

Bill No. 12 of 1934.

A BILL TO AMEND THE TOWN PLANNING ACT, 1929.

NOTE.

Section 2 of this Bill makes amendments to the definitions in the Act of "Minister" and "Rural authority" to meet administrative requirements.

By section 3 of the Bill it is provided that the notice of removal of a structure erected in contravention of section 6 may be signed by the Director instead of by a member of the Board.

Section 4 is a redraft of section 9 of the Act, and empowers the Minister in his discretion to grant or refuse any garage or filling station license, and in so doing to have regard to existing local facilities.

Section 5 imposes a duty on the owner and occupier of any land upon which any signboard has been erected in contravention of the Act to remove the same on receipt of a written notice from the Director requiring its removal, and provides a penalty for the breach of the duty; and further provides that the person who is responsible for any signboard erected in contravention of the Act shall be liable to a penalty.

Section 6 makes provision for the inclusion in a zoning by-law of regulations as to public advertising by means of hoardings and other similar means.

Section 7 expressly provides that the decision of the majority of the members of a Zoning Appeal Board shall prevail.

Section 8 modifies the provisions of the Act as to amendments to a zoning by-law and provides a less cumbersome method of making amendments which are not such as to constitute a fundamental alteration in the zoning by-law.

Section 9 makes additional provision for the continuation, or otherwise, of the non-conforming use of a building which has been damaged or destroyed.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 12 of 1934.

An Act to amend The Town Planning Act, 1929

(Assented to 1934.)

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 Act, 1929, Amendment Act, 1934.*"

2. *The Town Planning Act, 1929*, being chapter 49 of the Statutes of Alberta, 1929, is hereby amended as to Section 2 thereof—

(a) by striking out paragraph (e) thereof and by substituting therefor the following:

"(e) 'Minister' shall mean the member of the Executive Council for the time being charged with the administration of this Act";

(b) by striking out the words "Minister of Municipal Affairs," where the same occur in paragraph (h) thereof, and by substituting therefor the words "Minister of Public Works."

3. The said Act is further amended as to section 7 thereof by striking out the words "a member of the Board" where the same occur therein, and by substituting therefor the word "Director."

4. The said Act is further amended as to section 9 thereof by striking out the same and by substituting therefor the following:

"**9.**—(1) Applications for a license for the operation of any premises as a public garage or gasoline filling station on any land located on or near a declared highway may be made to the Minister in writing in such form as the Minister may prescribe, setting out amongst other things a description of the premises for which a license is required, and shall be accompanied with the license fee of five dollars.

"(2) The Minister may in his discretion either grant or refuse the application and in so doing may have regard to the facilities for the time being existing in the locality of the premises for which license is required.

"(3) Every license issued shall expire on the thirty-first day of December following its issue, and the fee payable for a license shall be the annual sum of five dollars."

5. The said Act is further amended by inserting therein, immediately after section 12 thereof, the following new section:

"12a.—(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 regulation made pursuant to this Act and every person who is the occupier of any such land shall, immediately upon receipt of a notice in writing signed by the Director requiring him so to do, immediately remove any such sign, signboard or advertising device, and in case he does not remove the same in accordance with the notice within seven days after the receipt of the notice he shall be guilty of an offence in respect of each sign, signboard and advertising device which is not so removed, and shall be 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.

"(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 shall be guilty of an offence in respect of each sign, signboard or advertising device so erected, maintained or displayed, and shall be 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."

6. The said Act is further amended as to section 30 thereof by inserting therein, immediately after paragraph (e) of subsection (1) thereof, the following new paragraph:

"(ea) regulating, restricting and prohibiting in any district the public display of advertisements whether upon the hoardings or other structures primarily intended for the display of advertising matter or upon buildings, erections, walls, fences or other structures primarily intended for other purposes, and the nature, kind, size and description of any advertisement displayed in any district."

7. The said Act is further amended as to section 30 thereof by adding at the end thereof the following new subsection:

"(3) The decision of a majority of the members of the said Board shall be the decision of the Board."

8. The said Act is further amended as to section 32 thereof by striking out subsection (1) thereof and by substituting therefore the following:

"32.—(1) Any person or any members of the Council desiring to secure the amendment or repeal of a zoning by-law shall make application therefor to the Council and the Council shall, if a town planning commission has been

constituted under the provisions of this Act, refer such application to the commission for consideration and report, and in case the Minister certifies by writing under his hand that any proposed amendment is not contrary to the fundamental principle of the scheme of the by-law or of this Act and involves no injustice to anyone concerned, the Council may proceed to approve and pass the amendment, and in all other cases before approving any amendment or repeal the Council shall give notice thereof by publishing a notice of hearing in like manner as provided in section 31 of this Act, and such notice shall state the time and place at which the Council will meet to consider the proposed amendment or repeal."

9. The said Act is further amended as to section 34 thereof by inserting therein, immediately after subsection (3) thereof, the following new subsection:

"(3a) If any building which is by this Act deemed to be a building existing at the time of the passing of the zoning by-law is damaged or destroyed by fire or other causes to an extent of more than seventy-five per centum of the value of the building above its foundations, or if it is so damaged, to a lesser extent, and is substantially reconstructed or rebuilt, and if at the time of its damage or destruction the use thereof is not in conformity with the provisions of the zoning by-law, the non-conforming use shall not be continued in respect of the building upon its repair, rebuilding or reconstruction without the approval of the Zoning Appeal Board."

10. This Act shall come into force on the day upon which it is assented to.

No. 12.

FOURTH SESSION
SEVENTH LEGISLATURE
24 GEORGE V
1934

BILL

An Act to amend The Town Planning
Act, 1929.

Received and read the

First time

Second time.....

Third time.....

HON. MR. MCPHERSON.

EDMONTON:
W. D. McLEAN, KING'S PRINTER
1934