

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.

(b.1) “Automated Collection” means the collection of Residential Waste, Residential Recyclables 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.

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

(c.2) “CAO” means the City’s Chief Administrative Officer, or designate.

(c.3) “Cart” means Residential Waste Cart, Residential Recycle Cart and Yard Waste Cart.

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

(e) Repealed.

Amended by:
Bylaw 3953
Oct. 20, 2009
Amended by:
Bylaw 4479
May 23, 2018

Amended by:
Bylaw 3642
Sept. 20, 2005
Amended by:
Bylaw 4479
May 23, 2018
Amended by:
Bylaw 4479
May 23, 2018

Amended by:
Bylaw 3082
Mar. 18, 1997

Amended by:
Bylaw 4479
May 23, 2018

- (e.1) "Clean Wood Waste" means solid wood, lumber or pallets, that does not contain any hazardous glues or resins, that is not painted, stained, treated with chemicals or excessively pierced with nails or other metal fasteners.
- (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;

Amended by:
Bylaw 3953
Oct. 20, 2009

- (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.
- (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.

Amended by:
Bylaw 4479
May 23, 2018

- (l.1) "Food Waste" means the material designated as Food Waste at the discretion of the CAO.
- (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.
- Amended by:
Bylaw 4479
May 23, 2018
- (p.1) "Non-residential Recyclables" means the material designated as Non-residential Recyclables at the discretion of the CAO.
 - (q) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
 - (r) "Premises" means:
 - (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.
- Amended by:
Bylaw 3082
Mar. 18, 1997
- (r.1) "Recyclables" means Non-residential Recyclables and Residential Recyclables.
 - (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 4479
May 23, 2018
- (s.1) "Residential Recyclables" means the material designated as Residential Recyclables at the discretion of the CAO.
- Amended by:
Bylaw 4479
May 23, 2018
- (s.2) "Residential Recycle Cart" means a cart supplied by the City which is designated to hold Residential Recyclables and be rolled to a collection point where it will be emptied by an Automated Collection truck, or any other container designated to hold Residential Recyclables at the discretion of the CAO.
- Amended by:
Bylaw 3240
July 6, 1999
Amended by:
Bylaw 4479
May 23, 2018
- (s.3) "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. Residential Waste includes Yard Waste but does not include Recyclables.

- Amended by:
Bylaw 3953
Oct. 20, 2009
Amended by:
Bylaw 4479
May 23, 2018
- (s.4) “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, or any other container designated to hold Residential Waste at the discretion of the CAO.
- (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
Amended by:
Bylaw 4479
May 23, 2018
Amended by:
Bylaw 3953
Oct. 20, 2009
Amended by:
Bylaw 4479
May 23, 2018
- (t.1) “Service Change” includes but is not limited to the following:
(i) a request by a customer to change from one Cart size to another;
(ii) delivery of a Yard Waste Cart;
(iii) delivery or removal of an additional Cart.
- (t.2) “Service Change Fee” means the fee charged for a Service Change as set out in Schedule “A”.
- (t.3) “Source Separated Organic Waste” means Food Waste, Yard Waste, Clean Wood Waste and any other material designated as Source Separated Organic Waste at the discretion of the CAO.
- (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) “Unsightly 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
Amended by:
Bylaw 4479
May 23, 2018
- (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, or any other container designated to hold Yard Waste at the discretion of the CAO.
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:
Bylaw 3082
Mar. 18, 1997
Amended by:
Bylaw 4479
May 23, 2018

6.1 WASTE DIVERSION

- (1) The General Manager is authorized to design, implement, maintain, publicize and promote a program that provides residents of Medicine Hat with an opportunity to divert Source Separated Organic Waste away from the Sanitary Landfill and may, subject to the approval of the CAO, enter into contractual arrangements with one or more persons, corporations, firms or other organizations, from private, government or not-for-profit sectors for this purpose.
- (2) Repealed.
- (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.

Amended by:
Bylaw 4479
May 23, 2018

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.

Amended by:
Bylaw 3082
Mar. 18, 1997

Amended by:
Bylaw 3082
Mar. 18, 1997

- (4) The General Manager shall decide and have posted at the site what kinds of wastes are allowed on any disposal site.

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:
Bylaw 3082
Mar. 18, 1997

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

Amended by:
Bylaw 3082
Mar. 18, 1997

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

- (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:
Bylaw 3082
Mar. 18, 1997

- (5) No person shall deposit any burning or smoldering material at a waste disposal site without the consent of the General Manager

Amended by:
Bylaw 3293
June 20, 2000

10. Repealed.

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:
Bylaw 3082
Mar. 18, 1997

- (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.

Amended by:
Bylaw 2703
Aug. 10, 1992

14. Repealed.

15. TIME OF COLLECTION

Amended by:
Bylaw 3082
Mar. 18, 1997

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.

Amended by:
Bylaw 3953
Oct. 20, 2009

16. RESIDENTIAL WASTE COLLECTION

Amended by:
Bylaw 4479
May 23, 2018

(1) All Residential Waste and Residential Recyclables set out for collection shall conform to the provisions of this section.

Amended by:
Bylaw 4479
May 23, 2018

(2) All Residential Waste must be placed inside a Residential Waste Cart, except Yard Waste which may be placed in a Yard Waste Cart in accordance with the terms of this Bylaw.

Amended by:
Bylaw 4479
May 23, 2018

(3) Only Residential Waste may be placed in a Residential Waste Cart.

Amended by:
Bylaw 4479
May 23, 2018

(3.1) Only Residential Recyclables may be placed in a Residential Recycle Cart.

Amended by:
Bylaw 4479
May 23, 2018

(3.2) Only Yard Waste may be placed in a Yard Waste Cart.

Amended by:
Bylaw 4479
May 23, 2018

(4) A 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 and Residential Recyclables;
- (b) the safety of residents, motorists, pedestrians and Collectors;
- (c) the safe and efficient use of Automated Collection trucks; and
- (d) protection of the environment.

Amended by:
Bylaw 4479
May 23, 2018

(5) If the CAO approves the use of a container 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).

Amended by:
Bylaw 4479
May 23, 2018

(6) A 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 Residential Waste or Residential Recyclables from falling freely from the Cart during the regular tipping process;
- (d) not contain any material which might adhere to the Cart, unless such material is separately wrapped or disposed of within individual disposable wrappings prior to being placed in the Cart;
- (e) be maintained in a reasonably clean and sanitary condition;

Amended by:
Bylaw 4479
May 23, 2018

- Amended by:
Bylaw 4479
May 23, 2018
- (f) be kept on the premises for which the Cart was supplied when not set out for collection; and
- (g) be kept with the lid closed except when depositing Residential Waste or Residential Recyclables 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 and Residential Recyclables 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).
- Amended by:
Bylaw 4479
May 23, 2018
- (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 Cart that exceeds the weight limit set out in clause (a) of subsection (3).
- Amended by:
Bylaw 4479
May 23, 2018
- (9) No waste, other than Residential Waste placed in a Residential Waste Cart, Yard Waste placed in a Yard Waste Cart, or Residential Recyclables placed in a Residential Recycle 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.
- Amended by:
Bylaw 4479
May 23, 2018
- (10) A substance or thing that is not Residential Waste or Residential Recyclables will not be picked up by collectors.
- Amended by:
Bylaw 4479
May 23, 2018
- (11) Notwithstanding any other provision of this Bylaw and irrespective of whether a substance or thing is Residential Waste or Residential Recyclables, it shall not be placed in a Cart and 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 Cart so that collectors do not come into direct contact with it.
- Amended by:
Bylaw 4479
May 23, 2018
- (12) A person that:
- (a) sets out for collection any Residential Waste or Residential Recyclables 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 Residential Recyclables 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:
Bylaw 4479
May 23, 2018
Amended by:
Bylaw 4479
May 23, 2018
Amended by:
Bylaw 4479
May 23, 2018
Amended by:
Bylaw 4479
May 23, 2018

- (13) Yard Waste will be collected on a seasonal basis, commencing and ending on dates decided by the CAO and advertised annually.
- (14) Tree or branch prunings placed in a Cart shall be less than five (5) centimeters in diameter and less than one (1) meter in length.
- (15) 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.
- (16) All Residential Recycling shall be loosely contained in the Residential Recycle Cart, and bagging Residential Recyclables in opaque bags or bundling of Residential Recyclables with string, ties or tape is not permitted.

Amended by:
Bylaw 4479
May 23, 2018

16.1 Repealed.

Amended by:
Bylaw 3953
Oct. 20, 2009
Amended by:
Bylaw 4479
May 23, 2018

16.2 RESTRICTION ON COLLECTION SERVICE

- (1) The City may suspend collection service if Residential Waste or Residential Recyclables 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.

Amended by:
Bylaw 4479
May 23, 2018

- (2) Repealed.

Amended by:
Bylaw 4479
May 23, 2018

- (3) Repealed.

Amended by:
Bylaw 3953
Oct. 20, 2009
Amended by:
Bylaw 4479
May 23, 2018

16.3 ADDITIONAL RESPONSIBILITIES OF CUSTOMERS

- (1) Every person to whom the City provides a 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 Cart, shall pay the additional fee as set out in Schedule "A" to this Bylaw.
- (4) Any person to whom the City provides a Cart who
 - (a) does not comply with a direction of the CAO;
 - (b) sets out for collection any Residential Waste or Residential

Amended by:
Bylaw 4479
May 23, 2018
Amended by:
Bylaw 4479
May 23, 2018

Recyclables 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 Residential Recyclables 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:
Bylaw 3240
July 6, 1999

17. 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:
Bylaw 3240
July 6, 1999

20. Repealed.

Amended by:
Bylaw 3240
July 6, 1999

21. Repealed.

Amended by:
Bylaw 3240
July 6, 1999

22. Repealed.

Amended by:
Bylaw 3240
July 6, 1999

23. Repealed.

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.

Amended by:
Bylaw 4479
May 23, 2018

25. AUTHORIZED COLLECTORS

(1) No person other than authorized collectors of waste shall interfere with or disturb the contents of any Cart 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.
- (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.
- (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.

Amended by:
Bylaw 3082
Mar. 18, 1997

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:
Bylaw 3642
Sept. 20, 2005
Amended by:
Bylaw 4479
May 23, 2018

29. 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 or Part 3 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_____.

ANGELA CRUICKSHANK
MUNICIPAL SECRETARY AND CITY CLERK
CITY OF MEDICINE HAT

SCHEDULE "A" TO BYLAW NO. 1805
AS AMENDED BY BYLAW NO. 4507 – DECEMBER 18, 2018
(Effective January 1, 2019)

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 \$0.5328/unit/day

(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 \$0.4471/unit/day

(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 Residential Recyclables is collected in the manner described in this paragraph, shall comply with the provisions of this Bylaw pertaining to Residential Waste collection or Residential Recyclables 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 \$0.5328/unit/day

- (D) Residential Recycle Cart rate \$0.2137/unit/day

2. RATES FOR COMMERCIAL/INDUSTRIAL WASTE REMOVAL:

- (A) Rate for customers without bins \$0.8275/day

(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:
 For each weekly pick-up \$3.3395/bin/day

- (C) Rates for customers with 1.5 yd³ capacity bins:
 For each weekly pick-up \$1.6697/bin/day

- (D) Rate for extra bin pickup \$25.40/bin/pickup

- (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

Landfill Disposal Rates:

<u>Waste Type</u>	<u>Rate</u>
(A) Basic Sanitary Waste	\$80.00/tonne
(B) Non-Residential Yard Waste	\$25.00/tonne
(C) Clean Wood	\$25.00/tonne
(D) Clean Drywall	\$25.00/tonne
(E) Metal	\$25.00/tonne
(F) Asbestos	\$160/tonne plus site prep and burial*
(G) Appliances Containing Chlorofluorocarbon (CFC)	\$20.00/item
(H) Bulky items (mattress, sofa, etc.	\$15.00/item

*operator and equipment rates apply

The minimum tipping fee shall be \$8.00 per vehicle.

A surcharge of \$20.00 will be placed on any load that is not properly secured.

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.)

SCHEDULE "B" TO BYLAW NO. 1805
AS AMENDED BY BYLAW NO. 4507 – DECEMBER 18, 2018
(Effective January 1, 2019)

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 \$0.0777 per day.
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 \$0.0777 per day and, in addition, pay \$0.0777 per day multiplied by the number of residential premises in the building.

RATEPAYER DIVIDEND

1. 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 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.
2. Upon the General Manager's recommendation, or upon his or her own volition, the Commissioner of Utilities may recommend to the CAO and the CAO 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 or the CAO 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.
3. 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.
4. 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.