been previously approved by the Minister,</p> <p>"(b) the construction or placement is completed in accordance with the plans, designs and specifications approved by the Minister.</p>
Location at limited access highway	<p>"(2) No person shall locate or erect, along a limited access highway, any gasoline filling station, garage, automobile service station, tourist camp, industrial plant, place of amusement or refreshment, or other place requiring access to the limited access highway, unless</p> <p>"(a) it is located or erected at a location approved and designed by the Minister,</p> <p>"(b) the person has obtained such permit as the Minister may require pursuant to the regulations and has complied with the terms and conditions applicable thereto.</p>
Removal of structure	<p>"(3) The Minister may direct the owner or occupier of any land upon which any structure or driveway has been erected or constructed in contravention of subsections (1)</p>

or (2) to remove the structure or driveway by causing to be placed upon the structure or upon the land a notice in writing signed by the Minister directing the removal of the structure or driveway.

"(4) If after notification the structure or driveway is not wholly removed from the land between the highway and the control line or adjacent to the limited access highway within such time as may be specified in the notice, Penalty for failure to remove structure

"(a) the owner in actual possession of the land or having the right to call for the immediate possession thereof,

"(b) the occupant of the structure or of the site thereof, is guilty of an offence and liable on summary conviction to a fine of not more than twenty-five dollars for each day during which default is made in removing the structure or driveway.

"28.(1) Every person who is the owner of any land upon which any sign, signboard or advertising device is erected, maintained or displayed, as the case may be, in contravention of any regulations made pursuant to this Act, and every person who is the occupier of any such land, immediately upon receipt of a notice in writing signed by the Minister requiring him to do so, shall remove any such sign, signboard or advertising device, and if he does not remove the same in accordance with the notice within seven days after the receipt of the notice he is guilty of an offence in respect of each sign, signboard and advertising device which is not so removed, and is liable on summary conviction for each offence to a fine of not more than twenty-five dollars and costs, and in default of payment to imprisonment for a term of not more than thirty days. Penalty for failure to remove advertising

"(2) Every person who causes or procures any sign, signboard or advertising device to be erected, maintained or displayed, as the case may be, in contravention of any regulation made pursuant to this Act, is guilty of an offence in respect of each sign, signboard or advertising device so erected, maintained or displayed and liable on summary conviction for each offence to a penalty of not more than twenty-five dollars and costs, and in default of payment to imprisonment for a term of not more than thirty days.

"29. Nothing in section 25 shall be so construed as to require the Minister to approve plans, designs and specifications submitted to him in accordance with the requirements of section 27 if the Minister, in his discretion, considers that the building, erection, structure, storage tank, gasoline pump, signboard, driveway, lumber or other article or object, other than a fence, ought not to be constructed or placed on, in or under land nearer to a highway than the control line. Approval of Minister

"30. (1) A highway

"(a) that is a controlled highway where it enters and leaves a town or village, and Special controlled area

"(b) which within a town or village passes through undeveloped lands of the town or village, with the approval of the Lieutenant Governor in Council, may be designated a special controlled area by the Minister.

Special control line

"(2) If a highway is designated a special controlled area, the Minister may establish a special control line on either or both sides of the highway but the special control line shall not extend further from the centre line of the right of way than five hundred feet.

"(3) All the provisions of sections 25, 27, 28 and 29 apply *mutatis mutandis* within a special controlled area.

General penalty

"31. A person who

"(a) contravenes any regulation made pursuant to section 25, or

"(b) contravenes any provision of sections 25 to 30 for which no other penalty is specially provided, or

"(c) destroys or defaces any sign, signboard, notice or advertising device lawfully authorized under this Act, or any sign, signboard or notice the property of Her Majesty,

is guilty of an offence and liable on summary conviction to a fine of not less than five dollars and not more than one hundred dollars, and in addition may be ordered to pay the value of any property injured or destroyed and in default of payment to imprisonment for a term not exceeding one month, unless the fine and any amount ordered to be paid as aforesaid and costs are sooner paid.

"highway"

"32. In sections 25 to 31 "highway" includes any land over which it is proposed to construct a highway and in respect of which there has been prepared a plan indicating the route of the proposed highway."

Coming into force

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

No. 98

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FIRST SESSION  
TWELFTH LEGISLATURE  
2 ELIZABETH II  
1953

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**BILL**

An Act to amend The Public  
Highways Act

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Received and read the

First time .....

Second time .....

Third time.....

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HON. MR. TAYLOR

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