

1972 Bill 51

First Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 51

The Litter Act

MINISTER OF THE ENVIRONMENT

First Reading

Second Reading

Third Reading

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BILL 51

1972

THE LITTER ACT

(Assented to _____, 1972)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. In this Act

- (a) "dispose" includes discharging, dumping, throwing, dropping, discarding or abandoning;
- (b) "enforcement officer" means
 - (i) a member of the Royal Canadian Mounted Police, or
 - (ii) a municipal police officer, or
 - (iii) a wildlife officer, a fishery officer, a forest officer, a parks officer or a member of the Enforcement Division of the Motor Vehicle Branch of the Department of Highways and Transport, or
 - (iv) any person appointed as an enforcement officer by the Minister, or
 - (v) any person appointed as an enforcement officer by a council of a local authority or the Minister of Municipal Affairs;
- (c) "highway" has the same meaning that it has in *The Highway Traffic Act*;
- (d) "litter" means
 - (i) rubbish, refuse, garbage, waste materials, paper, packages, containers, bottles, cans or parts thereof, or
 - (ii) any article, product, machinery, motor vehicle or other manufactured goods which is dumped, discarded, abandoned or otherwise disposed of, or
 - (iii) any other thing that is designated as litter in the regulations;
- (e) "local authority" means
 - (i) the corporation of a city, town, new town, village, municipal district or county, or

Explanatory Notes

1. Definitions.

- (ii) the Minister of Municipal Affairs, in the case of an improvement district or special area;
- (f) "Minister" means the Minister of the Environment;
- (g) "municipality" means the area of a city, town, new town, village, summer village, municipal district, county, improvement district or special area;
- (h) "public land" means lands of the Crown in right of Alberta, except highways.

PART 1

LITTER ON LAND, WATER AND ICE

2. No person shall dispose of litter on public land unless he disposes of it

- (a) in a container placed for the purpose of collecting it, or
- (b) in accordance with *The Forest and Prairie Protection Act* and regulations made thereunder, and the regulations under this Act.

3. (1) No person shall dispose of litter on a highway, unless he disposes of the litter in a container placed for the purpose of collecting it.

(2) Where a person disposes of litter on a highway from a motor vehicle other than a bus and it cannot be determined which of two or more occupants of the motor vehicle is responsible, the driver of the motor vehicle shall be deemed to be the person who disposed of the litter on the highway.

(3) In this section, "litter" in addition to the meaning it has in section 1, includes

- (a) coal, brick, wood, manure, gravel, earth or other material forming any part of the load of a motor vehicle, and
- (b) glass or like material, nails, tacks or scraps of metal.

4. No person shall dispose of litter on any land owned by a local authority or owned by the Crown and administered by the Minister of Municipal Affairs, unless he disposes of it

- (a) at a sanitary landfill established pursuant to the regulations made under *The Public Health Act*, or
- (b) through a municipal refuse disposal system, or
- (c) in a container placed for the purpose of collecting it, or
- (d) by burning it
 - (i) in accordance with a permit, licence or approval issued by a council, or

2. Disposal of litter on public land is prohibited.

3. Littering highways prohibited.

4. Disposal of litter on municipally owned land.

- (ii) pursuant to a permission given under the regulations made under *The Clean Air Act*,
- or
- (e) in any other manner specified in the regulations under this Act.

5. No person shall dispose of litter on any land other than his own unless the owner or person in control of the other land agrees to its disposal.

6. (1) No person shall dispose of litter on, into or under water or ice unless the litter is disposed of

- (a) pursuant to an approval or licence issued under *The Clean Water Act* or regulations made thereunder, or
- (b) pursuant to an approval issued under the *The Public Health Act* or regulations made thereunder, or
- (c) pursuant to a method or in a manner specified in the regulations under this Act.

(2) In this section “dispose”, in addition to the meaning it has elsewhere in this Act, includes

- (a) spilling, or
- (b) leaking, or
- (c) pumping, or
- (d) pouring, or
- (e) emitting, or
- (f) emptying,

or any two or more of them.

Offences and Penalties

7. (1) A person who contravenes any provision of section 2, 3, 4, 5 or 6 is guilty of an offence and liable on summary conviction

- (a) for a first offence, to a fine of not less than \$50 and not more than \$100 and in default of payment to imprisonment for a term of not more than five days,
- (b) for a second offence, to a fine of not less than \$150 and not more than \$250 and in default of payment to imprisonment for a term of not more than 15 days, and
- (c) for a third and any subsequent offence, to a fine of not less than \$500 and in default of payment, to imprisonment for a term of not more than 90 days, or to both fine and imprisonment.

(2) An enforcement officer who has reason to believe that a person has contravened any provision of section 2, 3, 4, 5 or 6 may

5. Disposal of litter by persons on land other than their own.

6. Disposal of litter in water or on ice prohibited.

7. Offences and penalties.

- (a) issue an anti-litter order to that person in the form specified in the regulations, or
 - (b) commence a prosecution against that person, with respect to the contravention.
- (3) Where the enforcement officer issues an anti-litter order under subsection (2) and the person to whom it is addressed fails to comply with the order to the satisfaction of the enforcement officer, the enforcement officer may commence a prosecution with respect to the offence.
- (4) Where a person complies with an anti-litter order to the satisfaction of the enforcement officer who issued the order, no prosecution shall be commenced with respect to the offence.

PART 2
UNSIGHTLY PROPERTY

8. In this Part,

- (a) “by-law” includes, in the case of an improvement district or special area, an order of the Minister of Municipal Affairs;
- (b) “Director” means the Director of the Division of Pollution Control of the Department of the Environment;
- (c) “unsightly property” means any property or part thereof upon which there is litter which causes the property or any part thereof to look unsightly.

9. (1) Subject to section 12, where an enforcement officer considers any property, when viewed from a highway, to be unsightly property, the enforcement officer may issue a clean up order.

(2) The clean up order shall be issued to

- (a) the owner, or
- (b) the person in control,

of the property that is the subject of the clean up order.

(3) The clean up order may require the person to whom it is addressed, within a period of time which shall not be more than 60 days from the date of the making of the order,

- (a) to remedy the condition of the property in a manner and to the extent directed in the order, or
- (b) to demolish or remove any litter causing or contributing to the unsightliness of the property, or
- (c) to construct any thing to prevent the property from being viewed from a highway, or
- (d) to do any other thing to remedy the unsightliness of property, or

8. Unsightly property and Director defined.

9. Clean up order.

- (e) to do all or any of the matters specified in clauses (a) to (d).

10. (1) The person to whom the clean up order is issued may, within 21 days of the date it is issued, request the Minister to review the order or any part thereof.

(2) Upon receiving a request for review, the Minister shall review the reasons for the clean up order.

(3) After conducting the review, the Minister may confirm, rescind or in any manner vary the clean up order.

11. (1) Where a person fails to comply with a clean up order, the Director may cause the condition of the premises to be remedied to the extent specified in the clean up order and charge the cost of the work done to the person to whom the clean up order was issued.

(2) The costs involved in carrying out the work done under subsection (1) are a debt due to the Crown by the person to whom the clean up order was issued and may be recovered from him as such.

12. (1) Where there is a by-law in force in a municipality concerning unsightly property or unsightly premises, the procedure in this section and sections 13 and 14 applies.

(2) An enforcement officer shall notify the Director in writing where he considers any property, when viewed from a highway, to be unsightly property.

(3) Upon receipt of a notification pursuant to subsection (2), the Director may request the local authority of the municipality in which, in the opinion of the enforcement officer, there is unsightly property, to enforce its by-law concerning unsightly property or unsightly premises.

(4) Where the local authority fails to commence proceedings to enforce its by-law within 10 days of the date of the Director's request under subsection (3), the Director may issue a clean up order to the local authority.

(5) The clean up order may require the local authority, within a period of time which shall not be more than 60 days from the date of the making of the order,

- (a) to remedy the condition of the property in a manner and to the extent directed in the order, or
- (b) to demolish or remove any litter causing or contributing to the unsightliness of the property, or
- (c) to construct any thing to prevent the property from being viewed from a highway, or

10. Appeal to the Minister of the Environment to review a clean up order.

11. Costs of cleaning up.

12. Clean up order to council of a municipality.

- (d) to do any other thing to remedy the unsightliness of the property, or
- (e) to do all or any of the matters specified in clauses (a) to (d).

13. (1) The local authority to whom a clean up order is addressed may, within 21 days of its date, request a review of the order or any part thereof by the Minister.

(2) Upon receiving a request for a review, the Minister shall review the reasons for the clean up order.

(3) After reviewing the clean up order, the Minister may confirm, rescind or in any manner vary the clean up order.

14. (1) Where a local authority fails to comply with a clean up order, the Director may cause the condition of the property to be remedied to the extent specified in the clean up order and charge the costs of the work done to the local authority and recover those costs as a debt due to the Crown.

(2) Where a local authority fails to pay the costs due under subsection (1), the Crown may deduct the amount from any grant or other sum of money that would otherwise have been due to the local authority under any Act or regulation of the Province.

15. (1) The Minister may, in writing, delegate to any employee of the Department of the Environment, his powers, duties and functions under section 13.

(2) Where, pursuant to subsection (1), the Minister delegates to an employee of the Department of the Environment, his powers, duties and functions under section 13, the reference in section 13 or the regulations to the Minister in connection with those powers, duties and functions, shall be construed as referring to that employee.

16. The Lieutenant Governor in Council may make regulations concerning all such matters, acts and things as are necessary for the administration and enforcement of this Act, and in particular, but not so as to restrict the generality of the foregoing, may make regulations in respect of the following matters:

- (a) designating or exempting any thing as litter;
- (b) concerning the disposal of litter pursuant to sections 2, 4 and 6;

13. Appeal for review of clean up order to the Minister of the Environment.

14. Cost of clean up.

15. Minister's power to delegate.

16. Regulations.

- (c) governing the form, issue, content and nature of anti-litter orders and clean up orders;
- (d) respecting the procedure for requests for review of clean up orders and the procedure to be followed when the order is reviewed;
- (e) respecting the provision of litter collection containers;
- (f) authorizing the Minister to issue orders directing any person or local authority to provide litter collection containers;
- (g) exempting any person or operation from any or all of the provisions of this Act.

17. *The Highway Traffic Act* is amended by striking out section 150.

18. (1) This Act, except sections 4, 12, 13 and 14, comes into force on August 1, 1972.

(2) Sections 4, 12, 13 and 14 come into force on a date to be fixed by Proclamation.

17. Amends chapter 169 of the Revised Statutes of Alberta 1970.

Section 150 presently reads:

150. (1) No person shall litter a highway.
- (2) A person who litters a highway is guilty of an offence and liable on summary conviction to a fine of not more than \$100.
- (3) In this section "litter" means deposit or cause or allow to be deposited
 - (a) any coal, brick, wood, manure, gravel, earth, garbage or other material forming any part of the load of a vehicle, or
 - (b) any glass or like material, nails, tacks or scraps of metal, or
 - (c) any rubbish, refuse or waste.
- (4) When a person litters a highway from a motor vehicle other than a bus and it cannot be determined which of two or more occupants of the motor vehicle is responsible, the driver of the motor vehicle shall be deemed to be the person littering the highway.