

**TOWN OF INNISFAIL
BYLAW # 1412**

**BYLAW # 1412 OF THE TOWN OF INNISFAIL, IN THE PROVINCE OF ALBERTA,
BEING A BYLAW TO PROVIDE FOR THE REGULATION, OPERATION AND
MAINTENANCE OF A YARD WASTE COLLECTION SYSTEM.**

**WHEREAS, COUNCIL DEEMS IT NECESSARY TO PASS A BYLAW TO PROVIDE FOR
THE COLLECTION OF YARD WASTE PURSUANT TO THE MUNICIPAL
GOVERNMENT ACT, REVISED STATUTES OF ALBERTA 2000, CHAPTER M-26.**

**NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE TOWN OF INNISFAIL IN
COUNCIL CHAMBERS ASSEMBLED ENACTS AS FOLLOWS:**

1. TITLE

- 1.1 THIS BYLAW MAY BE REFERRED TO AS THE “YARD WASTE
COLLECTION BYLAW” OF THE TOWN OF INNISFAIL.

2. INTERPRETATIONS

- 2.1 IN THIS BYLAW, THE FOLLOWING TERMS SHALL HAVE THE
FOLLOWING MEANINGS, UNLESS THE CONTEXT SPECIFICALLY
REQUIRES OTHERWISE:

- (a) “CONTAINER” MEANS:
- i) A GALVANIZED METAL OR RIGID PLASTIC CONTAINER WITH A MAXIMUM CAPACITY OF 120 LITRES, BEING LARGER AT THE TOP THAN AT THE BOTTOM, HAVING A HANDLE AND FITTED LID, AND HAVING TWO CLEARLY IDENTIFIABLE LABELS ATTACHED DEFINING THE CONTENTS AS “YARD WASTE” AND NOT EXCEEDING 23KG INCLUDING CONTENTS;
 - ii) A WET STRENGTH DRAFT PAPER BAG WITHOUT TIES, HAVING A MINIMUM TOTAL WALL THICKNESS OF 0.23MM, A FLAT BASE WHEN UNFOLDED, AND NOT EXCEEDING 23KG, INCLUDING CONTENTS.
- (b) “COUNCIL” MEANS THE COUNCIL OF THE TOWN OF INNISFAIL
- (c) “COLLECTOR” MEANS ANY PERSON AUTHORIZED BY BYLAW OR RESOLUTION TO COLLECT, REMOVE AND DISPOSE OF YARD WASTE PURSUANT TO THIS BYLAW;
- (d) “LANE” MEANS A HIGHWAY NOT EXCEEDING NIN (9) METERS IN WIDTH WHICH PROVIDES A SECONDARY MEANS OF ACCESS TO A PREMISES;
- (e) “MANAGER” MEANS THE MUNICIPAL MANAGER OR HIS / HER DESIGNATE AS APPOINTED BY COUNCIL FROM TIME TO TIME;
- (f) “MATTER” MEANS ANY SOLID, LIQUID OR GAS;
- (g) “ MUNICIPALITY” MEANS THE TOWN OF INNISFAIL;
- (h) “NUISANCE” MEANS ANY ACT, DEED, OMISSION OR THING WHICH IS, OR COULD REASONABLY BE EXPECTED TO BE ANNOYING, TROUBLESOME, DESTRUCTIVE, HARMFUL, INCONVENIENT, UNSANITARY, UNSIGHTLY, UNSAFE OR INJURIOUS TO ANOTHER PERSON AND / OR ANOTHER PERSON’S PROPERTY;

- (i) “PERSON MEANS A NATURAL PERSON, BODY CORPORATE, PROPRIETOR, ASSOCIATION, SOCIETY OR PARTNERSHIP;
- (j) “PREMISES” MEANS ANY LAND OR BUILDING OR BOTH OR ANY PART THEREOF WITHIN THE MUNICIPALITY;
- (k) “PROHIBITED WASTE” MEANS:
 - i) LIQUID WASTE, DEAD ANIMALS OR DEAD ANIMAL PARTS, PETROLEUM PRODUCTS, INDUSTRIAL RESIDUE;
 - ii) BIOLOGICAL WASTE, HAZARDOUS, PATHOLOGICAL WASTE AND RADIOACTIVE WASTE AS DEFINED PURSUANT TO THE PUBLIC HEALTH ACT AND ITS REGULATIONS;
 - iii) ANY OTHER MATTER THAT IS NOT CLASSIFIED AS YARD WASTE IN THIS BYLAW.
- (l) “YARD WASTE” MEANS ANY PLANT MATERIAL SUCH AS GRASS CLIPPINGS, BEDDING PLANTS, WEEDS OR LEAVES BUT DOES NOT INCLUDE TREE BRANCHES OR SHRUB TRIMMINGS.

3. DELEGATION OF AUTHORITY

- 3.1 THE MUNICIPAL MANAGER SHALL:
 - (a) SUPERVISE THE COLLECTION, REMOVAL AND DISPOSAL OF YARD WASTE PURSUANT TO THIS BYLAW, AND ANY CONTRACT ENTERED INTO PURSUANT TO THIS BYLAW;
 - (b) DECIDE WHAT DOES OR DOES NOT CONSTITUTE YARD WASTE PURSUANT TO THIS BYLAW; AND
 - (c) SCHEDULE THE COLLECTION OF YARD WASTE PURSUANT TO THIS BYLAW.
- 3.2 ANY PERSON WHO CONSIDERS THEMSELVES TO BE AGGRIEVED BY A DECISION OF THE MUNICIPAL MANAGER MAY APPEAL THE DECISION TO COUNCIL.

4. COLLECTION

- 4.1 THE MUNICIPALITY MAY CONTRACT WITH ANY PERSON OR PERSONS TO PROVIDE AN EXCLUSIVE OR NON-EXCLUSIVE FRANCHISE FOR THE COLLECTION, REMOVAL AND DISPOSAL OF YARD WASTE, UPON SUCH TERMS AND CONDITIONS AS IS CONSIDERED EXPEDIENT.
- 4.2 NO PERSON SHALL:
 - (a) INTERFERE WITH OR PERMIT THE INTERFERENCE WITH THE MUNICIPALITY’S COLLECTION AND DISPOSAL OF YARD WASTE PURSUANT TO THIS BYLAW;
 - (b) IMPEDE OR RESTRICT ACCESS OR PERMIT THE IMPEDING OR RESTRICTING OF ACCESS TO THE AREAS WHERE CONTAINERS ARE LOCATED;
 - (c) DEPOSIT OR PERMIT THE DEPOSIT OF ANY PROHIBITED WASTE IN ANY CONTAINER;
 - (d) DEPOSIT OR PERMIT THE DEPOSIT INTO THE YARD WASTE COLLECTION SYSTEM OF ANY MATTER WHICH MAY CAUSE THE COLLECTION SYSTEM TO CONTRAVENE ANY FEDERAL, PROVINCIAL OR MUNICIPAL LEGISLATION, INCLUDING AN APPROVAL, REQUIREMENT, DIRECTION OR ANY OTHER

ORDER ISSUED BY ALBERTA ENVIRONMENT OR OTHER ENFORCING AGENCY, WITH RESPECT TO THE COLLECTION SYSTEM;

- (e) DEPOSIT OR PERMIT THE DEPOSIT OF ANY YARD WASTE FROM A PREMISE TO A CONTAINER OTHER THAN A CONTAINER PROVIDED EXCLUSIVELY FOR THAT PARTICULAR PREMISES;
- (f) COLLECT OR DISPOSE OR PERMIT THE COLLECTION OR DISPOSAL OF ANY WASTE EXCEPT PURSUANT TO THE TERMS OF THIS BYLAW.

4.3 THE CUSTOMER OF ANY PREMISES SHALL:

- (a) PREVENT THE ACCUMULATION OF ANY WASTE AT THAT PREMISES SUCH THAT THE ACCUMULATION CREATES A NUISANCE;
- (b) DISPOSE OF ALL WASTE IN SUCH A MANNER AS NOT TO CREATE A NUISANCE;
- (c) ENSURE THAT THE PLACEMENT OF WASTE IN A CONTAINER IS IN ACCORDANCE WITH THIS BYLAW;
- (d) ENSURE THERE ARE SUFFICIENT CONTAINERS IN GOOD CONDITION TO HOLD THE YARD WASTE GENERATED AT THE PREMISES BETWEEN COLLECTIONS;
- (e) ENSURE THAT ANY CONTAINER CONTAINS YARD WASTE TO A MAXIMUM WEIGHT OF 23KG;
- (f) ENSURE THAT ALL CONTAINERS ARE PLACED IN THE FOLLOWING LOCATIONS:
 - i) IN A LOCATION THAT IS EASILY ACCESSIBLE TO THE COLLECTOR, WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, WHERE THE LOCATION OF THE CONTAINERS ARE WITH A FENCED AREA, THE MANAGER MAY REQUIRE THE CUSTOMER TO CONSTRUCT A DOOR, GATE OR OPENING IN THE FENCE TO ALLOW ACCESS;
 - ii) WHERE THE PREMISES IS SERVED BY A LANE AND THERE ARE NO OTHER SPECIAL CONDITIONS THAT WOULD HINDER THE COLLECTION PROCESS FROM A LANE, IN THE OPINION OF THE MANAGER, THEN THE CONTAINERS SHALL BE PLACED IMMEDIATELY ADJACENT TO THE LANE;
 - iii) WHERE THE PREMISES IS NOT SERVED BY A LANE OR WHERE THERE ARE OTHER SPECIAL CONDITIONS THAT WOULD HINDER THE COLLECTION FROM THE LANE, THEN THE CONTAINERS SHALL BE PLACED AT THE LOCATION(S) DESIGNATED BY THE MANAGER. SUCH CONTAINERS SHALL ONLY BE PLACED AT THE LOCATION ON THE EVENING BEFORE THE COLLECTION DAY. WHEN THE CONTAINERS ARE NOT PLACED AT THE LOCATION DESIGNATED FOR COLLECTION THE CONTAINERS SHALL BE PLACED AT A LOCATION SATISFACTORY TO THE MANAGER.
 - iv) WHERE THE COLLECTION LOCATION OF THE CONTAINERS IS BELOW THE LEVEL OF THE LANE OR HIGHWAY FROM WHICH COLLECTION IS MADE, THE

CUSTOMER SHALL CONSTRUCT AND MAINTAIN A STAND FOR THE CONTAINERS AND PLACE THE CONTAINERS ON THE STAND.

- (g) ENSURE THAT ONLY YARD WASTE IS PLACED FOR COLLECTION ON YARD WASTE COLLECTION DAYS.

5. DUTIES OF COLLECTORS

- 5.1 COLLECTORS SHALL REPLACE EMPTIED CONTAINERS AND LIDS IN APPROXIMATELY THE SAME LOCATION WHERE PICKED UP.
- 5.2 COLLECTORS SHALL BE AS CAREFUL AS IS REASONABLY POSSIBLE NOT TO DAMAGE OR MISUSE ANY CONTAINER.
- 5.3 COLLECTORS SHALL NOT LEAVE WASTE WHICH HAS SPILLED ON THE GROUND FROM THE CONTAINER OR THE COLLECTION VEHICLE WHILE IN THE PROCESS OF LOADING.
- 5.4 COLLECTORS SHALL ONLY COLLECT SUCH WASTE THAT IS PLACED FOR COLLECTION ACCORDING TO THE PROVISIONS OF THIS BYLAW.
- 5.5 ALL YARD WASTE PLACED FOR COLLECTION PURSUANT TO THE TERMS OF THIS BYLAW BECOME THE PROPERTY OF THE MUNICIPALITY.

6. ENFORCEMENT

- 6.1 ENFORCEMENT OF RECTIFICATION OF BREACHES OF THIS BYLAW MAY BE UNDERTAKEN BY THE MUNICIPALITY BY ANY OR ALL OF THE FOLLOWING METHODS:
 - (a) DISCONTINUING THE SERVICE THEREOF;
- 6.2 EVERY PERSON WHO CONTRAVENES ANY PROVISION OF THIS BYLAW IS GUILTY OF AN OFFENCE AND ON CONVICTION IS LIABLE FOR A FINE OF NOT LESS THAN \$200 AND NOT MORE THAN \$2,500.
- 6.3 NO PERSON WHO IS CONVICTED FOR AN OFFENCE PURSUANT TO THIS BYLAW IS LIABLE TO IMPRISONMENT.

7. EFFECTIVE DATE

- 7.1 THIS BYLAW SHALL COME INTO FORCE AND EFFECT ON THE DATE OF THIRD AND FINAL READING.

READ A FIRST TIME IN OPEN COUNCIL THIS 13TH DAY OF MAY, 2002.

READ A SECOND TIME IN OPEN COUNCIL THIS 13TH DAY OF MAY, 2002.

READ A THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL THIS 13TH DAY OF MAY, 2002.

MAYOR

CHIEF FINANCIAL OFFICER