

1969 Bill 83

Second Session, 16th Legislature, 18 Elizabeth II

~~THE~~ LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 83

**An Act to amend The Public Highways
Development Act**

THE MINISTER OF HIGHWAYS

First Reading

Second Reading

Third Reading

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An Act to amend The Public Highways Development Act

(Assented to , 1969)

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 Development Act* is hereby amended.

2. Section 26, subsection (1) is amended by striking out clause (d) and by substituting the following:

- (d) prohibiting, except under the authority of a permit,
 - (i) the placing, constructing, enlarging, extending or erecting or re-erecting of a building, structure, fixture, road, airstrip, excavation or other development, whether on, above or below ground, and
 - (ii) the display of machinery, motor vehicles, or other articles, whether placed for storage or wrecking or for the purposes of advertising or sale,

within such distance from a controlled highway as the regulations may prescribe,

3. The following sections are added after section 26:

26a. (1) If, in the opinion of the Minister, an unoccupied building, structure, fixture or excavation within the distance of a controlled highway prescribed by the regulations made under section 26

- (a) is, by reason of its ruinous, dilapidated, unsafe or unprotected condition, dangerous to public safety or health, or
- (b) is, because of its unsightly condition, detrimental to the surrounding area,

the Minister may make an order under this section with respect to the building, structure, fixture or excavation.

Explanatory Notes

1. This Bill amends chapter 79 of the Statutes of Alberta, 1966.

2. Section 26 (1) (d) presently reads:

26. (1) The Minister may make regulations

.....

(d) prohibiting, except under the authority of a permit, the placing, erecting, enlarging or extending or re-erecting of a building, structure, fixture or road within such distance from a controlled highway as the regulations may prescribe,

3. Control of abandoned or unused premises along controlled highways. The proposed section 26a is similar to section 158 of The Municipal Government Act.

(2) Any such order may require the owner within a period of time which shall not be less than 60 days from the date of the making of the order,

- (a) to remedy the condition in the manner and to the extent directed in the order, or
- (b) to demolish or remove the building, structure or fixture or fill the excavation and level the site thereof.

(3) If the owner does not remedy the condition within the period specified within the order, or the building, structure or fixture has not been demolished or removed at the expiration of the period specified in the order, the Minister may cause the condition to be remedied to the extent directed in the order or cause the unoccupied building, structure or fixture to be demolished or removed or the excavation to be filled and the site thereof levelled.

(4) The removal may be done by way of selling the building, structure or fixture, in which case the net proceeds realized from the sale shall be paid to the owner, mortgagee or other person entitled thereto.

(5) If the proceeds from the sale of the building, structure or fixture are insufficient to meet the costs of the demolition or clearance of the site, or if no proceeds are realized from the demolition and removal of the building, structure or erection, or the condition is remedied by the Minister, the Minister may charge the costs of the work done against the owner of the land on which the building, structure or fixture was located, and recover the costs as a debt due to the Crown.

(6) Any person who thinks himself aggrieved by an order of the Minister made under this section may apply to the Supreme Court within 30 days from the date of making the order and if the Court is satisfied that

- (a) the proper procedure as set forth in this section has not been followed, or
- (b) the Minister has acted in a manner contrary to the intent and meaning of this section,

the Court may set aside or vary the order of the Minister as it considers just.

26b. When a site

- (a) used for commercial purposes, and
 - (b) within the distance of a controlled highway prescribed by the regulations under section 26,
- ceases to be used for commercial purposes for a period of one year, the site shall not again be used for commercial purposes unless a permit therefor is issued by the Minister.

4. Section 39 is amended by adding the following subsection after subsection (5) :

4. Proof of default in maintenance of traffic signs. Similar to section 177 (c) of The Municipal Government Act.

(5a) Where any traffic control device has been defaced,
removed or destroyed

(a) by someone other than a Crown employee, or

(b) as a result of an act of vandalism,

default under this section shall not be imputed to the Crown in any action without proof by the plaintiff that the Crown knew of the defacement, removal or destruction, and failed to restore, repair or replace the traffic control sign in a reasonable period of time.

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

