

No. 115

2nd Session, 15th Legislature, Alberta
13 Elizabeth II

BILL 115

A Bill to amend The Public Highways Act

HON. MR. TAYLOR

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Edmonton, Alberta, 1965

Explanatory Note

1. This Bill amends chapter 257 of the Revised Statutes.

2. Section 47 deals with unauthorized erection of signs, structures, etc., on controlled highways and limited access highways and subsection (3) permits the Minister to direct the removal of an unauthorized structure. The amendment to subsection (3) will require the direction to contain a time for compliance but allows for possible extensions. The new subsection (5) makes it an offence to fail to comply with the direction.

3. Section 48, subsection (1) presently reads:

48. (1) A person who
(a) is the owner of any land upon which any sign, signboard or advertising device is erected, maintained or displayed in contravention of any regulations made pursuant to this Act, or
(b) 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.

BILL

No. 115 of 1965

An Act to amend The Public Highways Act

(Assented to _____, 1965)

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* is hereby amended.

2. Section 47 is amended

(a) as to subsection (3) by adding at the end thereof the words "within the time prescribed in the direction or any extension thereof allowed by the Minister",

(b) by adding the following subsection after subsection (4):

(5) A person who fails to comply with a direction made under subsection (3) within the time prescribed in it or any extension thereof is guilty of an offence in respect of each structure or driveway and is liable on summary conviction for each offence to a fine of not more than twenty-five dollars for each day during which default is made in complying with the direction.

3. Section 48 is amended by striking out subsection (1) and by substituting the following:

48. (1) The Minister may direct the owner or occupier of any land to remove from the land so owned or occupied by him any sign, signboard or advertising device erected, maintained or displayed in contravention of the regulations within the time prescribed in the direction or any extension thereof allowed by the Minister.

(2) The direction shall be given by the Minister causing to be placed upon the sign, signboard or device or upon the land a notice in writing signed by him and directing the removal of the sign, signboard or device.

(2a) A person who fails to comply with a direction made under subsection (1) within the time prescribed in it or any extension thereof is guilty of an offence in respect of each sign, signboard or advertising device not removed

4. The new section 48a permits the Minister to remove and, if necessary, demolish any unauthorized structure in the event of non-compliance by the owner or occupier of the land to remove it when required by the Minister to do so.

5. Section 51, subsections (2) and (3) read:

(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.

The procedure in these subsections will no longer be necessary in view of the new section 48a.

6. Commencement of Act.

and is liable on summary conviction for each offence to a fine of not more than twenty-five dollars for each day during which default is made in complying with the direction.

4. The following section is added after section 48:

48a. (1) Where a direction made under subsection (3) of section 47, or subsection (1) of section 48 is not complied with in whole or in part, the Minister may cause any structure, driveway, sign, signboard or device not removed in compliance with the direction to be removed to any place specified by the Minister.

(2) Officers and employees of the Department may enter upon the land on which the structure, driveway, sign, signboard or device is located together with any vehicles and equipment for the purpose of removing it in accordance with the Minister's instructions.

(3) The costs of the removal shall be borne by the person to whom the direction under section 47 or 48 was given, and are recoverable as a debt due to the Crown.

(4) It is not necessary that any prosecution be commenced under subsection (5) of section 47 or subsection (2a) of section 48, as the case may be, before proceedings can be taken under this section.

5. Section 51 is amended by striking out subsections (2) and (3).

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

No. 115

SECOND SESSION

FIFTEENTH LEGISLATURE

13 ELIZABETH II

1965

BILL

An Act to amend The Public
Highways Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TAYLOR
