

chapter P-44

ROADSIDE ADVERTISING ACT

TABLE OF CONTENTS

CHAPTER I	
PRELIMINARY PROVISIONS.....	1
CHAPTER II	
COMMERCIAL ADVERTISING	
DIVISION I	
SCOPE.....	5
DIVISION II	
PROHIBITIONS.....	6
DIVISION III	
PERMITS.....	7
DIVISION IV	
CONSTRUCTION, ERECTION AND MAINTENANCE.....	11
CHAPTER III	
NONCOMMERCIAL ADVERTISING.....	16
CHAPTER IV	
SPECIAL PROHIBITIONS.....	17
CHAPTER V	
INSPECTION.....	20
CHAPTER VI	
REGULATIONS.....	22
CHAPTER VII	
PENAL PROVISIONS.....	23
CHAPTER VIII	
MISCELLANEOUS AND TRANSITIONAL PROVISIONS.....	33

REPEAL SCHEDULE

CHAPTER I

PRELIMINARY PROVISIONS

1. This Act applies to any advertising sign displayed along highways maintained by the Minister of Transport pursuant to the Act respecting roads (chapter V-9), 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 (chapter C-24.2) or erected by a municipality on its territory, by a school service centre or by a school board;

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

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

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

1988, c. 14, s. 1; 1992, c. 54, s. 74; 1999, c. 40, s. 238; 2020, c. 1, s. 291.

2. This Act does not apply to municipalities governed by the Cities and Towns Act (chapter C-19) or Indian reserves.

1988, c. 14, s. 2; 1990, c. 85, s. 122; 2000, c. 56, s. 222.

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.

1988, c. 14, s. 3.

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.

1988, c. 14, s. 4.

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, 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.

1988, c. 14, s. 5.

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 (chapter C-24.2);

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

1988, c. 14, s. 6.

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.

1988, c. 14, s. 7.

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.

1988, c. 14, s. 8.

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

1988, c. 14, s. 9.

10. The Minister may revoke a permit,

(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 Minister shall, before making such a decision, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the holder at least 10 days to present observations.

The revocation has effect from the date of its sending, by registered 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.

1988, c. 14, s. 10; 1997, c. 43, s. 506; I.N. 2016-01-01 (NCCP).

10.1. Any holder whose permit is revoked may contest the decision of the Minister before the Administrative Tribunal of Québec within 30 days of notification of the decision.

1997, c. 43, s. 507.

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.

1988, c. 14, s. 11.

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.

1988, c. 14, s. 12.

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, except an advertising sign to advertise an enterprise distant from the intersection of the highway with another highway not maintained by the Minister of Transport and located along the latter highway;

(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.

The Minister, where he considers that the topography of the area prevents an applicant from displaying an advertising sign as prescribed in subparagraphs 1 and 2 of the first paragraph over a distance of at least one kilometre, may authorize the advertising sign to be displayed at such lesser distance as he indicates.

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

1988, c. 14, s. 13; 1992, c. 13, s. 1.

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.

1988, c. 14, s. 14.

15. No advertising sign may exceed

(1) 3 metres in height, if it is displayed within 30 metres of a highway, rest area or lookout;

(2) 5.50 metres in height, if it is displayed 30 metres or more therefrom but within 60 metres thereof;

(3) 11 metres in height, if it is displayed 60 metres or more therefrom but within 90 metres thereof;

(4) 16 metres in height, if it is displayed 90 metres or more therefrom.

1988, c. 14, s. 15; 1992, c. 13, s. 2.

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 sports, 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 local 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 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 concerns the protection of the environment, of the forest, or of land or aquatic animal-life;

(5) 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.

Notwithstanding the foregoing, no advertising sign described in subparagraph 1, 3 or 4 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 in a place described in section 6, or exceed the height prescribed in section 15. The construction, erection and maintenance of the display panels must conform to the standards prescribed by regulation.

Any other noncommercial advertising sign is regarded as a commercial advertising sign and is governed by Chapter II.

1988, c. 14, s. 16; 1992, c. 13, s. 3; 1996, c. 2, s. 826.

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.

1988, c. 14, s. 17.

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.

1988, c. 14, s. 18.

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.

1988, c. 14, s. 19.

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.

1988, c. 14, s. 20.

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

1988, c. 14, s. 21.

CHAPTER VI

REGULATIONS

22. The Government may, by regulation,

(1) prescribe standards of construction, erection 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.

1988, c. 14, s. 22.

CHAPTER VII

PENAL PROVISIONS

1992, c. 61, s. 491.

23. Every person is guilty of an offence and liable 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.

1988, c. 14, s. 23; 1990, c. 4, s. 952.

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 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.

1988, c. 14, s. 24; 1990, c. 4, s. 952.

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

1988, c. 14, s. 25; 1990, c. 4, s. 952.

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

1988, c. 14, s. 26; 1990, c. 4, s. 952.

27. Every person is guilty of an offence and is liable 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 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.

1988, c. 14, s. 27; 1990, c. 4, s. 952.

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 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 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.

1988, c. 14, s. 28; 1990, c. 4, s. 952.

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 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.

1988, c. 14, s. 29; 1990, c. 4, s. 952.

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.

1988, c. 14, s. 30.

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.

1988, c. 14, s. 31; 1990, c. 4, s. 953.

32. *(Repealed).*

1988, c. 14, s. 32; 1992, c. 61, s. 492.

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 (chapter C-24.2), must be brought into conformity with this Act and the regulations within three years after the date on which it becomes non-conforming.

In a site or area described in paragraph 1 of section 17, the advertising sign must be removed within the time prescribed by the Government.

1988, c. 14, s. 33.

34. *(Omitted).*

1988, c. 14, s. 34.

35. *(Amendment integrated into c. V-8, ss. 18-18.1).*

1988, c. 14, s. 35.

36. Any advertising sign which, placed or erected in conformity with the Signboards and Posters Act (chapter P-5) or the Roads Act (chapter V-8), does not conform to this Act must be brought into conformity therewith within three years after 15 September 1989.

In the case of commercial advertising signs, a permit must be applied for within 18 months after 15 September 1989.

1988, c. 14, s. 36.

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

1988, c. 14, s. 37.

38. *(Omitted).*

1988, c. 14, s. 38.

REPEAL SCHEDULE

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 14 of the statutes of 1988, in force on 1 March 1990, is repealed, except section 38, effective from the coming into force of chapter P-44 of the Revised Statutes.