

BYLAW NO: 1805

CONSOLIDATION OF A BYLAW of the City of Medicine Hat to establish and maintain a System for the collection, removal and disposal of ashes, garbage, refuse and other waste in the City of Medicine Hat.

THE MUNICIPAL COUNCIL OF THE CITY OF MEDICINE HAT ENACTS AS FOLLOWS:

1. This Bylaw may be cited as “The Waste Bylaw”.
2. The system for collection, removal and disposal of ashes, garbage, refuse and waste material accumulated within collection areas of the corporate limits of the City of Medicine Hat shall be operated in the manner herein set forth.

3. DEFINITIONS

For the purpose of this Bylaw the following terms, phrases, words and their derivatives shall have the meanings given herein. When not consistent with the context, words used in the present tense include the future, words in the plural number include the singular, and words in the singular number include the plural. The word “shall” is always mandatory and not merely directory.

- (a) “Apartment House” means a building which is either occupied or intended to be occupied by more than four families living independently of one another upon the same premises and shall include:
Licensed boarding houses, lodging houses and rooming houses, terraces, of dwellings and any other type of residential premises where more than four families reside or dwell.
- (b) “Ashes” means the residue and cinders from any substance used for fuel, but does not include such residue as may accumulate as a result of building operations.

Amended by:
Bylaw 3953
Oct. 20, 2009

- (b.1) “Automated Collection” means the collection of Residential Waste and Yard Waste by a system of mechanical lifting and tipping of containers into specially designed vehicles.
- (c) “Building Waste” means all waste produced in the process of constructing, altering, repairing a building or demolishing, including earth, vegetation and rock displaced during the process of building.

Amended by:
Bylaw 3642
Sept. 20, 2005

- (c.1) “Bylaw Enforcement Officer” means any person employed by the City as a Police Officer, Bylaw Enforcement Officer or Special Constable.

Amended by:
Bylaw 3953
Oct. 20, 2009

(c.2) "CAO" means the City's Chief Administrative Officer for Municipal Services.

(d) "City" means the Municipal Corporation of the City of Medicine Hat.

Amended by:
Bylaw 3082
Mar. 18, 1997

(e) Repealed.

(f) "Council" means the Council of the City of Medicine Hat.

(g) "Collector" means a person who collects waste within the City for and on behalf of the City.

(h) "Condominium" means a building divided into individually owned units as described in the Condominium Property Act, revised Statutes of Alberta, 1970, Chapter 62 and amendments thereto, and for the purpose of this bylaw only, each unit shall be deemed to be single family dwelling.

Amended by:
Bylaw 3082
Mar. 18, 1997

(h.1) "Consumer" includes any person who is a user of:

1. electrical energy supplied by the Electric Utility;
2. water supplied by the Water Works system;
3. natural gas supplied by the Gas Distribution System;
4. the Sewage System; or
5. the Solid Waste Disposal System

within the City of Medicine Hat and who must pay a monthly charge for such service to the City of Medicine Hat.

Amended by:
Bylaw 3082
Mar. 18, 1997

(i) "Disposal Site" means a dry dump, a sanitary landfill site or another site approved by the General Manager for the disposal of waste.

(j) "Dwelling House" means:

- (i) any building or place occupied or used as an abode or residence or place of living by not more than four families, but does not mean any apartment house, hotel, licensed rooming house, licensed boarding house, tourist cabins, or any room or suite of rooms in any building containing trade premises;
- (ii) a condominium in which the dwelling units in a particular structure are individually owned, unless bins as described in Schedule "A", subsection 2(B) or (C) are used.

Amended by:
Bylaw 3953
Oct. 20, 2009

(k) "Dry Dump" means an area maintained by the City where the public may bring and deposit incombustible, inorganic waste.

(l) "Fire Chief" means the Chief of the Fire Department of the City or another member of the Fire Department authorized by the Fire Chief or by the City for the act or the purpose for which the authorization is made.

(m) "Garbage" means all putrescible material including discarded meats, fish, fruits and vegetables resulting from the handling, preparation, cooking and consumption of food.

Amended by:
Bylaw 3082
Mar. 18, 1997

(m.1) "General Manager" means the City employee holding the position of General Manager of Environmental Utilities, and includes any other City employee that the General Manager of Environmental Utilities authorizes to perform any duties or exercise any powers of the General Manager of Environmental Utilities as set out in this Bylaw.

Amended by:
Bylaw 3240
July 6, 1999

(n) "Hazardous Waste" means any substance or thing that falls within the definition of hazardous waste in Schedule 1 of Alberta Regulation 192/96, the Waste Control Regulation.

(o) "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, sidewalk, alley, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for passage.

(p) "Hotel" means premises providing sleeping accommodation and ancillary services in rooms or suites of rooms primarily for the travelling public, and shall include a motor hotel and any place of public accommodation which holds itself out or advertises its premises as a hotel.

(q) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

(r) "Premises" means:

Amended by:
Bylaw 3082
Mar. 18, 1997

(i) in the case of residential property, any self-contained dwelling place occupied or intended to be occupied as a separate place of residence and shall include a single family home, mobile home, townhouse, apartment or condominium and dwelling places within a duplex, triplex or fourplex.

(ii) with respect to business or industrial accommodation, shall mean the whole or any part of any house, building, or structure in which any person is carrying on any trade, business or profession for gain.

- (s) "Refuse" means all putrescible and non-putrescible solid wastes including broken dishes, tins, glass, rags, cast-off clothing, waste paper, excelsior, cardboard, food containers, grass cuttings, shrubbery and tree prunings, weed and garden waste, but does not include manure, night soil, tree stumps, roots, turf, earth or such waste matter as may accumulate as a result of building operations.

Amended by:
Bylaw 3240
July 6, 1999

- (s.1) "Residential Waste" means solid waste generated through ordinary, day-to-day activities of the occupants of a Dwelling House, and does not include materials generated as a result of construction, renovation, roofing, demolition, landscaping, installation or removal of lawns or sprinkler systems, installation or removal of concrete or asphalt, or automotive or recreational vehicle work of any kind.

Amended by:
Bylaw 3953
Oct. 20, 2009

- (s.2) "Residential Waste Cart" means a cart supplied by the City which is designed to hold Residential Waste and be rolled to a collection point where it will be emptied by an Automated Collection truck.
- (t) "Sanitary Landfill Site" means an area maintained by the City where the public may bring and deposit all types of waste.

Amended by:
Bylaw 3994
June 22, 2010

- (t.1) "Service Change" includes but is not limited to the following:
 - (i) a request by a customer to change from one Residential Waste Cart size to another;
 - (ii) delivery of a Yard Waste Cart;
 - (iii) delivery or removal of an additional Residential Waste Cart.

Amended by:
Bylaw 3953
Oct. 20, 2009

- (t.2) "Service Change Fee" means the fee charged for a Service Change as set out in Schedule "A".
- (u) "Street" means any public roadway used by waste collection vehicles to gain access to the boundary of a private property from which garbage or refuse is being collected.
- (v) "Trade Refuse" means and includes every kind of waste material from a commercial or industrial establishment where the establishment occupies all or part of a building having mixed uses, and shall include material from the work or constructing, repairing, renovating, demolishing, clearing or grading or buildings or premises.

Amended by:
Bylaw 3082
Mar. 18, 1997

- (w) "Unightly or Unsanitary Condition" means any nuisance or any condition matter or thing which, in the opinion of the General Manager, may be injurious to health or which in his opinion may result in the creation of a garbage control problem or nuisance.

Amended by:
Bylaw 3240
July 6, 1999

- (x) Repealed.
- (y) "Waste" or "Waste Material" means ashes, garbage, refuse or trade refuse as herein defined and includes any other matter or material suitable for disposal in the City sanitation system.

Amended by:
Bylaw 3953
Oct. 20, 2009

- (z) "Yard Waste" means plant waste including but not necessarily limited to grass and hedge clippings, leaves, grass, flowers, vegetable stalks, weeds, woody or herbaceous waste, fruit and vegetable waste, and prunings that can be effectively composted.

Amended by:
Bylaw 3953
Oct. 20, 2009

- (aa) "Yard Waste Cart" means a cart supplied by the City which is designed to hold Yard Waste and be rolled to a collection point where it will be emptied by an Automated Collection truck."

4. This Bylaw applies to waste produced or transported within the boundaries of the City or any City owned Sanitary Landfill site.

5. ACCUMULATION OF WASTE PROHIBITED

- (1) All owners or occupants are hereby required to remove and dispose of all garbage, ashes and refuse originating on their lands or premises which are not collected, removed and disposed of pursuant to this Bylaw, and in default of their so doing, the City may remove and dispose of such garbage, ashes and refuse at the expense of such owners or occupants.
- (2) Garbage, ashes and refuse referred to in section 5(1) shall be removed to and disposed of in the Sanitary Landfill site maintained by the City subject to the regulations established by the City therefor, and the person so removing and disposing of same shall pay the charges specified in Schedule "A".

6. REMOVAL AND/OR DISPOSAL OF WASTE BY THE CITY

- (1) The City shall regulate the removal and disposal of waste within the City.
- (2) The City may accept for disposal waste generated outside the City limits.
- (3) The City may contract out the collection of all waste or part of the waste within the City.

Amended by: 6.1
Bylaw 3082
Mar. 18, 1997

WASTE DIVERSION

- (1) The General Manager shall design, implement, maintain, publicize and promote a program that provides residents of Medicine Hat with an

opportunity to divert recyclables and compostable yard waste away from the Sanitary Landfill.

- (2) In carrying out his or her responsibilities under subsection 6.1(1) the General Manager may enter into contractual arrangements with one or more persons, corporations, firms or other organizations, from the private, government or not-for-profit sectors, subject to the approval of the Chief Commissioner for such contracts.
- (3) Each consumer shall pay a monthly waste diversion charge in the amount set out in Schedule "B" to this Bylaw (subject to any dividend that may from time to time be paid pursuant to Schedule "B").
- (4) The revenues obtained from the waste diversion charge shall be applied to fund the cost of the waste diversion program.
- (5) The waste diversion charge shall constitute a separate utility charge on the monthly utility bill of each consumer, payable at the same times and in the same manner as other monthly City utility fees or charges.

7. DISPOSAL SITES

- (1) The City shall operate and maintain a Sanitary Landfill site located in Section 3, Township 13, Range 5, W4M.
- (2) The General Manager shall decide as to what classes of waste shall be accepted.
- (3) The City will from time to time have disposal sites available for certain kinds of inorganic wastes.
- (4) The General Manager shall decide and have posted at the site what kinds of wastes are allowed on any disposal site.

Amended by:
Bylaw 3082
Mar. 18, 1997

Amended by:
Bylaw 3082
Mar. 18, 1997

8. CONVEYANCE OF WASTE THROUGH CITY

No person shall convey through the highways any garbage, or offal from butcher shops or slaughter houses, or any waste or organic matter whatever except in properly covered receptacles or otherwise in vehicles which are covered or otherwise constrained so as to prevent the contents of any of them from falling on the highways, to protect the contents from flies and to control as much as practicable the escape of any offensive odours therefrom.

9. USE OF SANITARY LANDFILL SITES

- (1) No waste delivery or deposit for disposal shall be made before or after the regular operating hours of the Sanitary Landfill site on any day. These hours shall be posted at the site.

Amended by: (2) Waste delivered for disposal shall be deposited in the place and in the manner directed by the General Manager.
 Bylaw 3082

Mar. 18, 1997

Amended by: (3) Unless a person has the written permission from the General Manager no one shall:

Bylaw 3082

Mar. 18, 1997

(a) remove any waste product deposited in the Sanitary Landfill site;

(b) cut and/or remove any part of a disposed motor vehicle in the Sanitary Landfill site.

(4) No person shall ignite any waste product at the waste disposal sites.

Amended by: (5) No person shall deposit any burning or smoldering material at a waste disposal site without the consent of the General Manager
 Bylaw 3082

Mar. 18, 1997

Amended by: 10. Repealed.

Bylaw 3293

June 20, 2000

11. No person shall deliver a motor vehicle or any part thereof to any place other than the designated area in the Sanitary Landfill site.

12. A person who after delivering refuse or waste to a City Sanitary Landfill site neglects or refuses to pay, on demand, the charges or fees specified in Schedule "A" is guilty of an offence.

13. DISPOSAL OF DEAD ANIMALS

No owner or person in charge shall permit any deceased animal to remain on any highway to obstruct the same, or to remain undisposed of for longer than 4 hours after death. The owner or person in charge of the deceased animal shall be responsible for the charges incurred in connection with its disposal.

(a) A person having a dead cat, dog, rabbit or other small animal shall take the same to the City's Sanitary Landfill site for disposal.

Amended by: (b) No person shall bring a dead horse, sheep, pig, cow or the carcass of any other large animal for disposal at the City Sanitary Landfill site unless that person has made suitable arrangements with the General Manager prior to his so doing.
 Bylaw 3082
 Mar. 18, 1997

Amended by: 14. INCINERATION

Bylaw 2703

Aug. 10, 1992

Repealed.

15. TIME OF COLLECTION

Amended by: Collection of waste materials shall be made on such days and at such times as the General Manager shall direct, subject to the approval of the City Council.
 Bylaw 3082
 Mar. 18, 1997

Amended by: 16.
Bylaw 3953
Oct. 20, 2009

RESIDENTIAL WASTE COLLECTION

- (1) All Residential Waste set out for collection shall conform to the provisions of this section.
- (2) All Residential Waste must be placed inside a Residential Waste Cart supplied by the City unless otherwise approved by the CAO.
- (3) Only Residential Waste and Yard Waste may be placed in a Residential Waste Cart.
- (4) A Residential Waste Cart set out for collection shall conform to set out standards established by the CAO from time to time, which are necessary, in the opinion of CAO, to promote:
 - (a) efficiency in collection of Residential Waste;
 - (b) the safety of residents, motorists, pedestrians and City Residential Waste collectors;
 - (c) the safe and efficient use of Automated Collection trucks; and
 - (d) protection of the environment.
- (5) If the CAO approves the use of a bag pursuant to subsection (2), the bag shall conform to set out standards established by the CAO from time to time, having regard to the considerations identified in subsection (4).
- (6) Residential Waste Cart shall:
 - (a) not be filled in such a manner so that the manufacturer's rated weight limit is exceeded;
 - (b) not be filled higher than the upper rim or in a manner which prevents full closure of the lid;
 - (c) not have its contents compressed in such a manner that it inhibits the waste from falling freely from the cart during the regular tipping process;
 - (d) not contain any material which might adhere to the Residential Waste Cart, unless such material is separately wrapped or disposed of within individual disposable wrappings prior to being placed in the Residential Waste Cart;
 - (e) be maintained in a reasonably clean and sanitary condition;
 - (f) be kept on the premises for which the Residential Waste Cart was supplied when not set out for collection; and
 - (g) be kept with the lid closed except when depositing Residential Waste in order to reduce odors and prevent litter.
- (7) The CAO may:
 - (a) authorize an exception to any of the provisions of this Bylaw, including the set out standards established by the CAO; or
 - (b) direct that Residential Waste be set out in a manner that varies from the provisions of this Bylaw, including the set out standards established by the CAO,

if, in the CAO's opinion, the exception or direction is reasonably required having regard to the considerations set out in subsections (4).

- (8) The General Manager may approve a request for a deviance from the requirements of subsections (1) to (7) on a one-time or ongoing basis and applicable either to existing premises or to proposed new developments, if in the General Manager's opinion the requested deviance makes practical sense in the circumstances and does not materially increase the risk of injury to a collector or unduly impact upon the efficiency of collection operations, provided however that the General Manager does not have the authority to approve the use of any Residential Waste Container that exceeds the weight limit set out in clause (a) of subsection (3).
- (9) Residential Waste that is set out for collection in a manner that contravenes the provisions of subsections (1) through (7), or that has not been approved under the provisions of subsection (8), will not be picked up by collectors.
- (10) A substance or thing that is not Residential Waste will not be picked up by collectors.
- (11) Irrespective of whether a substance or thing is Residential Waste, it will not be picked up by collectors if it is:
 - (a) more than 4 feet (120 centimetres) long at any point;
 - (b) a tire, or any kind of automotive part;
 - (c) the whole or any part of a fence or gate or furniture, or any lumber, drywall, or other kind of building material,
 - (d) metal pipe, tubing or any large appliance or plumbing fixture such as a toilet, sink, tub, refrigerator or range;
 - (e) hazardous waste;
 - (f) a substance or thing, not classed as hazardous waste, that may put the health or safety of collectors at risk, including without limitation:
 - (i) broken glass, needles, razor blades or other sharp objects;
 - (ii) an animal carcass, or human or animal feces;
 - (iii) sawdust, ashes, or any other kind of powdery material that may blow into the face of a collector;

unless such substance or thing is securely contained within a Residential Waste Container so that collectors do not come into direct contact with it.

- (12) A person that:
 - (a) sets out for collection any Residential Waste at a place, in a manner or in a container that contravenes a provision of this section;

- (b) sets out for collection any substance or thing that is not Residential Waste or that is not collectable under the provisions of subsection (11); or
- (c) allows any substance or thing described in clause (a) or (b) of this subsection to remain set out at or adjacent to premises occupied by the person as a Dwelling House

is guilty of an offence punishable upon summary conviction.

Amended by: 16.1 YARD WASTE COLLECTION

Bylaw 3953
Oct. 20, 2009

- (1) Subject to sections 16.1(2), (3) and (5), the provisions of section 16 shall apply mutatis mutandis to the collection of Yard Waste.
- (2) Yard Waste will be collected on a seasonal basis, commencing and ending on dates decided by the CAO and advertised annually.
- (3) Only Yard Waste may be placed in a Yard Waste Cart.
- (4) Tree or branch prunings placed in a Yard Waste Cart shall be less than five (5) centimeters in diameter and less than one (1) meter in length.
- (5) All Yard Waste shall be loosely contained in the Yard Waste Cart, and bagging or bundling of Yard Waste with string, ties or tape is not permitted.

Amended by: 16.2 RESTRICTION ON COLLECTION SERVICE

Bylaw 3953
Oct. 20, 2009

- (1) The City may suspend collection service if Residential Waste or Yard Waste is set out for collection in a manner that contravenes any provision of this Bylaw, including a set out standard established by the CAO, but such suspension shall not waive any requirement or abate or waive any fees or charges under the provisions of this Bylaw.
- (2) No Waste, other than Residential Waste or Yard Waste placed in a Residential Waste Cart or Yard Waste Cart in compliance with the provisions of this Bylaw, will be picked up by collectors in any area that is intended to be serviced by Automated Collection.
- (3) Notwithstanding any other provision of this Bylaw, the following shall not be placed in a Residential Waste Cart:
 - (a) automobile, truck, motorcycle or trailer tires;
 - (b) automotive parts;
 - (c) metal pipe, metal tubing or any large appliance or plumbing fixture including a microwave oven, toilet, or sink;
 - (d) Hazardous Waste;
 - (e) a substance or thing, not classed as Hazardous Waste, that may put the health or safety of the collectors at risk, including but not limited to:
 - (i) broken glass, needles, razor blades or other sharp

- objects;
- (ii) an animal carcass;
- (iii) human or animal feces;
- (iv) sawdust, ashes or any other kind of powdered material that may blow into the face of a collector;

unless such substance or thing is placed in a container within a Residential Waste Cart so that collectors do not come into direct contact with it.

Amended by: 16.3
Bylaw 3953
Oct. 20, 2009

ADDITIONAL RESPONSIBILITIES OF CUSTOMERS

- (1) Every person to whom the City provides a Residential Waste Cart or Yard Waste Cart shall.
 - (a) clean up spillage originating from the cart;
 - (b) notify the Solid Waste Utility forthwith if the cart is damaged or stolen;
 - (c) pay the applicable fees set out in Schedule "A" to this Bylaw.
- (2) A person who requests a Service Change shall pay the Service Change Fee set out in Schedule "A" to this Bylaw.
- (3) A person who requests an additional Residential Waste Cart, shall pay the additional fee as set out in Schedule "A" to this Bylaw.
- (4) Any person to whom the City provides a Residential Waste Cart or Yard Waste Cart who
 - (a) does not comply with a direction of the CAO;
 - (b) sets out for collection any Residential Waste or Yard Waste at a place, in a manner or in a container that contravenes a provision of this Bylaw, including any set out standard established by the CAO;
 - (c) sets out for collection a substance or thing that is not Residential Waste or Yard Waste or that is not collectable under the provisions of subsection 16.2(3); or
 - (d) otherwise fails to comply with a provision of this Bylaw;

is guilty of an offence punishable upon summary conviction.

Amended by: 17.
Bylaw 3240
July 6, 1999

Repealed.

18. (1) Any person carrying out the construction, alteration or demolition of buildings or other building operations shall:
 - (i) remove from any portion of the street and from any public place adjacent to such work, all earth, rubbish or waste materials, which have been deposited thereon, and;

(ii) have a waste receptacle on the site and shall keep the site clean.

(2) A person using a cart, wagon, truck or other vehicle for building operations shall remove from the streets all earth, rubbish or other waste material which may drop from the wheels of such vehicles.

19. For the purposes of performing the duties assigned by this Bylaw, every collector and inspector appointed by the City may enter land from which the City is required to remove waste at all times between seven o'clock in the morning and five o'clock in the afternoon.

Amended by: 20. Repealed.
Bylaw 3240
July 6, 1999

Amended by: 21. Repealed.
Bylaw 3240
July 6, 1999

Amended by: 22. Repealed.
Bylaw 3240
July 6, 1999

Amended by: 23. Repealed.
Bylaw 3240
July 6, 1999

24. RIGHT OF ENTRY
All authorized collectors of waste may enter yards and premises of any person at all reasonable times for the purpose of carrying out their duties.

25. AUTHORIZED COLLECTORS
(1) No person other than authorized collectors of waste shall interfere with or disturb the contents of any waste receptacle after it has been placed for collection. All refuse placed for collection pursuant to the terms of this Bylaw becomes the property of the City of Medicine Hat.

(2) No person shall collect or dispose of any ashes, garbage or waste as defined herein except under the provisions of this Bylaw.

26. CLEANLINESS OF PREMISES
(1) No person shall create or maintain or permit the existence of an unsanitary or unsightly condition on or at any lands or premises within his control or management.

Amended by: (2) Where the General Manager or the City Bylaw Enforcement Officer becomes aware of any unsanitary or unsightly condition, he shall cause to be served on the party responsible written notice to abate the unsanitary or unsightly condition.
Bylaw 3082
Mar. 18, 1997

- (3) Upon default the City may remedy the unsanitary or unsightly condition and charge the cost thereof against the person in default and recover the cost as a debt due from the person to the City.

27. RECOVERY OF EXPENSES AND PROSECUTION OF OFFENDERS

If the charges to be paid by the owner or occupant of any land from which waste is removed pursuant to the provisions of this Bylaw are not paid or if the owner or occupant of any land from which such waste is to be removed refuses or neglects to do anything required to be done by him hereunder, the same may be done by the City at the expense of the person so in default and the City may recover the charges for which the owner or occupant is liable for the expense of doing such act with the costs of action against such owner or occupant in any court of competent jurisdiction or by levying the same against the land from which the waste was removed in the same manner as municipal taxes.

- 28. Wherever in this Bylaw it is directed that an owner or occupant of any building or premises shall do any matter or thing, then in default of its being done, either of owner or occupant or both, or if there are several owners or occupants, any or all of such owners or occupants shall be liable to prosecution; and it shall be no defence for any owner or occupant so prosecuted to allege that any other person is responsible for such default.

Amended by: 29.
Bylaw 3642
Sept. 20, 2005

PENALTIES

- (1) Where a Bylaw Enforcement Officer believes on reasonable and probable grounds that a person has contravened any provision of this Bylaw he may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the *Provincial Offences Procedure Act* R.S.A. 2000, Chapter P-34.
- (2) The specified penalty payable in respect of a contravention of this Bylaw, with the exception of a contravention of subsection 18(1) or 18(2), is one hundred (\$100.00) dollars.
- (3) The specified penalty payable in respect of a contravention of subsection 18(1) or 18(2) is five hundred (\$500.00) dollars.
- (4) Pursuant to Section 27(2)(d) of the *Provincial Offences Procedure Act*, if the summons issued by a Bylaw Enforcement Officer under subsection (1) so provides, the person named in a summons may make a voluntary payment in the specified amount set out in subsection (2) or (3) as the case may be, and upon making the voluntary payment, that person is not required to appear before a justice to answer the summons.

Amended by: 29.1
Bylaw 3642
Sept. 20, 2005

- (1) A person who contravenes any provision of this Bylaw, except subsection 18(1) or 18(2), is guilty of an offence and liable upon conviction to pay a fine of not less than one hundred (\$100.00) dollars

and not more than ten thousand (\$10,000.00) dollars or in default of payment to imprisonment for a period of not more than one year.

- (2) A person who contravenes subsection 18(1) or 18(2) of this Bylaw is guilty of an offence and liable upon conviction to pay a fine of not less than five hundred (\$500.00) dollars and not more than ten thousand (\$10,000.00) dollars or in default of payment to imprisonment for a period of not more than one year.
- (3) Payment of any fine or imprisonment for any period of time, pursuant to the provisions of this Bylaw, shall not relieve any person from the obligation to pay any fines, charges or costs for which that person is liable under the provisions of this Bylaw.
- (4) Payment of any fine or imprisonment for any period as provided for in this Bylaw shall not relieve any person from any civil liability whatsoever which may arise by reason of that person's contravention of any provision of this Bylaw.

30. HEALTH AND FIRE BYLAWS NOT SUPERSEDED

Nothing in this Bylaw shall be deemed to nullify, amend, supersede or repeal any provisions of the Bylaws relating to fires or to public health but in the event of any conflict between such Bylaws and this Bylaw, the provisions of this Bylaw shall be modified only to the extent necessary to give effect to the fire or health Bylaws; the more stringent provisions shall be followed.

31. Bylaw No. 2092 and 1286 and all amendments thereto are hereby repealed.

32. This Bylaw shall take effect on the day of the final passing thereof.

READ A FIRST TIME in Open Council this 6th day of December, A.D. 1976.

READ A SECOND AND THIRD TIME AND FINALLY PASSED in Open Council this 20th day of December, A.D. 1976.

I HEREBY CERTIFY THAT this is a true and correct copy of Bylaw No. 1805 consolidated pursuant to section 69 of the *Municipal Government Act* to incorporate all subsequent amendments thereto, printed under the authority vested in me by the said section 69 and by City of Medicine Hat Bylaw No. 1957.

CERTIFIED THIS _____ DAY OF _____, 20____.

LARRY P. GODIN, MMC
MUNICIPAL SECRETARY AND CITY CLERK
CITY OF MEDICINE HAT

SCHEDULE "A" TO BYLAW NO. 1805
AS AMENDED BY BYLAW NO. 3994
June 22, 2010
(Effective July 1, 2010)

All rates and charges set out in this Schedule are payable by the customers to whom they apply, irrespective of the volume of waste (if any) generated at a given time, or over a period of time, by the customer for pick-up and disposal by the City.

1. RATES FOR RESIDENTIAL WASTE REMOVAL:

(A) Basic residential rate: \$15.80/unit/month

(Note: This rate applies to detached single family homes, duplexes, triplexes and fourplexes. All other buildings used in whole or in part for residential occupancy will be charged on the basis of the centralized pick-up rate, where applicable, or at commercial/industrial rates based on the number and capacity of bins, and frequency of service.)

(B) Rate for centralized collection \$13.26/unit/month

(Note: This rate applies to residential buildings containing more than four dwelling units where all Residential Waste Carts and Yard Waste Carts are placed in a centralized location for collection. If more than one collection per week is required, the amount charged will be the monthly rate per unit multiplied by a factor equal to the number of collections per week, on average.) A customer whose Residential Waste or Yard Waste is collected in the manner described in this paragraph, shall comply with the provisions of this Bylaw pertaining to Residential Waste collection or Yard Waste collection, as the case may be, including the set out standards established by the CAO from time to time.

(C) Additional Residential Waste Cart rate \$15.80/unit/month

Amended by: (D) Repealed
 Bylaw 3994
 June 22, 2010

2. RATES FOR COMMERCIAL/INDUSTRIAL WASTE REMOVAL:

(A) Rate for customers without bins \$23.95/month

(Note: This rate applies to commercial/industrial premises that are not included in arrangements with the Solid Waste Utility for centralized pick-up. Where such arrangements have been made the rate/unit/month will be the same as the rate for centralized pick-up at residential premises, and will be subject to the same provisions for an increased charge if more than one pick-up per week is required.)

- (B) Rates for customers with 3 yd³ capacity bins:
 - 1 pick-up per week..... \$ 95.73/bin/month
 - 2 pick-ups per week..... \$ 191.46/bin/month
 - 3 pick-ups per week..... \$ 287.19/bin/month
 - 4 pick-ups per week..... \$ 382.92/bin/month
 - 5 pick-ups per week..... \$ 478.65/bin/month

- (C) Rates for customers with 1.5 yd³ capacity bins:
 - 1 pick-up per week..... \$ 47.86/bin/month
 - 2 pick-ups per week..... \$ 95.73/bin/month
 - 3 pick-ups per week..... \$ 143.58/bin/month
 - 4 pick-ups per week..... \$ 191.46/bin/month
 - 5 pick-ups per week..... \$ 239.31/bin/month

- (D) Rate for extra bin pick-up \$ 23.93/bin/pick-up

(E) A customer who requests the City to unlock a commercial bin or to open a gate in order to access a bin shall be charged a fee at the rate of \$7.50 per five minutes of additional driver time, or portion thereof, for each pick-up pursuant to paragraph 2(B), 2(C) or 2(D). The fee for each customer shall be based on the City’s estimate of the additional driver time required in order to access the bin.

3. TIPPING FEE FOR WASTE DISPOSAL AT SANITARY LANDFILL SITE

The tipping fee for waste accepted for disposal at the Sanitary Landfill Site shall be determined by the following formula:

$$\text{Number of tonnes of waste or portion thereof (eg. 0.75 tonnes or 1.5 tonnes)} \times \$27.15/\text{tonne} = \text{Tipping fee}$$

The minimum tipping fee shall be \$6.00 per vehicle.

4. OTHER FEES AND CHARGES

- (A) Customer requested Service Change \$50.00
- (B) Replacement of lost or stolen cart actual cost
- (C) Repairs to damaged cart actual cost

(Note: The customer will be charged for repairs or replacement if the cart was lost, stolen or damaged due to the customer’s neglect, as determined by the CAO.)

Amended by: 5. Repealed
Bylaw 3994
June 22, 2010

SCHEDULE "B" TO BYLAW NO. 1805
AS AMENDED BY BYLAW NO. 3994
JUNE 22, 2010
(Effective July 1, 2010)

WASTE DIVERSION CHARGE

1. Subject to Section 2 of this Schedule, the waste diversion charge, pursuant to Section 6.1(3) of this Bylaw, is \$3.50 per month.
2. Where the owners or occupants of residential premises within a building containing more than one residential premises do not receive utility bills, the person receiving monthly utility bills for the building in which the residential premises are located will pay \$3.50/month and, in addition, pay \$3.50/month multiplied by the number of residential premises in the building.

RATEPAYER DIVIDEND

3. If at any time the General Manager is of the opinion that the revenue generated by the waste diversion program, through the waste diversion charge set forth above and from other sources, exceeds the revenue required for the present delivery and planned future development and delivery of the program, the General Manager shall make a recommendation to the Commissioner of Utilities Services for a dividend to be paid to all persons upon whom the waste diversion charge is levied, by way of a credit to monthly utility charges.
4. Upon the General Manager's recommendation, or upon his or her own volition, the Commissioner of Utilities Services may recommend to the Chief Commissioner and the Chief Commissioner may recommend to the Council a dividend to be paid to all persons upon whom the waste diversion charge is levied, by way of a credit to monthly utility charges, if in the opinion of the Commissioner of Utilities Services or the Chief Commissioner as the case may be the revenue generated by the waste diversion program, through the waste diversion charge set forth above and from other sources, exceeds the revenue required for the present delivery and planned future development and delivery of the program.
5. The Council may from time to time, by resolution, stipulate a dividend to be paid to all persons upon whom the waste diversion charge is levied, by way of a credit to monthly utility charges, if in the opinion of the Council the revenue generated by the waste diversion program, through the waste diversion charge set forth above and from other sources, exceeds the revenue required for the present delivery and planned future development and delivery of the program.
6. Any dividend paid by way of credit to monthly utility charges shall be paid only to consumers receiving utility service at the time the dividend is paid.