



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 1

Roadside Advertising Act

Introduction

**Introduced by
Mr Marc-Yvan Côté
Minister of Transport**



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EXPLANATORY NOTES

The object of this bill is to make a general revision of the legislation governing roadside advertising along highways maintained by the Ministère des Transports.

To that end, the bill contains separate provisions as to commercial advertising and as to noncommercial advertising: in the field of commercial advertising, it establishes a permit system to control the identification of persons using roadside advertising, and it renews the standards as to where advertising signs may be displayed, using the edge of the roadway as the point of reference.

ACTS REPLACED BY THIS BILL:

- Signboards and Posters Act (R.S.Q., chapter P-5);
- Roadside Advertising Act (1965, 1st session, chapter 49).

ACT AMENDED BY THIS BILL:

- Roads Act (R.S.Q., chapter V-8).

Bill 1

Roadside Advertising Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PRELIMINARY PROVISIONS

1. This Act applies to any advertising sign displayed along highways maintained by the Minister of Transport pursuant to the Roads Act (R.S.Q., chapter V-8), and in or near rest areas and lookouts along them, but not to

(1) road and traffic signs and other notices intended for the public erected pursuant to the Highway Safety Code (1986, chapter 91) or by the Government of Canada or of Québec, a municipality or a school board;

(2) signs erected by a public utility to advertise its services or to warn of danger;

(3) inscriptions on the site of a house of worship or in a cemetery.

For the purposes of this Act, any notice intended for the public is deemed to be advertising.

2. This Act does not apply to urban or regional communities, municipalities governed by the Cities and Towns Act (R.S.Q., chapter C-19) or Indian reserves.

3. In this Act, the term “roadway” means that part of a highway ordinarily used for vehicular traffic, and the term “right-of-way” means the surface of a highway and of its borders up to the line separating it from the adjacent land.

4. Unless otherwise indicated, the distance between an advertising sign and a highway, rest area or lookout shall be measured from the edge of the roadway or, as the case may be, from the limit of the rest area or lookout.

CHAPTER II

COMMERCIAL ADVERTISING

DIVISION I

SCOPE

5. This chapter does not apply to a sign displayed on premises where an enterprise, profession or art is carried on or practised advertising only the name or firm name, activities, products, services or facilities of the occupant.

Notwithstanding the first paragraph, this chapter applies to a sign advertising the harvesting or sale of agricultural products displayed on the premises where the products are harvested.

DIVISION II

PROHIBITIONS

6. No commercial advertising sign visible from a highway may be displayed within 300 metres of the highway

(1) in a school zone, school crosswalk zone, pedestrian crosswalk zone, children’s playground crosswalk zone or narrow crossing zone indicated by a road or traffic sign erected pursuant to the Highway Safety Code;

(2) on a curve where a road or traffic sign signals reduced speed.

DIVISION III

PERMITS

7. No person may display or cause to be displayed a commercial advertising sign within 300 metres of a highway, rest area or lookout

and visible therefrom without being the holder of a permit issued by the Minister of Transport unless the sign advertises the harvesting or sale of agricultural products or the sale or lease of all or part of an immovable.

Where an advertising sign has been displayed without the prescribed permit having been issued, the following persons must, to keep it on display, obtain a permit issued by the Minister of Transport:

- (1) the owner, lessee or occupant of the land on which the advertising sign is displayed;
- (2) the person whose goods or services are advertised;
- (3) the owner of the advertising display panel.

For the purposes of this section, where commercial advertising signs are displayed back to back or anglewise to each other, a separate permit must be obtained for each.

8. Every person wishing to obtain or renew a permit must

- (1) establish that the planned advertising sign will conform to this Act and, where applicable, furnish proof of any authorization required thereby;
- (2) fulfill the conditions and formalities prescribed by regulation and pay any fees fixed therein.

A permit shall be issued or renewed for a period of one, three or five years, as the applicant elects. It shall contain the information prescribed by regulation and be accompanied with an identification plate.

9. The Minister, when issuing a permit, may fix the time within which the advertising sign must be displayed.

10. The Minister may revoke a permit, after giving the holder an opportunity to be heard,

- (1) where the advertising sign has not been displayed within the fixed time or where it has been removed or destroyed;
- (2) where, in the case of advertising signs displayed back to back or anglewise to each other, that visible to a driver on his right-hand side has been removed or destroyed;

(3) where the advertising sign does not conform to this Act and the regulations or where the holder has not furnished proof of the authorizations required thereby.

The revocation has effect from the date of its sending, by registered or certified mail, to the permit holder.

Within 15 days after the revocation, the permit holder must remove the advertising sign which is on display, together with the display panel and the supporting structure, or replace it by a noncommercial sign which is in conformity with this Act and the regulations.

DIVISION IV

CONSTRUCTION, ERECTION AND MAINTENANCE

11. The display panel which carries a commercial advertising sign and the identification plate issued with the permit must be solidly affixed to a supporting structure erected for that purpose.

12. The construction, erection and maintenance of an advertising sign, particularly the display panel and the supporting structure, must conform to the standards prescribed by regulation in addition to those prescribed by this division.

13. No commercial advertising sign visible from a highway, rest area or lookout may be displayed within

- (1) 30 metres thereof, subject to subparagraph 2;
- (2) 75 metres of any autoroute;

(3) 180 metres of the intersection of the highway with another highway, with the entrance or exit ramp of an autoroute or with a railroad;

(4) 300 metres or, in the case of an autoroute, 600 metres of another advertising sign displayed on the same side of the highway and subject to the same dimensional standards;

(5) 600 metres of the entrance or exit ramp of an autoroute, measured from the head of the ramp.

In addition, the advertising sign must be so displayed as to be visible to a driver on his right-hand side, except where it is displayed back to back or anglewise to another advertising sign.

In this section, the term “autoroute” means a highway designated as such by the Minister by means of the proper signs.

14. The minimum distances prescribed in section 13 do not apply to a sign advertising

(1) the harvesting or sale of agricultural products, provided it is not displayed outside the harvesting period or within one metre of the right-of-way of the highway, rest area or lookout and provided there are not more than two advertising signs at the same harvesting place;

(2) the sale or lease of all or part of an immovable, provided it is displayed on the immovable.

15. An advertising sign must not exceed

(1) 4 metres in height, if it is displayed within 60 metres of a highway, rest area or lookout;

(2) 6 metres in height, if it is displayed 60 metres or more therefrom but within 90 metres thereof;

(3) 8 metres in height, if it is displayed 90 metres or more therefrom.

CHAPTER III

NONCOMMERCIAL ADVERTISING

16. Noncommercial advertising visible from a highway, rest area or lookout is permitted within 300 metres thereof only in the following cases and on the following conditions:

(1) where it concerns a festival or any other cultural, religious or patriotic event. The advertising sign must be removed within 15 days after the event. In addition, not more than two signs advertising the same event may be displayed along the same highway in the territory of the same municipality;

(2) where it concerns an election, a referendum or any other special event designated by the Government. The advertising sign must be removed within 15 days after the event;

(3) where it contains only

(a) the emblem, initials or corporate name of the church, religious association or charity, club or chamber of commerce by which it is displayed;

(b) a prohibition or warning concerning certain activities on the premises on which it is displayed;

(c) the name of the resident of the place where it is displayed or is an inscription on the mailbox or newspaper box;

(4) where it advertises a future construction, a residential, commercial or industrial development, or the name, firm name or telephone number of the contractor, the subcontractors or other persons working thereon, provided the advertising sign is displayed on the premises of the construction or development. Not more than two such advertising signs may be displayed on the same premises;

(5) where it concerns the protection of the environment, of the forest, or of land or aquatic animal-life;

(6) where, being displayed at the intersection of a highway and a private road, it advertises an enterprise or residence distant from the highway and accessible by that road;

(7) where it concerns the practice of a profession governed by a professional corporation which is subject to the Professional Code (R.S.Q., chapter C-26).

Notwithstanding the foregoing, no advertising sign described in subparagraphs 1, 3, 4, 5 and 7 of the first paragraph may be displayed within 300 metres of a highway designated as an autoroute by the Minister by means of the proper signs.

No advertising sign described in this section may be displayed within one metre of the right-of-way of the highway, or exceed three metres in height. The construction, erection and maintenance of the display panels must conform to the standards prescribed by regulation.

CHAPTER IV

SPECIAL PROHIBITIONS

17. No commercial or noncommercial advertising sign may be displayed

(1) within 300 metres of a highway, rest area or lookout on a site or area designated by the Government for the purposes of highway safety or the protection of the scenery or of the historical or architectural heritage;

(2) within the limits of a rest area or lookout, unless authorized by the person responsible for its maintenance, who may, without notice, remove any advertising sign displayed in contravention of this provision;

(3) on an object suspended in the air and attached to the ground in the zone within 300 metres of a highway, rest area or lookout;

(4) back to back or anglewise to another advertising sign displayed within 300 metres of a highway designated as an autoroute by the Minister by means of the proper signs.

18. Where a road vehicle is stopped on vacant land or in a field within 300 metres of a highway, rest area or lookout, any advertising appearing on it must be concealed unless the road vehicle is stopped to pick up or deliver goods.

19. Any lighting for an advertising sign which interferes with the vision of users of a highway or otherwise endangers their safety, in particular any intermittent or rotating lighting, is prohibited.

CHAPTER V

INSPECTION

20. A person authorized by the Minister in writing may, at any reasonable time, enter upon private land to inspect an advertising sign, particularly the display panel, the supporting structure and the lighting therefor. The person may be accompanied by a surveyor.

The person must, upon request, identify himself and show a certificate of his capacity.

21. No person may hinder the work of an inspector or of the surveyor accompanying him in the performance of his duties.

CHAPTER VI

REGULATIONS

22. The Government may, by regulation,

(1) prescribe standards of construction, installation and maintenance of advertising signs, particularly of the display panels and supporting structures;

(2) prescribe, at the places it determines, special standards concerning the architectural aspect and the design of advertising signs;

(3) prescribe the conditions and formalities for obtention and renewal of permits and fix the annual fees exigible from permit holders;

(4) prescribe the form and tenor of a permit and of the identification plate to be affixed to a supporting structure;

(5) prescribe the maximum dimensions of advertising signs according to their distance from a highway, rest area or lookout;

(6) determine, from among the provisions of regulations made under this section, those the contravention of which is punishable under this Act.

CHAPTER VII

OFFENCES

23. Every person is guilty of an offence and liable, in addition to costs, to a fine of \$300 to \$600 who

(1) contravenes section 7;

(2) fails to comply with the third paragraph of section 10 after his permit is revoked.

24. Every person who displays an advertising sign or causes an advertising sign to be displayed in contravention of any of the following provisions is guilty of an offence and is liable, in addition to costs, to a fine of:

(1) \$300 to \$600 for contravention of section 6 or paragraph 3 of section 17;

(2) \$200 to \$500 for contravention of any of sections 11, 13 and 15 or of either of paragraphs 1 and 4 of section 17;

(3) \$100 to \$200 for contravention of section 16, paragraph 2 of section 17 or section 21;

(4) \$50 to \$100 for contravention of a regulatory provision determined under paragraph 6 of section 22.

25. Every person who instals lighting or causes lighting to be installed in contravention of section 19 is guilty of an offence and is liable, in addition to costs, to a fine of \$300 to \$600.

26. The owner of a road vehicle who fails to conceal the advertising appearing on a road vehicle in contravention of section 18 is guilty of an offence and is liable, in addition to costs, to a fine of \$200 to \$500.

27. Every person is guilty of an offence and is liable, in addition to costs, to a fine of \$50 to \$100 who

(1) displays or causes to be displayed more than two signs advertising the same festival or event in contravention of paragraph 1 or 4 of section 16;

(2) having displayed an advertising sign or caused it to be displayed, fails to remove it after the expiry of the time prescribed in paragraph 1 or 2 of section 16.

28. Where a commercial advertising sign or the lighting therefor is displayed or installed in contravention of any of the provisions of this Act or the regulations, the permit holder is guilty of an offence and is liable, in addition to costs, to the same penalty as that provided for a contravention by the person who displayed or installed the advertising sign or lighting, whether or not he has been prosecuted, if the permit holder keeps it in place without bringing it into conformity with that provision.

Where a noncommercial advertising sign or the lighting therefor is displayed or installed in contravention of any of the provisions of this Act or the regulations, each of the following persons is guilty of an offence if he keeps it in place without bringing it into conformity with that provision and is liable, in addition to costs, to the same penalty as that prescribed for a contravention by the person who displayed or installed the advertising sign or lighting, whether or not he has been prosecuted:

(1) the owner, lessee or occupant of the land on which the advertising sign is displayed;

(2) the owner of the advertising display panel.

29. Every person found guilty of an offence under the provisions of this Act or the regulations must, within 15 days after service of the judgment, bring the advertising sign or lighting which is the subject

of the proceedings into conformity with those provisions or, if that cannot be done or if it is not possible to obtain a permit, remove it.

Every offender who, in contravention of the first paragraph, fails to bring an advertising sign or lighting into conformity with this Act and the regulations or to remove it is guilty of an offence and is liable, in addition to costs, to a fine of \$1 000 to \$3 000 in the case of a natural person, or of \$3 000 to \$6 000 in the case of a legal person.

30. A judge, in pronouncing conviction following an offence under this Act or the regulations, may authorize the Minister of Transport to enter upon private land at the expiry of the time prescribed in section 29 and remove the advertising sign or lighting that is the subject of the proceedings at the offender's expense.

31. Where an offence described in the second paragraph of section 29 continues for more than one day, it is deemed to be a separate offence for each day or part of a day during which it continues.

Notwithstanding subsection 2 of section 12 of the Summary Convictions Act (R.S.Q., chapter P-15), separate offences may be charged in a single count.

32. Proceedings may be instituted by the Attorney General, by a regional county municipality where an agreement has been entered into pursuant to section 34 or by any person generally or specially authorized by either for that purpose.

CHAPTER VIII

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

33. Every advertising sign which, originally displayed in conformity with this Act and the regulations, becomes non-conforming by reason of the construction of a new highway, a change in the site of a highway or the designation of an autoroute pursuant to section 297 of the Highway Safety Code, must be brought into conformity with this Act and the regulations within three years after the date on which it becomes non-conforming.

34. The Minister of Transport and a regional county municipality may enter into an agreement for the purpose of delegating to the municipality the exercise within its territory of all or part of the functions or powers assigned to the Minister under sections 7 to 10 and 20.

The agreement may provide for the financing of the expenses incurred by the municipality for the enforcement of this Act.

35. The following are repealed:

- (1) the Signboards and Posters Act (R.S.Q., chapter P-5);
- (2) sections 17 to 17.4 of the Roads Act (R.S.Q., chapter V-8);
- (3) the Roadside Advertising Act (1965, 1st session, chapter 49).

36. Sections 18 and 18.1 of the Roads Act (R.S.Q., chapter V-8) are replaced by the following section:

“**18.** Proceedings for an offence under section 15, 15.1 or 16 are brought under the Summary Convictions Act (R.S.Q., chapter P-15) by the Attorney General or by any person generally or specially authorized by him for that purpose.”

37. Any advertising sign which, placed or erected in conformity with the Signboards and Posters Act or the Roads Act, does not conform to this Act must be brought into conformity therewith within three years after (*insert here the date of coming into force of this section*).

In the case of commercial advertising signs, a permit must be applied for within 18 months after (*insert here the date of coming into force of this section*).

38. The Minister of Transport is responsible for the administration of this Act.

39. The provisions of this Act will come into force on the dates fixed by the Government.