



# REQUEST FOR DECISION

**Subject: Proposed Bylaw 433 – Amendments to Bylaw 376, the Residential Waste Bylaw – and Proposed Bylaw 434 – Amendments to Bylaw 377, the Non-Residential Waste Bylaw**

Presented to: Council

Date: 2020 November 9

Submitted by: Carla Bitz,  
Coordinator, Resource Recovery

Agenda #: 8.6

## RECOMMENDATION

That Council:

1. Give first reading to proposed Bylaw 433, the Residential Waste Amending Bylaw (Attachment 1);
2. Give first reading to proposed Bylaw 434, The Non-Residential Waste Amending Bylaw (Attachment 3);
3. Direct Administration to return to a future meeting of Council for consideration of second and third readings for proposed Bylaws 433 and 434.

## BACKGROUND

### Reason for Report

On October 26, 2020, the Governance and Finance Committee moved forward the following motions with respect to the Waste Bylaws:

FIN20-118 **Moved by** Mayor Sorensen

That with respect to **Corrected** Item 7.1, Waste Bylaws 433 and 434 – Proposed Amendments to Bylaw 376, the Residential Waste Bylaw, and Bylaw 377, the Non-Residential Waste Bylaw, the following be approved:

That the Governance and Finance Committee direct Administration to return to a future Meeting of Council to present Proposed Bylaw 433 (Attachment 1), the Residential Waste Amendment Bylaw, and Proposed Bylaw 434 (Attachment 3), the Non-Residential Waste Amendment Bylaw, for Council’s consideration.

**MOTION CARRIED**

FIN20-119 **Moved by** Councillor Poole

That with respect to **Corrected** Item 7.1, Waste Bylaws 433 and 434 – Proposed Amendments to Bylaw 376, the Residential Waste Bylaw, and Bylaw 377, the Non-Residential Waste Bylaw, the following be approved, **after amendment**:

**That the Governance and Finance Committee direct Administration to return to a future meeting of the Governance Finance Committee with options for a communications strategy involving stakeholders of construction, renovation, demolition, (CRD) waste.**

**MOTION CARRIED**

Administration is seeking further direction from Council with respect to the following proposed requirements and associated amendments to Residential Waste Bylaw 376 and Non-Residential Waste Bylaw 377:

With respect to Food Scraps & Food-Soiled Paper waste management:

1. Require non-residential sector entities to provide infrastructure for diversion of food scraps and food-soiled paper; and
2. Permit specific non-residential sector entities to deposit food scraps and food-soiled paper in residential food bins.

With respect to Construction, Renovation, and Demolition (CRD) waste management:

3. Require that all construction waste storage containers have wildlife proof covers; and
4. Require that CRD waste materials are separated out for recycling.

These proposed requirements are critical in order to advance the following council strategic priorities:

**Move toward Zero Waste:** on June 11, 2018, Council adopted the ‘Town of Banff Options for Waste Diversion Targets and Tactics’ report, to serve as a guide for increasing waste diversion for the Town of Banff. Council also adopted a target of 70% waste diversion by 2028 and zero waste to landfill by 2050.

**Address Human-Wildlife Coexistence Concerns:** there is concern that encounters between humans and wildlife in the Bow Valley has become more frequent. The Human-Wildlife Coexistence (HWC) Technical Report was created to provide recommendations to reduce conflict between wildlife and humans in the Bow Valley. The report is used by the management organizations in the Bow Valley as a guide to enhance human-wildlife coexistence.

### Summary of Issue

#### **Food Scraps & Food-Soiled Paper**

This report will outline two proposed requirements and associated bylaw amendments with respect to Food Scraps & Food-Soiled Paper, with the goal being to increase diversion of this material stream.

Administration estimates that food scraps and food-soiled paper remains the most significant material that could be diverted from landfill in the Town of Banff’s municipal solid waste streams. As such, one of the goals of the Waste Diversion Targets and Tactics strategy is to increase diversion of food scraps and food-soiled paper for both the residential and non-residential sectors in the town of Banff.

Banff’s non-residential sector is comprised of businesses, organizations and institutions, and is responsible for approximately 65% of municipal solid waste. Results from a 2015-2016 waste characterization study demonstrated that approximately 48% of non-residential waste to landfill is food scraps and food-soiled paper which could have been diverted for composting.

The launch of the Zero Waste Trail campaign for the commercial sector, alongside a re-vamp of communications resources and targeted outreach, has been the focus of administration in the effort

to increase diversion of food scraps and food-soiled paper for non-residential sector entities. However, in order to reach Banff's waste diversion targets, additional measures are necessary.

The first proposed requirement originates from the Waste Diversion Targets & Tactics Report, as presented to Council in 2018:

1. Require non-residential sector entities to provide infrastructure for diversion of food scraps and food-soiled paper.

Administration has spoken with managers from non-residential entities who have indicated that they are interested in diverting food scraps and food-soiled paper from the waste stream; however, they rent space in a building where there is currently no access to a food bin. The goal of this action is to remove the infrastructure barrier for all non-residential sector entities.

The Town of Banff food waste collection rates are subsidized by garbage collection rates, in order to incentivize non-residential users to divert food waste. The Town of Banff is also providing businesses with free zero waste assistance including a starter kit with signage, compostable bags, and staff engagement tips. Adjusting to a new system will require a minimal amount of time from management and employees, and ultimately helps each non-residential entity realize cost savings with respect to their waste management expenses.

The second proposed amendment has emerged as a more recent opportunity. Administration has met with a number of businesses that are interested in the Zero Waste Trail campaign and diverting food waste from landfill, but do not generate enough organic material to make Town of Banff commercial food waste collection a viable option. As such, an additional action being proposed by administration is to:

2. Permit specific non-residential sector entities to deposit food-scraps and food-soiled paper in residential food bins.

This proposed bylaw amendment supports establishments that do not generate large quantities of organic material but are motivated to divert food scraps & food-soiled paper from landfill. Land-Use Bylaw (LUB) business definitions are used in the bylaw in order to effectively define which businesses would be permitted to deposit food in residential bins.

Permitting specific non-residential sector entities to deposit food-scraps and food-soiled paper in residential food bins provides an additional option to ensure that all non-residential sector entities have the opportunity to divert food waste. In conducting waste assessments with a variety of local businesses, organizations, and institutions, administration has discovered this to be a barrier for establishments that do not generate large quantities of food waste. Examples of establishments that could benefit from this amendment may include but are not limited to office spaces, retail shops, and retailers that generate organic material that is not food, for example a florist or tea shop.

**Proposed Amendments to Residential Waste Bylaw 376 (Amending Bylaw 433) with respect to diversion of Food Scraps & Food-Soiled Paper**

Amendment	Section	Rationale
<b>Prohibitions</b>	6.3	<p>The following words in underline are added to Section 6.3c to allow specific non-residential sector establishments to dispose of Food Waste in residential bins.</p> <p>6.3 No Person shall dispose of Non-Residential Waste in an Approved Bin provided for Residential Waste, with the exception of:</p> <ul style="list-style-type: none"> <li>a) Recyclable Materials as defined in Schedule 'C' <del>and</del></li> <li>b) Mixed Paper as defined in Schedule 'B' <u>and</u></li> <li>c) <u>Food Waste generated by an establishment that is not or does not include an Eating and Drinking Establishment, Hotel, Hostel, or any establishment selling groceries, as those terms are defined in the Town of Banff Land Use Bylaw.</u></li> </ul>
<b>Schedules</b>	B	<p>The following words are added to the 'preparation' column to provide an additional option with respect to the disposal of food waste:</p> <ul style="list-style-type: none"> <li>• Loose</li> <li>• <u>In certified compostable bags</u></li> </ul>

**Proposed Amendments to Non-Residential Waste Bylaw 377 (Amending Bylaw 434) with respect to Food Scraps & Food-Soiled Paper:**

Amendment	Section	Rationale
<b>Disposal of Waste from a Non-Residential Premises</b>	6.5	<p>Inserted section 6.5 and subsection 6.5.1 in underline to require all non-residential premises to provide infrastructure for diversion of Food Waste. The remainder of Section 6 is re-numbered as necessary.</p> <p>As outlined below, administration is proposing that this requirement come into place June 1<sup>st</sup>, 2021.</p> <p>6.5 <u>Every Owner of a Non-Residential Premises shall provide infrastructure, which may include but is not limited to storage bins or other receptacles, for the separation of Food Waste from Garbage for use by the Owner and Occupants.</u></p>

		6.5.1 <u>Every Owner shall inform Occupants of the Food Waste collection program and the opportunity to participate in separating Food Waste from Garbage</u>
<b>Schedules</b>	B	The following words in underline are added to the 'preparation' column to provide an additional option with respect to the disposal of food waste: <ul style="list-style-type: none"> <li>• Loose</li> <li>• <u>In certified compostable bags</u></li> </ul>

### **Construction, Renovation and Demolition Sector Waste Management**

This report outlines two proposed requirement changes and associated bylaw amendments for CRD waste management.

The goals of the proposed bylaw amendments for CRD sector waste management are:

- To achieve the Town of Banff's human-wildlife coexistence goals, minimizing the potential human impacts on wildlife within the town site.
- To improve CRD sector waste management performance by establishing policy on which materials must be diverted from landfill.

#### *Human-Wildlife Coexistence*

With respect to human-wildlife coexistence, there is concern among residents, elected officials, and wildlife managers that encounters between humans and wildlife in the Bow Valley has become more frequent. As a response to these concerns, the Town of Banff has been a participant in the Roundtable on Human-Wildlife Coexistence and the Human-Wildlife Technical Working Group. The Human-Wildlife Coexistence (HWC) Technical Report outlines key recommendations to reduce conflict between wildlife and humans in the Bow Valley. One of the recommendations listed in the report is to ensure that construction waste storage containers are securely covered and therefore completely wildlife proof. This requirement is already mandated clearly in the Town of Banff's Waste Bylaws 376 and 377. As such, amendments to the waste bylaw along with an enforcement plan are being recommended in order to increase compliance with respect to this issue.

#### *Waste Diversion*

With respect to waste diversion, waste generated by the CRD sector makes up 41% of waste that is produced within the Town of Banff's jurisdiction; however it is not currently factored into the municipal diversion rate.

Efforts have been made to increase CRD waste diversion, including educational initiatives, financial incentives, and more. However, there still remains a significant opportunity to increase diversion of CRD waste. Requiring material separation in municipal bylaws is an additional tool that has not previously been leveraged in order to improve CRD sector waste diversion. Considering options to further increase financial differentials with respect to tipping fees may be another tool the Town of

Banff wishes to leverage. In working toward becoming a model environmental community, it is important that the Town of Banff maintain a high standard and set clear expectations with respect to how CRD material streams are managed.

Attachment 5, ‘Construction, Renovation and Demolition Waste – Trends and Opportunities Briefing’ was presented to council in November of 2018, and is referenced as a source of further information with respect to CRD sector waste management.

**Proposed Amendments to Residential Waste Bylaw 376 (Amending Bylaw 433) with respect to CRD waste management:**

Amendment	Section	Rationale
<b>Definitions</b>	2.1.	The following words are added to section 2.1e in order to clarify the definition of construction waste:  “Construction Waste” means all waste produced in the process of constructing, altering, renovating, repairing or demolishing a building, <del>structure</del> infrastructure, or development, including vegetation, <u>topsoil, and excavated material</u> displaced during this process.
<b>Disposal of Waste from a Dwelling Disposal of Waste from a Dwelling</b>	5.6	The following words are added to section 5.6 in order to specify instructions for disposal of construction waste:  5.6 Owners or Occupants of a Dwelling shall deliver Construction Waste <u>from a Dwelling</u> to the Transfer Site where acceptable, or in the alternative, to the Francis Cooke Regional Class III Landfill or other approved site in accordance with <u>rules for materials accepted at each facility and federal and/or provincial legislation; and,</u> a. <u>ensure that construction waste is separated by material stream for recycling as outlined in Schedule D.</u>
	5.7	The following words are added to section 5.7 in order to specify clear requirements for container covers:  5.7 <del>Any Person</del> <u>Owners or occupants of a Dwelling who supplies supply and/or uses use</u> a Construction Waste Storage Container for the temporary storage of Construction Waste shall ensure that <del>such container:</del>  a) <u>the container</u> is sturdily constructed and is capable of containing the material deposited within;  b) <u>the container</u> is equipped with a cover capable of restricting the entry of animals and preventing <u>the escape of litter produced by wind, which container cover shall be closed at all times other</u>

		<p><u>than during active construction hours as and if when directed by the Town Manager;</u></p> <p>c) <u>the container cover is an opaque tarp, canvas, or steel lid, or alternative material specifically approved by the Town of Banff;</u></p> <p>d) <u>the container cover is affixed to the container using a method that will ensure the cover remains in place;</u></p> <p>e) <u>any tarp or canvas cover overhangs the container and is affixed a minimum of 30 cm below the edge of the bin opening;</u></p> <p>f) <u>the container is cleaned out regularly; and</u></p> <p>g) <u>Any litter placed in a construction waste bin is contained by a separate means of containment that prevents the litter from becoming wind born when the container is emptied.</u></p>
	5.8	<p>The following words are added to section 5.8 in order to specify which materials must be separated out for recycling:</p> <p>5.8 Owners or Occupants of a Dwelling on which a Construction Waste Storage Container is placed shall ensure that:</p> <p>a) any such storage container does not become unsightly or cause a nuisance or health related problems; <u>and,</u></p> <p><del>b) the Construction Waste is not accessible to animals;</del> <del>and</del></p> <p>b) <u>all construction waste is separated by material stream for recycling as outlined in Schedule D; and,</u></p> <p>c) the area around the storage container is maintained free from litter</p>
<b>Prohibitions</b>	6.10	<p>The following words are added to section 6.10 in order to prevent scavenging in a construction waste container:</p> <p>6.10 No Person shall deposit any items in <u>or remove any items from</u> a Construction Waste Storage Container without the permission of the Owner or renter of the container.</p>
	6.19	<p>The following words are added to section 6.19 to allow the Town to inspect a Construction Waste Storage Container:</p> <p>6.19 The Town or its contractors, servants, agents or workers may inspect any waste deposited or being deposited in an <u>Approved Bin or Construction Waste Storage Container</u>, or at any Town facility, including the Transfer Site or landfill.</p>

<b>Schedules</b>	D	Schedule D is added to specify which types of construction waste must be separated by material stream for recycling.
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**Proposed Amendments to Non-Residential Waste Bylaw 377 (Amending Bylaw 434) with respect to CRD waste management:**

<b>Amendment</b>	<b>Section</b>	<b>Rationale</b>
<b>Definitions</b>	2.1.8	<p>The following words are added to section 2.1.8 in order to clarify the definition of construction waste:</p> <p>2.1.8 “Construction Waste” means all waste produced in the process of constructing, altering, renovating, repairing or demolishing a building, <del>structure</del> <u>infrastructure, or development</u>, including vegetation, <u>topsoil, and excavated material</u> displaced during this process.</p>
<b>Disposal of Waste from a Non-Residential Premises</b>	6.12	<p>The following words are added to section 6.12 to clarify disposal instructions for Bulky Waste</p> <p>6.12 Owners or Occupants of a Non-Residential Premises shall deliver Bulky Waste to the Transfer Site or to <del>an acceptable</del> <u>a facility approved for the disposal of Bulky Waste</u> outside of the Town.</p>
	6.15	<p>The following words are added to section 6.15 in order to specify instructions for disposal of construction waste:</p> <p>6.15 Owners or Occupants of Non-Residential Premises shall deliver Construction Waste to the Transfer Site where acceptable, or in the alternative, to the Francis Cooke Regional Class III Landfill or to other approved sites in accordance with <u>rules for materials accepted at each facility and all applicable federal and/or provincial legislation.</u></p> <p>a) <u>ensure that construction waste is separated by material stream for recycling as outlined in Schedule D.</u></p>
	6.16	<p>The following words are added to section 6.16 in order to specify clear requirements for container covers:</p> <p>6.16 <del>Any Person</del> <u>Owners or occupants of a Dwelling</u> who <del>supplies</del> <u>supply</u> and/or <del>uses</del> <u>use</u> a Construction Waste Storage Container for the temporary storage of Construction Waste shall ensure that <del>such container:</del></p>

		<ul style="list-style-type: none"> <li>a) <u>the container</u> is sturdily constructed and is capable of containing the material deposited within;</li> <li>b) <u>the container</u> is equipped with a cover capable of restricting the entry of animals and preventing <u>the escape of litter</u> produced by wind, <u>which container cover shall be closed at all times other than during active construction hours as and if when directed by the Town Manager</u>;</li> <li>c) <u>the container cover is an opaque tarp, canvas, or steel lid, or alternative material specifically approved by the Town of Banff</u>;</li> <li>d) <u>the container cover is affixed to the container using a method that will ensure the cover remains in place</u>;</li> <li>e) <u>any tarp or canvas cover overhangs the container and is affixed a minimum of 30 cm below the edge of the bin opening</u>;</li> <li>f) <u>the container</u> is cleaned out regularly; <u>and</u></li> <li>g) <u>Any litter placed in a construction waste bin is contained by a separate means of containment that prevents the litter from becoming wind born when the container is emptied.</u></li> </ul>
	6.17	<p>The following words are added to section 6.17 in order to specify which materials must be separated out for recycling:</p> <p>6.17 Owners or Occupants of a Dwelling on which a Construction Waste Storage Container is placed shall ensure that:</p> <ul style="list-style-type: none"> <li>a) any such storage container does not become unsightly or cause a nuisance or health related problems; <u>and,</u></li> <li><del>b) the Construction Waste is not accessible to animals; and</del></li> <li>b) <u>all construction waste is separated by material stream for recycling as outlined in Schedule D; and,</u></li> <li>c) the area around the storage container is maintained free from litter</li> </ul>
<b>Prohibitions</b>	8.12	<p>The following words are added to section 8.12 in order to prevent scavenging in a construction waste container:</p> <p>8.12 No Person shall deposit any items in <u>or remove any items from</u> a Construction Waste Storage Container</p>

		without the permission of the Owner or renter of the container.
	8.20	The following words are added to section 8.20 to allow the Town to inspect a Construction Waste Storage Container:  8.20 The Town or its contractors, servants, agents or workers may inspect any waste deposited or being deposited in an <u>Approved Bin or Construction Waste Storage Container</u> , or at any Town facility, including the Transfer Site or landfill.
<b>Schedules</b>	D	Schedule D is added to specify which types of construction waste must be separated by material stream for recycling.

### Response Options

The Council may:

1. Give first reading to Proposed Bylaw 433, the Residential Waste Amendment Bylaw, and Proposed Bylaw 434, the Non-Residential Waste Amendment Bylaw.
2. Direct Administration to return to Council with additional information or amendments to Proposed Bylaw 433, the Residential Waste Amendment Bylaw, and Proposed Bylaw 434, the Non-Residential Waste Amendment Bylaw.

### IMPLICATIONS OF DECISION

#### Budget

As approved through the 2018 Service Review process, a communications budget of \$7500 has been allocated toward food waste diversion requirement changes. This was one of ten tactics approved by Council as a part of the Waste Diversion Targets and Tactics strategy. This communications budget will be used toward print and/or digital advertising, educational resources, and any additional stakeholder engagement needs.

The main budgetary consideration with respect to CRD materials is time required from Municipal Enforcement and a communications campaign targeting large developers, and support sectors. A communications strategy will be brought to Governance & Finance Committee in 2021, based on an estimated budget of \$3,000, which will be brought to service review as part of the annual budget process.

#### **Internal Resources: Food Scraps & Food-Soiled Paper**

#### Communication

Implementing the requirement for non-residential sector entities to provide infrastructure for diversion of food waste requires a communications effort at the time of the bylaw change to notify all non-residential sector entities of the new requirement. Resource Recovery, with support of Communications & Marketing, will implement strategic communications tactics which may include but not be limited to:

- Updates to print & digital communications resources to include information on bylaw changes;
- Information sharing through Town of Banff communications channels (i.e. web, social media);
- In-person outreach (pending Covid-19 situation) targeting non-residential sector entities; and
- Free information sessions and workshops (virtual if deemed appropriate).

### Enforcement

With respect to the Non-Residential Waste Bylaw amendment that would require all establishments to provide infrastructure for diversion of food waste, administration is proposing that enforcement be conducted on a ‘complaint-based, education-first’ approach. This would allow Resource Recovery staff, employees of non-residential establishments, or the general public to inform the Town of Banff when an establishment is not in compliance with this component of the bylaw. The case would be accepted into the education process, where Resource Recovery staff would reach out, provide educational resources, and collaborate with the establishment for an established time period, with the shared goal being to reach compliance. In the case that the establishment did not reach compliance in the established time period, the case would be passed along to Municipal Enforcement for further investigation.

The City of Calgary’s ICI Food & Yard Waste Bylaw mandated similar requirements to those being proposed by Town of Banff administration, also utilizing a ‘complaint-based, education first approach’. The approach proved to be successful in that the majority of complaint cases reached compliance through the education process.

Should the Council wish to proceed with the bylaw amendment, administration is proposing that the requirement come into place on June 1<sup>st</sup>, 2021, to allow for adequate communication to inform the non-residential sector of the change but ensure that systems are in place prior to the busy summer season. However, considering the impact of the Covid-19 pandemic on Banff’s community, Council may wish to consider an extended grace period in order to provide businesses with additional time to set up new systems.

With respect to the Residential Waste Bylaw amendment that would permit specific non-residential sector entities to deposit food-scrap and food-soiled paper in residential food bins, administration believes that enforcement efforts would not be a critical component in achieving the goals of this action. The option would be communicated through conversations with establishments where it would be believed to be feasible, but not actively promoted.

### **Internal Resources: Construction, Renovation & Demolition** Communication

Effective internal collaboration will be critical toward successful implementation of these new requirements with respect to CRD waste management. Key departments include: Planning & Development, Engineering, and Bylaw. A proposed communications strategy will be brought to the Governance & Finance Committee in 2021.

## Enforcement

With respect to CRD sector bylaw amendments, enforcement will be conducted by monthly or quarterly blitzes, i.e. 1 day per quarter, or a half-day each month by a single bylaw officer. For the rest of the year enforcement would be conducted on a complaint basis. For projects with a Development Permit, the Development Compliance Officer will conduct enforcement.

## **Banff Community Plan**

- Environmental Leadership: be a model for environmental management, sustainable development and tourism.

## **Council Strategic Priorities**

Leading Conservation (Nurturing a Model Environmental Community)

- EeC1: implement requirement for all construction waste bins to have wildlife proof covers, and present options for an enforcement plan to support requirement for commercial waste producers
- EW2: implement construction, renovation and demolition sector, and biosolid waste to diversion rate accounting, and set target for reductions.
- EW4: pilot mandatory recycling and composting for all Town of Banff capital projects. Develop mandatory construction, renovation and demolition recycling and composting regulations.

## **LINKS**

[Options for Waste Diversion Targets and Tactics Report](#)

## **ATTACHMENTS**

Attachment 1 – Proposed Bylaw 433, Residential Waste Amendment Bylaw

Attachment 2 – Current Residential Waste Bylaw 376, Tracked Changes

Attachment 3 – Proposed Bylaw 434, Non-Residential Waste Amendment Bylaw

Attachment 4 – Current Non-Residential Waste Bylaw 377, Tracked Changes

Attachment 5 – Construction, Renovation and Demolition Waste - Trends and Opportunities Briefing

Attachment 6 – Town of Banff ‘How-To’ Guide for Construction Waste Management

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