



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 129
(2000, chapter 58)

An Act to prohibit commercial advertising along certain thoroughfares

Introduced 11 May 2000
Passage in principle 6 December 2000
Passage 20 December 2000
Assented to 20 December 2000

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EXPLANATORY NOTES

The object of this bill is to prohibit, along high-speed thoroughfares and on bridges and approaches to bridges in urban areas, the erection of new commercial signs intended for passing motorists. The bill provides for certain exceptions, particularly with respect to the location and dimensions of the advertising.

In addition to prescribing a fine in the case of a contravention, the bill provides that the Minister of Transport or the person responsible for the highway or bridge can require or, if necessary, proceed with the removal of advertising erected despite the prohibition.

Bill 129

AN ACT TO PROHIBIT COMMERCIAL ADVERTISING ALONG CERTAIN THOROUGHFARES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. All advertising, even advertising erected on private property, that is located and angled so as to attract the attention of the users of a bridge or a public highway situated in the territory of a municipality governed by the Cities and Towns Act (R.S.Q., chapter C-19) or any territory within the territory of an urban community and on which, in the case of a public highway, the maximum speed permitted is 70 km/h or more, is prohibited.

For the purposes of this section, a bridge includes the entry and exit ramps within a distance of 300 metres.

This section does not apply

(1) to signs erected more than 200 metres from the edge of the roadway ;

(2) to road or traffic signs referred to in subparagraph 1 or 2 or to inscriptions referred to in subparagraph 3 of the first paragraph of section 1 of the Roadside Advertising Act (R.S.Q., chapter P-44);

(3) to a sign referred to in the first paragraph of section 5 of that Act;

(4) to a sign erected to replace another sign at the same place and on the same display panel, unless its dimensions exceed those of the replaced sign or unless it is an animated message or electronic variable message sign.

2. The prohibition on commercial advertising along a public highway referred to in section 1 applies to the following places even if the speed posted is less than 70 km/h :

(1) in interchanges and within a distance of 200 metres before and after the approach nose of an exit ramp or entrance ramp ;

(2) at intersections and within a distance of 200 metres before and after intersections ;

(3) in sharp curves and in school zones and within a distance of 100 metres before and after the road or traffic signs or signals erected on either side of the curves and the school zones.

Elsewhere, the prohibition applies only if the advertising displays an animated message or an electronic variable message or if the following minimum distances and maximum dimensions are not complied with :

(1) within an urbanization perimeter,

(a) a distance of at least 50 metres from any road or traffic sign and a distance of more than 100 metres from any other advertising measuring less than 40 square metres and more than 200 metres from any other advertising measuring 40 square metres or more ;

(b) a distance of more than 15 metres from the edge of the roadway and dimensions of no more than 20 square metres if the advertising is at a distance of less than 30 metres from the edge of the roadway or dimensions of no more than 65 square metres if the advertising is 30 metres or more from the edge of the roadway ;

(2) outside an urbanization perimeter, the minimum distances and maximum dimensions prescribed by the Roadside Advertising Act and any regulation thereunder.

3. The Minister of Transport or the person responsible for the maintenance of a public highway or a bridge may, if he or she has reasonable grounds to believe that advertising is erected in contravention of section 1 or 2, issue to the person who erected the advertising or, where the person cannot be identified or contacted, to the person who caused or allowed it to be erected, a notice requiring the person to remove the advertising within 30 days. However, the time limit shall be reduced to five days in the case of advertising erected near a road or traffic sign at a distance that is less than the minimum distance prescribed.

If the person fails to comply with the notice, the Minister or the person responsible for the maintenance of the highway or the bridge may have the advertising removed at the person's expense.

4. Every person who erects advertising or causes or allows advertising to be erected in contravention of section 1 is guilty of an offence and is liable to a fine of \$2,000 to \$10,000.

5. Sections 20 and 21 and paragraph 3 of section 24 of the Roadside Advertising Act apply, with the necessary modifications, to the inspection of advertising to determine whether it is erected in contravention of this Act.

6. Any advertising erected before 11 May 2000 and prohibited under section 1 or the first paragraph of section 2 must be removed on or before

30 June 2002. From that date, the Minister may, if the advertising has not been removed, issue to the person who erected the advertising or, where the person cannot be identified or contacted, to the person who caused or allowed it to be erected, a notice requiring the person to remove the advertising within 15 days of receipt of the notice.

If the person fails to comply with the notice, the Minister or the person responsible for the maintenance of the highway or the bridge may have the advertising removed at the person's expense.

7. Section 3 has effect from 11 May 2000 in respect of advertising erected on or after that date as if it had been erected on or after the date specified in section 8.

8. This Act comes into force on 20 December 2000.