

1978 BILL 48

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Fourth Session, 18th Legislature, 27 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 48**

**THE LITTER AMENDMENT ACT, 1978**

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MR. STROMBERG

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

*Bill 48*  
*Mr. Stromberg*

## **BILL 48**

1978

### **THE LITTER AMENDMENT ACT, 1978**

*(Assented to , 1978)*

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

*1 The Litter Act is amended by this Act.*

*2 Section 1 is amended*

*(a) by repealing clause (a) and substituting the following:*

(a) “disposing” includes discharging, dumping, throwing, dropping, discarding, abandoning, spilling, leaking, pumping, pouring, emitting or emptying, or any 2 or more of them, whether intentional or accidental;

*(b) by repealing clause (d) and substituting the following:*

(d) “litter” means

(i) any solid or liquid material or product or combination of solid or liquid materials or products, including, but not limited to

(A) any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, human or animal excrement or sewage or the whole or a part of an animal carcass, or

(B) the whole or part of any article, raw or processed material, motor vehicle or other machinery, that is disposed of,

or

(ii) any other material or product that is designated as litter in the regulations.

## Explanatory Notes

**1** This Bill will amend chapter 61 of the Statutes of Alberta, 1972.

**2** Section 1 (a) and (d) presently read:

*(a) "dispose" includes discharging, dumping, throwing, dropping, discarding or abandoning;*

*(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;*

The new clauses (f.1) and (i) are consequential to the amendments contained in section 3 of this Bill.

*(c) the following is added after clause (f):*

(f.1) “motor vehicle” means a motor vehicle as defined in *The Highway Traffic Act, 1975*;

*(d) the following is added after clause (h):*

(i) “trailer” means a trailer as defined in *The Highway Traffic Act, 1975*.

*3 Section 3 is amended*

*(a) by adding the following after subsection (1):*

(1.1) No person shall transport litter in or on a motor vehicle or trailer on a highway unless the litter while being transported is adequately secured to prevent it from falling off, or adequately covered to prevent it from blowing off, the motor vehicle or trailer.

*(b) by repealing subsection (2) and substituting the following:*

(2) If litter is disposed of from

(a) a motor vehicle other than a bus, or

(b) a trailer,

and it cannot be determined which of 2 or more occupants of the motor vehicle or trailer is responsible, the driver of the motor vehicle shall be deemed to be the person who disposed of the litter from the motor vehicle or trailer.

(2.1) If litter is disposed of from

(a) a motor vehicle other than a bus, or

(b) a trailer,

and it cannot be determined who is the driver of the motor vehicle, the owner of the motor vehicle shall be deemed to be the person who disposed of the litter from the motor vehicle or trailer, unless he proves to the satisfaction of a court that at the time of the offence the motor vehicle was not being driven, the trailer was not being towed or the motor vehicle or trailer was not parked or left by him or by any other person with his consent, express or implied.

*(c) by repealing subsection (3)(a) and substituting the following:*

**3** Section 3 presently reads:

*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.*

(a) coal, brick, wood, sawdust, gravel, earth or other material forming part of the load of a motor vehicle, and

4 *Section 6(2) is repealed.*

5 *Section 7 is amended by adding the following after subsection (1):*

(1.1) If a person is convicted of an offence under this Act, the court may, in addition to or in lieu of a penalty under subsection (1), order that the convicted person clean up litter along a highway or on another area of public land as the court considers appropriate.

6 *The following is added after section 11:*

**11.1(1)** Where a clean up order relates to land in a municipality and the person to whom it is directed fails to comply with the order, the Director may, in writing, direct the local authority to perform any work required under the order.

**4** Section 6 presently reads:

*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 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.*

**5** Authorizes a court to order clean up of litter as part of the penalty.

**6** Authorizes the Director of Pollution Control to direct the appropriate local authority to perform litter clean up and enables the local authority to collect expenses incurred by it for litter clean up on privately owned land as part of the taxes of the lands cleaned up.

(2) Where expenses are incurred by a local authority for any work performed as a result of a direction by the Director under subsection (1), the local authority may serve a statement of the expenses, together with a demand for payment, on the occupant and a copy on the owner of the land or, in the case of unoccupied land, it shall serve the owner only.

(3) The statement and demand for payment may be served by ordinary mail addressed

(a) in the case of an occupant, to his last known address, and

(b) in the case of an owner, to his address as shown on the assessment roll.

(4) If the person or persons on whom the statement is served fails to pay the amount set out in the statement within 30 days, the local authority may cause the amount paid by it to be placed on the tax roll as an additional tax against the land concerned and the amount may be collected in the same manner as taxes are collected.

*7 This Act comes into force on the day upon which it is assented to.*