

BILL

No. 59 of 1928.

An Act to Facilitate Town Planning and the Preservation
of the Natural Beauties of the Province.

(Assented to _____, 1928.)

HIS 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 Planning and
Preservation of Natural Beauty Act.*"

2. In this Act, unless the context otherwise requires—

- (a) "Board" means the Town and Rural Planning Advisory Board appointed pursuant to this Act;
- (b) "Local authority" means the council of any city or town;
- (c) "Minister" means the Minister of Public Works;
- (d) "Rural authority" means the council of any village or any municipal district in respect of the land included in each; and with respect to land in an improvement district, the Minister of Municipal Affairs.

3.—(1) The Lieutenant Governor in Council may appoint a Board consisting of three or more members, one of whom may be paid such salary as may be from time to time determined and the remainder shall be unpaid.

(2) The said Board shall be known as the "Town and Rural Planning Advisory Board."

4. It shall be the duty of the Board—

- (a) to co-operate with any local authority in formulating and carrying into effect any town planning scheme;
- (b) to confer with and advise the Minister at his request as to any regulations made or hereafter to be made respecting plans of subdivision pursuant to *The Public Works Department Act* and any matter incidental thereto;
- (c) to assist and advise any rural authority in devising ways and means of preserving the natural beauty of the locality and of ensuring that new buildings and erections therein shall be so designed and located that the same shall not mar the amenities of the locality;

- (d) to promote in any community a pride in the amenities of its neighbourhood;
- (e) to collect and collate information as to town planning schemes.

5. The Board shall have power with the approval of the Lieutenant Governor in Council to make regulations with respect to any land which is not included in any city, town or village, and which is contiguous with any main highway—

- (a) declaring any highway or part of a highway to be a highway to which this Act applies, and establishing a building line on each side thereof;
- (b) as to the design, location and construction of any building located on any highway, or part of a highway to which this Act applies, not being within a city, town or village, which is or is intended to be used as a gasoline filling station, a garage, an automobile filling station, or for the purpose of supplying travellers with refreshment;
- (c) as to the site of any tourist camp and the laying out and the equipment thereof;
- (d) prohibiting or regulating the erection of signs and sign-boards and the pasting or painting of signs or notices and the exposing of any advertising device upon or within one-quarter of a mile from any public highway outside the corporate limits of any city, town or village;
- (e) for licensing and fixing the fees for licenses to be granted to any person for erecting any such sign or sign board or pasting or painting any such sign or notice or exposing any such advertising device on any public highway or within one-quarter of a mile thereof;
- (f) as to the care, maintenance, management and control of any land acquired for park or other purposes pursuant to this Act.

6. Every regulation made pursuant to the last preceding section shall be published in *The Alberta Gazette* and shall upon publication be in full force and effect.

7. No person shall erect any building or erection of any kind, other than fencing, upon any land contiguous to a highway, or part of a highway, to which this Act applies, any part of which land is nearer to the highway than the building line established under this Act, unless the plans, designs and specifications thereof shall have been previously submitted to and been approved by the Board.

8. The Board may notify the owner or occupier of any land upon which any structure has been erected in contravention of the provisions of this Act or any regulation made

thereunder by causing to be affixed upon the said structure a notice in writing signed by a member of the Board, and directing the removal of the structure; and if the said structure is not wholly removed from the land between the highway and the building line within seven days from the date of the affixing of such notice, the owner and the occupant of the said structure and the site thereof, shall each be guilty of an offence, and shall be liable on summary conviction to a penalty of not more than \$25.00 for each day during which default is made in removing the said structure.

9. No person shall operate any premises as a public garage or gasoline filling station on any land between the building line and a highway, or part of a highway to which this Act applies, unless he is in possession of a valid license issued pursuant to this Act.

10.—(1) The Minister may in his discretion grant a license for the operation of a public garage or gasoline filling station as aforesaid, upon—

- (a) receipt of an application in writing in such form as the Minister may prescribe containing amongst other things a description of the premises upon which the applicant intends to carry on business; and
- (b) the payment of a fee of five dollars.

(2) Every such license shall expire on the thirty-first day of December, following the date of its issue.

11. The Minister may make regulations not inconsistent with this Act providing for the form and issuing of licenses.

12. In the event of any person who is the holder of a license being convicted of any offence under this Act, the Minister may in his discretion suspend or cancel his license, and such suspension or cancellation shall become effective seven days after the date of issue of *The Alberta Gazette* containing a notice thereof.

13. No person shall sell to any person operating a public garage or a gasoline filling station who is required to be licensed pursuant to this Act, and who is not at the time of sale the holder of a valid license, any gasoline for the purpose of reselling the same by retail.

14. Any person who contravenes any regulation made pursuant to this Act or any provision of this Act for which no other penalty is specially provided, or destroys or defaces any sign, sign-board, notice or advertising device lawfully authorized under this Act, or any sign, sign-board or notice,

the property of His Majesty, shall be guilty of an offence and liable upon 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 period not exceeding one month, unless the fine and any amount ordered to be paid as aforesaid, and costs, are sooner paid.

15. The Board may with the approval of the Lieutenant Governor in Council acquire by private treaty land for provincial park purposes, and for the purpose of preserving places of natural beauty or historic interest.

16. If for any reason it is not feasible to acquire title to any land which the Board with the approval of the Lieutenant Governor in Council has decided to acquire, the Lieutenant Governor in Council may order that such land may be acquired by compulsory means, and thereupon the Board shall have the same powers of expropriation as are given to the Minister of Public Works by *The Public Works Act* in respect of the expropriation of land for a public work; and all the provisions in *The Public Works Act* relating thereto shall apply *mutatis mutandis* to any land compulsorily acquired pursuant to the provisions of this Act.

17. The Lieutenant Governor in Council may raise by way of loan any sum or sums required for the purpose of acquiring any property pursuant to this Act: provided that the total sum so raised in any year does not exceed dollars.

18. *The Public Highways Act*, being chapter 45 of the Revised Statutes of Alberta, 1922, is amended by striking out section 27*a* thereof.

19. This Act shall come into force upon proclamation of the Lieutenant Governor in Council.

No. 59.

SECOND SESSION
SIXTH LEGISLATURE
18 GEORGE V
1928

B I L L

An Act to Facilitate Town Planning
and the Preservation of the Natural
Beauties of the Province.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. BROWNLEE.

EDMONTON:
W. D. McLEAN, ACTING KING'S PRINTER
A.D. 1928