

No. 94

4th Session, 14th Legislature, Alberta
10 Elizabeth II

BILL 94

A Bill to amend The Public Highways Act

HON. MR. TAYLOR

Explanatory Note

2. Section 45, subsection (1), clause (b) presently reads:

"45. (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

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- (b) governing the design, location and construction
 - (i) of any building proposed to be located on any land lying between the highway and the control line established under clause (a) and 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) of any driveways from such premises to the highway,".

3. Section 47, subsection (5) presently reads:

"(5) 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 the time which may be specified in the notice,

- (a) the occupant of the structure or of the site of the structure, or
- (b) the owner in actual possession of the land or having the right to call for the immediate possession thereof,

as the case may be, 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."

4. Section 48, subsection (2) presently reads:

"(2) If the sign, signboard or advertising device is not removed from the land in accordance with the notice within seven days after the receipt of the notice the owner or occupier of the land is guilty of an offence in respect of each sign, signboard and advertising device not so removed, and is liable on summary conviction for each offence to a fine of not more than twenty-five dollars and in default of payment to imprisonment for a term of not more than thirty days."

5. Section 51 presently reads:

"51. A person who

- (a) contravenes any regulation made pursuant to section 45,
- (b) contravenes any provision of sections 45 to 50 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, notice or advertising device lawfully authorized under this Act, or any sign, signboard or notice that is the property of Her Majesty,

is guilty of an offence and is 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 is liable to imprisonment for a term of not more than one month, unless the fine and any amount ordered to be paid and costs are sooner paid."

6. Commencement of Act.

BILL

No. 94 of 1962

An Act to amend The Public Highways Act

(Assented to _____, 1962)

HER 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 257 of the Revised Statutes, is hereby amended.

2. Section 45, subsection (1), clause (b) is amended by striking out the words "and construction" and by substituting the words ", construction, reconstruction and re-development".

3. Section 47 is amended by striking out subsection (5).

4. Section 48 is amended by striking out subsection (2).

5. Section 51 is amended by renumbering the section as subsection (1) and by adding the following subsection after the renumbered subsection (1):

(2) Upon a conviction for contravening any of the provisions of sections 45 to 50 or the regulations thereunder, the convicting magistrate or justice of the peace shall order the person convicted to remove, within a period specified in the order, the thing in respect of which he is convicted; and if he fails to comply with the order within the period so fixed the person convicted is liable, on summary conviction, to a further fine of not less than one dollar or more than twenty-five dollars for each day during which the breach of the order continues.

(3) Where a person convicted fails to comply with an order made under subsection (2) the Minister may cause the order to be carried out at the expense of the person in default, and the expense thereof may be recovered from that person as a debt due to Her Majesty.

6. This Act comes into force on the day upon which it is assented to.

No. 94

FOURTH SESSION

FOURTEENTH LEGISLATURE

10 ELIZABETH II

1962

BILL

An Act to amend The Public
Highways Act

Received and read the

First time

Second time

Third time

HON. MR. TAYLOR
