

TOWN OF BANFF BYLAW 434

Non-Residential Waste Bylaw Amendment No. 2 (Disposal of Waste from a Non-Residential Premises)

A BYLAW TO AMEND THE TOWN OF BANFF NON-RESIDENTIAL WASTE BYLAW WITH RESPECT TO DISPOSAL OF WASTE FROM A NON- RESIDENTIAL PREMISES

The Council of the Town of Banff, in the Province of Alberta, duly assembled, ENACTS
AS FOLLOWS:

1.0 PROVISIONS

- 1.1 Non-Residential Waste Bylaw 377, as amended, is further amended by:
- 1.1.1 Amending Section 2.1 by inserting the following words in underline:
- “Approved Bin” means a receptacle for the collection service provided by the Town for the separate disposal of Garbage, Cardboard, Recyclable Materials, Food Waste or Pedestrian Waste.
- 1.1.2 Amending Section 2.1.8 by deleting the following words in strikethrough and inserting the following words in underline:
- “Construction Waste” means all waste produced in the process of constructing, altering, renovating, repairing, or demolishing a building, ~~structure, infrastructure or development~~, including vegetation, topsoil, and excavated material displaced during this process.
- 1.1.3 Amending section 2.1.16 by deleting the following words in strikethrough:
- “Non-Residential Premises” includes any building, structure or premises which is not used for residential purposes, and for greater certainty, but not to be restricted the generality of the foregoing, any building, structure or premises which is used by any Business ~~or non-profit organization~~ or for any professional institution, industrial, commercial, retail, restaurant or worship purpose.
- 1.1.4 Amending Section 5.6 by deleting the following word in strikethrough and inserting the following word in underline:
- Ensure that Approved Enclosures and ~~Approval~~ Approved Bins:

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- 1.1.5 Amending Section 6.5 by inserting the following words in underline as Section 6.5 and 6.5.1 and renumbering the section as necessary:

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.

Every Owner shall inform Occupants of the Food Waste collection program and the opportunity to participate in separating Food Waste from Garbage.

- 1.1.6 Amending Section 6.12 by deleting the following words in strikethrough and inserting the following words in underline:

Owners or Occupants of a Non-Residential Premises shall deliver Bulky Waste to the Transfer Site or to ~~an acceptable~~ a facility approved for the disposal of Bulky Waste outside of the Town.

- 1.1.7 Amending Section 6.15 by inserting the following words in underline:

Owners or Occupants of a Dwelling shall deliver Construction Waste from a Dwelling 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 rules for materials accepted at each facility and federal and/or provincial legislation; and,

a) ensure that construction waste is separated by material stream for recycling as outlined in Schedule D.

- 1.1.8 Amending Section 6.16 by deleting the following words in strikethrough, inserting the following words in underline and renumbering the section as necessary:

~~Any Person~~ Owners or Occupants of a Dwelling who ~~supplies~~ supply and/or ~~uses~~ use a Construction Waste Storage Container for the temporary storage of Construction Waste shall ensure that ~~such container~~:

- a) ~~That such~~ the container is sturdily constructed and is capable of containing the material deposited within; and,
- b) is equipped with a cover capable of restricting the entry of animals and preventing the escape of litter produced by wind which container cover shall be closed at all times other than during active construction hours ~~as~~ and ~~if~~ when directed by the Town Manager; and,
- c) the container cover must be an opaque tarp, canvas, or steel lid, or alternative material specifically approved by the Town of Banff; and,

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- d) the container cover is affixed to the container using a method that will ensure the cover remains in place; and,
- e) any tarp or canvas cover overhangs the container and is affixed a minimum of 30cm below the edge of the bin opening; and,
- f) the container is cleaned out regularly; and,
- g) any litter placed in the container is contained by a separate means of containment that prevents it from becoming wind born when the container is emptied.

1.1.9 Amending Section 6.17 by deleting the following words in strikethrough, inserting the following words in underline and renumbering the section as necessary:

Owners or Occupants of a Dwelling on which a Construction Waste Storage Container is placed shall ensure that:

- a) any such storage container does not become unsightly or cause a nuisance or health related problems; and,
- ~~b) the Construction Waste is not accessible to animals; and~~
- b) all construction waste is separated by material stream for recycling as outlined in Schedule D; and,
- c) the area around the storage container is maintained free from litter

1.1.10 Amending Section 8.12 by adding the following words in underline:

No person shall deposit any items in or remove any items from a Construction Waste Storage Container without the permission of the Owner or renter of the container.

1.1.11 Amending Section 8.20 by adding the following words in underline:

The Town or its contractors, servants, agents or workers may inspect any waste being or Construction Waste Storage Container collected by the Town, or any waste being deposited at any Town facility, including the Transfer Site or landfill.

1.1.12 Amending Schedule A by inserting the following words in underline:

Food Waste is accepted for disposal in any Approved Bin provided to the Owner of the Non-Residential Premises by the Town for those purposes. The following materials listed as acceptable shall be deemed to be Food Waste for the purposes of this bylaw:

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Preparation:

- Loose
- In certified compostable bags

1.1.13 Adding Schedule D to define construction waste materials that must be separated for recycling and renumbering the rest of the section as necessary.

4.0 SEVERABILITY

4.1 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

5.0 ENACTMENT

5.1 This bylaw comes into force when it receives third and final reading and execution by the Superintendent of Banff National Park, for the Minister of the Environment.

5.1.1 Despite subsection 5.1, section 1.1.3 comes into force on July 1, 2021.

5.2 The Town Manager is authorized to consolidate Bylaw 377.

READ A FIRST TIME this xx day of month, 20xx.

READ A SECOND TIME this xx day of month, 20xx.

READ A THIRD TIME this xx day of month, 20xx.

SIGNED AND PASSED this xx day of month, 2020.

Karen Sorensen
Mayor

Kelly Gibson
Town Manager

APPROVED by the Minister of the Environment, by his delegate t this xx day of month,

Minister of the Environment/Delegate

**TOWN OF BANFF
BYLAW 377**

Non-Residential Waste Bylaw

**A Bylaw to establish and maintain a system for the collection of Non-Residential waste
in the Town of Banff**

The Council of the Town of Banff, in the Province of Alberta, duly assembled, ENACTS AS FOLLOWS:

1.0 CITATION

1.1 This bylaw may be cited as the Non-Residential Waste Bylaw.

2.0 DEFINITION

2.1 In this bylaw:

- 2.1.1 “Approved Bin” means a receptacle [for the collection service](#) provided by the Town for the separate disposal of Garbage, Cardboard, Recyclable Materials, Food Waste or Pedestrian Waste.
- 2.1.2 “Approved Enclosure” means an enclosure, owned and installed by the Owner of a Non-Residential Premises, designed for the storage of Approved Bins between collection times that prevents access to Non-Residential Waste.
- 2.1.3 “Ashes” means the solid residue derived as a by-product from the burning of or combustion of any material or substance.
- 2.1.4 “Bulky Waste” means a discarded chattel, material or equipment of any kind exceeding 1.2 meters in any dimension or 23 kilograms in weight including but not limited to furniture, appliances, packaging and mattresses.
- 2.1.5 “Business” means any person or entity, whether or not for profit and however organized or formed, including a co-operative or association of Persons which conducts:
- a) a commercial, merchandising or industrial activity or undertaking(s);
 - b) a profession, trade, occupation, calling or employment; or
 - c) an activity providing goods or services.

- 2.1.6 “Cardboard” means any material as described in Schedule ‘A’ of this bylaw.
- 2.1.7 “Clear Bag” means a plastic bag which is clear and transparent, or a plastic bag which is lightly tinted provided that the tinting is such that the contents of the bag can clearly be seen through the tinting.
- 2.1.8 “Construction Waste” means all waste produced in the process of constructing, altering, renovating, repairing or demolishing a building, ~~or structure~~ infrastructure, or development, including vegetation, topsoil, and excavated material displaced during this process.
- 2.1.9 “Construction Waste Storage Container” means a container provided or used for the temporary storage of Construction Waste.
- 2.1.10 “Dwelling” means any building or place including the land upon which the building or place is located, which is occupied or used as a place of abode.
- 2.1.11 “FOG” means any fats, oils or greases of any kind including residue.
- 2.1.12 “Food Waste” means any material described in Schedule ‘B’ of this bylaw.
- 2.1.13 “Garbage” means all abandoned, rejected or discarded matter generated in and/or— coming from a Non-Residential Premises but does not include:
- a) Food Waste
 - b) Cardboard
 - c) Recyclable Materials
 - d) Construction Waste
 - e) Bulky Waste
 - f) Unacceptable Waste
- 2.1.14 “Hazardous Waste” means any solid, liquid or gaseous substance defined or described by legislation or regulation of the Province of Alberta as being hazardous and/or toxic. This includes waste that presents a hazard to Persons, flora, fauna, or lands, including but not limited to waste of a biological, biohazardous, pathological, explosive, highly flammable, radioactive or toxic nature, which, without limiting the forgoing, shall include asbestos and blood samples, but shall not include domestic animal feces.
- 2.1.15 “Hazardous Waste Round Up” means a Town sponsored event for the collection of Hazardous Waste.

- 2.1.16 “Non-Residential Premises” includes any building, structure or premises which is not used for residential purposes, and for greater certainty, but not to be restricted the generality of the foregoing, any building, structure or premises which is used by any Business ~~or non-profit organization~~ or for any professional, institution, industrial, commercial, retail, restaurant or worship purpose.
- 2.1.17 “Non-Residential Waste” means solid waste generated by or discarded as refuse from a Non-Residential Premises.
- 2.1.18 “Occupant” means any Person occupying a premises whether they are in fact the Owner, renter, tenant, or lessee of the premises.
- 2.1.19 “Out-of-Town Waste” means any Residential Waste or Non-Residential Waste not emanating from within the corporate limits of the Town of Banff.
- 2.1.20 “Owner” means:
- a) In regard to Crown Land a Person who is the lessee of Crown land and that Person’s successors and assigns;
 - b) In respect to land other than Crown land, the Person who is the registered owner of the fee simple interest in the land;
 - c) In respect of any property other than land, the actual owner, occupant, operator or Person in lawful possession of the property; and,
 - d) In respect to a vehicle, the Person who owns or rents a vehicle, or any person that has the exclusive use of a vehicle for a period of more than thirty (30) days whether pursuant to a lease or otherwise.
- 2.1.21 “Peace Officer” means the following persons while that person is in the exercise or discharge of this power or duties:
- a) a Bylaw Enforcement Officer appointed by the Town pursuant to the Municipal Government Act;
 - b) a Community Peace Officer appointed pursuant to the Peace Officers Act;
 - c) a member of the Royal Canadian Mounted Police;
 - d) a park warden appointed under the National Parks Act of Canada.
- 2.1.22 “Pedestrian Waste” means any waste or refuse generated or discarded by a Person, or in the case of domestic animal waste, by a domestic animal owned or under the control of a Person, while that Person is travelling by foot or non-motorized means within the Town, other than when indoors. Pedestrian Waste includes but is not limited to food wrappers, beverage containers, fruit peels or cores and domestic animal waste.

- 2.1.23 “Person” means any individual, Occupant, Owner, firm, partnership, association, corporation, company or organization of any kind.
- 2.1.24 “Recyclable Materials” means any material described in Schedule ‘C’ of this bylaw.
- 2.1.25 “Residential Waste” means solid waste generated by or discarded as refuse from a Dwelling.
- 2.1.26 “Town” means the Corporation of the Town of Banff and where, the context requires, the land included within the boundaries of the Town of Banff;
- 2.1.27 “Town Manager” means a Person appointed as the Town Manager by Town Council, or the Person designated by the Town Manager to carry out a particular duty.
- 2.1.28 “Transfer Site” means the Town of Banff Waste Transfer Site located at 160 Hawk Avenue.
- 2.1.29 “Unacceptable Waste” means any material as described in Schedule “D” of this bylaw.
- 2.1.30 “Yard Waste” means the organic matter formed as a result of gardening or horticultural endeavours, including materials such as grass clippings, leaves, tree and hedge clippings, tree limbs but excludes fruits, vegetables, construction and demolition debris, stumps, large bushes or contaminated soil.

3.0 INTERPRETATION

- 3.1 The headings in the body of this bylaw form no part of the bylaw and are inserted for convenience and reference only.

4.0 ESTABLISHMENT OF MUNICIPAL SERVICE

- 4.1 A municipal service is hereby established to collect, remove and dispose of Non-Residential Waste generated within the Town.
- 4.2 The municipal service provided to Owners and Occupants of Non -Residential Premises shall provide separate collection, removal and disposal of:
- a) Garbage
 - b) Food Waste, and
 - c) Cardboard;

as provided for herein.

- 4.3 The Town shall operate a Waste Transfer Site to receive and dispose of non-residential Recyclable Material as listed in Schedule 'C' hereto.
- 4.4 No Person shall dispose of Out-of-Town Waste within the Town limits unless they make application to the Town Manager and enter into an agreement with the Town to be supplied with Non-Residential Waste collection, removal and/or disposal services, or deliver the Out-of-Town Waste directly to the Transfer Site.
- 4.5 As a condition of the municipal service and as operating needs dictate, employees of the Town shall have free access to all parts of the Non-Residential Premises, in which the collection of Non-Residential Waste is carried out, for the purpose of:
- a) Collecting and removing Non-Residential Waste; and
 - b) Inspections for compliance with this bylaw.
- 4.6 Notwithstanding the provisions of this bylaw, the Town Manager may make special arrangements and enter into contracts related to the collection and/or disposal of Non-Residential waste or Out-of-Town Waste.
- 4.7 The Town may freely dispose of, recycle or reuse in any manner, all Non-Residential Waste delivered to or collected by the Town.
- 4.8 The Town shall not be liable in any manner whatsoever for any damage, loss, or associated costs related to Non- Residential Waste or its collection, removal or disposal, unless directly due to the gross negligence of the Town.

5.0 STORAGE OF NON-RESIDENTIAL WASTE

- 5.1 The Town shall provide each Owner of a Non-Residential Premises with Approved Bins specific to the municipal service requested by that Owner.
- 5.2 An Approved Enclosure shall be provided by the Owner of each Non-Residential Premises unless the Owner applies for and obtains a written exemption from the Town Manager. The Town Manager shall not issue such an exemption unless the Town Manager is satisfied that adequate alternate arrangements have been made for the disposal of Non-Residential Waste from the Premises without the need for an Approved Enclosure. The Town Manager may also issue such exemptions subject to such terms or conditions that the Town Manager considers appropriate to ensure that the principles of this bylaw are complied with, including temporary or time limited exemptions.
- 5.3 Approved Bins provided to the Owners of a Non-Residential Premises are for the exclusive use of the Owners and Occupants of that Premises, except where

an agreement exists between two or more Owners of Non-Residential Premises for shared use of Approved Bins.

- 5.4 Each Owner of a Non-Residential Premises shall locate Approved Bins inside an Approved Enclosure.
- 5.5 Owners of Non-Residential Premises must store Non-Residential Waste to be picked up by the Town in Approved Bins.
- 5.6 Each Owner of a Non-Residential Premises shall:
- a) Maintain the Approved Enclosure and Approved Bins designated for their Non-Residential Premises in a safe, serviceable and sanitary condition;
 - b) Ensure that the Approved Enclosure and Approved Bins are at all times accessible to employees and agents of the Town, unless other arrangements are first made with the Town Manager;
 - c) Ensure the schedule for removal of Non-Residential Waste is of an appropriate frequency such that Waste does not overflow or accumulate beside the Approved Bins located in an Approved Enclosure;
 - d) Be responsible for clean-up and removal of litter or debris from their property that may have spilled out of an Approved Bin during the filling or emptying process;
 - e) Clean and repair the Approved Enclosure when requested by the Town Manager;
 - f) Notify the Town Manager within 15 days if an Approved Bin requires repair or replacement;
 - g) Ensure that Approved Enclosures and ~~Approval~~ Approved Bins:
 - i) are properly placed;
 - ii) contain only properly prepared or properly placed Non-Residential Waste;
 - iii) pose no danger to Town employees, or Town Equipment;
 - iv) will not be inaccessible due to snow or ice;
 - v) that the Town has an operable key if the Approved Enclosure or Approved Bin, or access thereto is locked; and
 - vi) Approved Bins do not contain more than the manufacturers allowed or recommended weight.

6.0 DISPOSAL OF WASTE FROM A NON-RESIDENTIAL PREMISES

- 6.1 All Persons shall be responsible to comply with any Town requirements for the separation of any materials for separate collection or disposal.
- 6.2 Every Owner shall separate Cardboard from Garbage.
- 6.3 Owners or Occupants of a Non-Residential Premises shall dispose of Garbage generated by the Occupants of that Premises by first placing it in an appropriate Clear Bag, securely tied or sealed, with a maximum weight of 23kg and depositing the same entirely within, the appropriate Approved Bin provided to the Owner of the Non-Residential Premises by the Town for that purpose.
- 6.4 Owners or Occupants of a Non-Residential Premises shall dispose of Cardboard generated by the Occupants of a Non-Residential Premises by first preparing it in accordance with Schedule 'A' of this bylaw and depositing the same entirely within, the appropriate Approved Bin provided to the Owner of the Non-Residential Premises by the Town for that purpose.

6.5 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.

6.5.1 Every Owner shall inform Occupants of the Food Waste collection program and the opportunity to participate in separating Food Waste from Garbage.

~~6.56.6~~ Owners or Occupants of a Non-Residential Premises may choose to dispose of Food Waste as Garbage, in which case the provisions of this bylaw related to Garbage will apply or, may choose to dispose of Food Waste as recycling, in which case Owners and Occupants will first prepare the materials in accordance with this bylaw including Schedule "B" hereof and will deposit the same entirely within the Approved Bins provided to the Owner of the Non-Residential Premises by the Town for those purposes.

~~6.66.7~~ Owners or Occupants of a Non-Residential Premises may choose to dispose of Recyclable Materials as Garbage, in which case the provisions of this bylaw related to Garbage will apply or, may choose to dispose of Recyclable Materials as recycling, in which case Owners or Occupants will first prepare the materials in accordance with this bylaw including Schedule "C" hereof and will deposit the same entirely within the Approved Bins provided by the Town for these purposes.

~~6.76.8~~ Owners or Occupants of a Non-Residential Premises shall ensure the schedule for removal of Garbage, Food Waste and Cardboard is of an appropriate frequency such that said material does not overflow or accumulate beside an Approved Bin located in an Approved Enclosure.

~~6.86.9~~ Owners or Occupants of a Non-Residential Premises shall not dispose of FOG collected from a grease trap in Approved Bins.

~~6.96.10~~ All Persons shall follow the directions on posted signs on Approved Bins.

~~6.106.11~~ All Persons shall be responsible to dispose, in a proper manner, at an approved site any waste for which the Town does or does not accept responsibility for disposal.

~~6.116.12~~ Owners or Occupants of a Non-Residential Premises shall deliver Bulky Waste to the Transfer Site or to ~~an acceptable a~~ facility [approved for the disposal of Bulky Waste](#) outside of the Town.

~~6.126.13~~ Owners or Occupants of a Non-Residential Premises shall deliver Yard Waste to the Transfer Site, or to an acceptable facility outside of the Town.

~~6.136.14~~ Owners or Occupants of a Non-Residential Premises shall dispose of Hazardous Waste,

- a) where permitted to do so by the Town, at the Transfer Site, Hazardous Waste Round Up facilities or sites designed by the Town; or
- b) at other approved site(s) in accordance with federal and/or provincial legislation.

~~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 [rules for materials accepted at each facility and](#) all applicable federal and/or provincial legislation; ~~and,~~

~~a) ensure that construction waste is separated by material stream for recycling as outlined in Schedule D.~~

~~6.146.16~~ ~~Any Person~~ Owners or occupants of a Dwelling who ~~supplies supply~~ and/or ~~uses use~~ a Construction Waste Storage Container for the temporary storage of Construction Waste shall ensure that ~~such container~~:

- a) [the container](#) is sturdily constructed and is capable of containing the material deposited within;
- b) [the container](#) is equipped with a cover capable of restricting the entry of animals and preventing the escape of litter produced by wind, [which container cover shall be closed at all times other than](#)

during active construction hours and when directed by the Town Manager;

- c) the container cover is an opaque tarp, canvas, or steel lid, or alternative material specifically approved by the Town of Banff;
- d) the container cover is affixed to the container using a method that will ensure the cover remains in place;
- e) any tarp or canvas cover overhangs the container and is affixed a minimum of 30 cm below the edge of the bin opening;
- f) the container is cleaned out regularly; and
- b)g) 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.

~~6.156.17~~ Owners or Occupants of a Non-Residential Premises on which a Construction Waste Storage Container is placed shall ensure that:

- a) any such storage container does not become unsightly or cause a nuisance or health related problems; and,
- a)b) all construction waste is separated by material stream for recycling as outlined in Schedule D; and,
- ~~b) the Construction Waste is not accessible to animals; and,~~
- c) the area around the storage container is maintained free from litter.

7.0 PEDESTRIAN WASTE

- 7.1 All Persons shall transport Pedestrian Waste to, and deposit the same entirely within, an appropriate Approved Bin designated by the Town for Pedestrian Waste.
- 7.2 No Person shall deposit any items in an Approved Bin designed for the collection of Pedestrian Waste other than Pedestrian Waste.

8.0 PROHIBITIONS

- 8.1 Unless instructed by the Town Manager as part of a special collection program or provided for elsewhere in this bylaw, no Person shall deposit Unacceptable Waste listed in Schedule 'D' anywhere within the Town except:

- a) at a location as prescribed by the Town; or,
 - b) at a site outside of the Town in accordance with applicable provincial and federal legislation.
- 8.2 No Person shall dispose of Non-Residential Waste in any manner which contravenes any provision of this bylaw.
- 8.3 No Person shall allow Non-Residential Waste to accumulate outside any building, on any land or other premises, or anywhere in any manner which contravenes any provision of this bylaw.
- 8.4 No Person shall dispose of Residential Waste or Pedestrian Waste in an Approved Bin owned by or provided to the Owner of a Non-Residential Premises, unless authorized by the Owner of that Non-Residential Premises.
- 8.5 No Person shall:
- a) pile Non-Residential Waste above the top of an Approved Bin;
 - b) fill any Approved Bin in such a manner that the contents thereof cannot be easily removed therefrom;
 - c) place or pile waste on top of a closed Approved Bin or Approved Enclosure;
 - d) place waste on the floor in an Approved Enclosure where it interferes with the free movement of the Approved Bin; and,
 - e) obstruct access to an Approved Bin.
- 8.6 No Person shall deposit any items in an Approved Bin designed for the collection of Food Waste other than Food Waste.
- 8.7 No Person shall deposit any items in an Approved Bin designed for the collection of Cardboard other than Cardboard Waste.
- 8.8 No Person shall deposit any items in an Approved Bin designed for the collection of Garbage other than Garbage.
- 8.9 No Person shall deposit any items in an Approved Bin designed for the collection of Recyclable Material other than Recyclable Material in accordance with Schedule “C”.
- 8.10 No Person shall deposit Non-Residential Waste in an Approved Bin designed for the collection of Pedestrian Waste.

- 8.11 No Person shall deposit any items in an Approved Bin designed for the collection of Pedestrian Waste other than Pedestrian Waste.
- 8.12 No Person shall deposit any items in or remove any items from a Construction Waste Storage Container without the permission of the Owner or renter of the container.
- 8.13 No Person shall deposit Ashes in an Approved Bin unless they are quenched.
- 8.14 No Person shall leave Non-Residential Waste of any kind on public or private property where it is accessible to animals.
- 8.15 No Person shall park or allow to be parked a vehicle, whether on public or private property, that contains waste that is accessible to animals.
- 8.16 No Person shall alter the location, access, operation, or otherwise interfere with the use and servicing of an Approved Bin.
- 8.17 No Person other than an employee, contractor or agent of the Town providing municipal service, shall pick over, interfere with, scavenge, disturb, remove or scatter any Non-Residential Waste that has been placed in an Approved Bin.
- 8.18 No Person shall hinder, interrupt or cause to be hindered any employee of the Town or its contractors, servants and agents or workers, in the exercise of any of the powers or duties relating to Non-Residential Waste as authorized or required in this bylaw.
- 8.19 Except as permitted by this bylaw, no Person shall permit, suffer or allow property, real or personal, which he owns, occupies or controls, to be in contravention of this bylaw.
- 8.20 The Town or its contractors, servants, agents or workers may inspect any waste being or Construction Waste Storage Container collected by the Town, or any waste being deposited at any Town facility, including the Transfer Site or landfill.

9.0 FEES

- 9.1 The fees, rates and charges outlined in the Fees and Charges Bylaw are hereby adopted and will be due and owing to the Town for the services outlined in the Fees and Charges Bylaw.

- 9.2 All accounts for Non-Residential Waste services provided under this bylaw shall be due and payable when rendered.
- 9.3 Accounts shall be deemed to be sufficiently forwarded if they are left on the property of the Person being charged or if they are mailed by ordinary mail to the Person being charged at the mailing address of that Person.
- 9.4 All charges for services which remain unpaid for a period exceeding 30 days from the due date shall be subject to interest charges in accordance with the Fees and Charges Bylaw. All sums payable by an Owner pursuant to this bylaw, including the rates set out in the Fees and Charges Bylaw, are a debt due and owing to the Town and shall constitute a preferential lien and charge on the parcel which may be levied and collected in a like manner as municipal taxes, in accordance with the Municipal Government Act.
- 9.5 An Owner or Occupant of a Non-Residential Premises shall bring any alleged error in any charge to the attention of the Town Manager or designate within one year of the end of the period for which such Non-Residential Waste rates were imposed.
- 9.6 The Town reserves the right to withhold services, or take legal action, when fees are unpaid.

10.0 VIOLATIONS AND ENFORCEMENT

- 10.1 Any Person who contravenes any provision of this bylaw is guilty of an offence and is liable for a penalty as provided for herein.
- 10.2 For the purposes of this bylaw, an act or omission by a tenant is deemed also to be an act or omission of the Owner of the real property on which the offence occurred.
- 10.3 When a Business commits an offence under this bylaw, every principal, director, manager, employee or agent of the Business who authorized the act or omission that constitutes the offence, or assented to or acquiesced or participated in the act or omission that constitutes the offence, is guilty of the offence whether or not the Business has been prosecuted for the offence.
- 10.4 If a vehicle is involved in any contravention of this bylaw, the Owner of that vehicle is guilty of an offence.

- 10.5 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.
- 10.6 Any Person found to be violating any provision of this bylaw may be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall permanently cease all violations, or carry out or cause to be done any such work as may be required to conform with this bylaw in accordance with the notice.
- 10.7 When a Person is alleged to have contravened any provision of this bylaw, a Peace Officer may issue a Town of Banff Notice of Offence which shall state:
- a) The nature of the offence;
 - b) The penalty payable in connection with the offence; and
 - c) The time period within which the penalty must be paid.
- 10.8 A Town of Banff Notice of Offence shall be deemed to be sufficiently served for the purposes of this bylaw if:
- a) served personally on the accused; or,
 - b) mailed by registered post to the address of the registered Owner of the Premises concerned, or to the Person concerned; or,
 - c) attached to or left securely and visibly upon the Vehicle in respect of the offence that is alleged to have been committed.
- 10.9 A Peace Officer may issue a ticket, or lay an information pursuant to the provisions of the Provincial Offences Procedure Act in regard to any offence that is alleged pursuant to this bylaw, regardless of whether or not a Town of Banff Notice of Offence has been issued.
- 10.10 In lieu of prosecution, the Person named in the Town of Banff Notice of Offence may elect to voluntarily make payment to the Town of the penalty amount specified in the Town of Banff Notice of Offence which shall be as set out in Schedule “E” attached hereto.
- 10.11 If the payment specified in the Town of Banff Notice of Offence is not paid in accordance with the terms of the Notice of Offence and in the time required by the Notice of Offence, a prosecution may be commenced for the alleged contravention of this bylaw.

- 10.12 Any Person violating any of the provisions of this bylaw shall become liable to the Town for any expense, loss or damage incurred by the Town by reason of such violation.
- 10.13 Upon summary conviction, any Person who is guilty of a first offence under this bylaw is liable to a fine of not less than the amount specified in Schedule “E” of this bylaw as a voluntary payment for a first offence and not more than \$10,000.00 per offence, plus costs, and/or to a term of imprisonment not exceeding six (6) months, or in default of payment of any fine imposed is liable to imprisonment for a term not exceeding six (6) months.
- 10.14 Upon summary conviction, any Person who is found guilty of a second offence under this bylaw, is liable to a fine of not less than the amount specified in Schedule “E” of this bylaw as a voluntary payment for a second offence and not more than \$10,000.00 per offence, plus costs, and/or for imprisonment for any period not exceeding six (6) months in the case of non-payment of the fine and costs imposed for such offence.
- 10.15 Upon summary conviction, any Person who is found guilty of a third or subsequent offence under this bylaw, is liable to a fine of not less than the amount specified in Schedule “E” of this bylaw as a voluntary payment for a third or subsequent offence and not more than \$10,000.00 per offence, plus costs, and/or for imprisonment for a period not exceeding six (6) months in the case of non-payment of the fine and costs imposed for such offence.
- 10.16 Upon the failure by any Person to comply with the provisions of this bylaw, the Town may proceed in accordance with the Municipal Government Act and perform any corrective measures required. All costs incurred may be recovered from the Owner and shall be deemed a debt due to the Town by the Owner. Debts due may be charged against the premises concerned as a special lien to be recovered in like manner as property taxes.
- 10.17 If, in the opinion of the Town Manager, a contravention of this bylaw requires immediate action, the Town may perform any work necessary to address the contravention of this bylaw without prior notice and all costs incurred by the Town will be payable by the Person alleged to have contravened this bylaw.
- 10.18 Notwithstanding any other provision of this bylaw, the imposition of a fine either by issuance of a Town Notice of Offence or by summary conviction in court shall not relieve any Person so fined from any liability to pay to the Town any expenses arising from any damage or loss caused by that Person to Town property.

10.19 The Town Manager, or his or her delegate, is hereby authorized to issue Orders pursuant to S. 545 or S. 546 of the *Municipal Government Act* in regard to any contravention of or the enforcement of this bylaw.

11.0 SEVERABILITY

11.1 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

12.0 SCHEDULES

12.1 Schedules 'A', 'B', 'C', 'D', and 'E' referred to herein as attached form part of this bylaw.

13.0 TRANSITION

13.1 Notwithstanding Section 6.3 hereof, during the eight-month period immediately following the date this bylaw comes into effect, an opaque or coloured or non-transparent plastic bag may be used, provided that the other requirements of Section 6.3 are met.

14.0 ENACTMENT

14.1 This bylaw comes into force upon receiving third and final reading and execution by the Superintendent of Banff National Park, for the Minister of the Environment.

READ A FIRST TIME this 9th day of January, 2017.

READ A SECOND TIME this 27th day of February, 2017.

READ A THIRD TIME this 27th day of February, 2017.

SIGNED AND PASSED this 28th day of February, 2017.

Item #: 8.6
Attachment 4

On original 2017.02.28

Karen Sorensen

Mayor

On original 2017.02.28

Robert Earl

Town Manager

Approved by the Minister of the Environment by his/her delegate this 21st day of
March, 2017.

On original 2017.03.21

Minister of the Environment/Delegate

SCHEDULE A – CARDBOARD

Cardboard is accepted for disposal in any Approved Bins provided to the Owner of the Non-Residential Premises by the Town for those purposes. The following materials listed as acceptable shall be deemed to be Cardboard for the purposes of this bylaw:

Material	Acceptable	Not Acceptable	Preparation	Disposal
Cardboard	<ul style="list-style-type: none"> • All corrugated cardboard • Paper egg cartons and drink trays • Food item boxes • Boxboard (shoe and product type boxes) 	<ul style="list-style-type: none"> • Padded envelopes • Carbon paper • Elastic bands • Paper clips • Metal fasteners • Plastic liners 	<ul style="list-style-type: none"> • Remove food debris, elastic bands, paperclips, and metal fasteners (staples are okay) • Break down and flatten all boxes • Remove all plastic wrappings and polystyrene inserts 	<ul style="list-style-type: none"> • Dispose of cardboard in any Approved Bin provided to the Owner of the Non-Residential Premises by the Town for those purposes

SCHEDULE B – FOOD WASTE

Food Waste is accepted for disposal in any Approved Bin provided to the Owner of the Non-Residential Premises by the Town for those purposes. The following materials listed as acceptable shall be deemed to be Food Waste for the purposes of this bylaw:

Materials	Acceptable	Not Acceptable	Preparation	Disposal
Food	<ul style="list-style-type: none"> • Fruits & vegetables • Pits, peelings, rinds, tops, cores and husks • Rice, breads, cereal, noodles, toast, tortillas, baked goods, pastries, pies, etc. • Pumpkins • Coffee grounds and filters • Tea bags and leaves • Dairy products • Paper soiled with food • Egg & eggshells • Popsicle and stir sticks (wooden only) • <u>Meat, fish & bones</u> 	<ul style="list-style-type: none"> • Plastic • Elastics • Twist ties • Stickers • Plastic labels • Fabrics • Pet waste 	<ul style="list-style-type: none"> • <u>Loose</u> • <u>In certified compostable bags</u> 	<ul style="list-style-type: none"> • Dispose of food waste in any Approved Bin provided to the Owner of the Non-Residential Premises by the Town for those purposes

SCHEDULE C – RECYCLABLE MATERIALS

Recyclable Materials are accepted for disposal in any Approved Bin or at the Transfer Site. The following materials listed as acceptable shall be deemed to be Recyclable Material for the purposes of this bylaw:

Material	Acceptable	Not Acceptable	Preparation	Disposal
Mixed Containers	<p>Plastics</p> <ul style="list-style-type: none"> All plastic containers with a Mobius loop and number 1, 2, 3, 4, 5, 6, and 7 <p>Metal food cans</p> <ul style="list-style-type: none"> Tin and aluminum food and beverage containers and lids 	<ul style="list-style-type: none"> Plastic bags Plastic containers without a Mobius Loop Toxic product containers Polystyrene foam type Plastic film, wrap, or cellophane packaging Appliances 	<ul style="list-style-type: none"> Remove lids and rinse all containers Thoroughly rinse 	<ul style="list-style-type: none"> Dispose of mixed containers in any Approved Bin or at the Transfer Site
Glass	<ul style="list-style-type: none"> Glass jars Glass bottles 	<ul style="list-style-type: none"> Windows Windshields Ceramics Tableware Light bulbs 	<ul style="list-style-type: none"> Remove lids Rinse bottles and clean jars 	<ul style="list-style-type: none"> Dispose of glass in any Approved Bin or at the Transfer Site
Refundable Beverage Containers	<ul style="list-style-type: none"> Refundable glass bottles and cans Milk containers Soy and rice milk containers Juice boxes 	<ul style="list-style-type: none"> Non-beverage Tetra Paks 	<ul style="list-style-type: none"> Empty, remove all straws, and rinse 	<ul style="list-style-type: none"> Dispose of refundable beverage containers in any Approved Bin, at the Transfer Site, or at the bottle depot
Mixed Paper	<p>Newsprint and Magazines</p> <ul style="list-style-type: none"> Newspaper and inserts Magazines Glossy flyers, catalogues and brochures Soft cover and paperback books Gift wrap <p>Office Paper</p> <ul style="list-style-type: none"> Office and computer paper Junk mail and envelopes 	<ul style="list-style-type: none"> Padded envelopes Carbon paper Elastic bands Paper clips Metal fasteners Plastic liners 	<ul style="list-style-type: none"> Remove elastic bands, paperclips, and metal fasteners (Staples are okay) Break down and flatten all boxes Remove all plastic wrappings and Styrofoam inserts 	<ul style="list-style-type: none"> Dispose of mixed paper in any Approved Bin or at the Transfer Site

SCHEDULE D – CONSTRUCTION WASTE

Construction Waste shall be separated in accordance with the below material streams and delivered 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 rules for materials accepted at each facility and federal and/or provincial legislation.

<u>Material</u>	<u>Acceptable</u>	<u>Not Acceptable</u>	<u>Disposal</u>
<u>Asphalt</u>	<ul style="list-style-type: none"> • <u>Clean asphalt</u> • <u>Asphalt shingles</u> 	<ul style="list-style-type: none"> • <u>Nails</u> • <u>Paper</u> • <u>Plastics</u> • <u>Wood</u> 	<ul style="list-style-type: none"> • <u>No food waste or food packaging waste</u> • <u>In accordance with rules for materials accepted at each facility</u> • <u>Hazardous waste and hydrovac waste must be disposed of in accordance with federal and/or provincial legislation</u> • <u>Recyclable materials must be disposed of in accordance with Schedule C</u>
<u>Concrete</u>	<ul style="list-style-type: none"> • <u>Smaller than 3m x 3m</u> 		
<u>Drywall</u>		<ul style="list-style-type: none"> • <u>Wood</u> • <u>Tiles</u> • <u>Metal</u> 	
<u>White Wood</u>	<ul style="list-style-type: none"> • <u>Kiln dried lumber</u> • <u>Plywood</u> • <u>Strand board</u> 	<ul style="list-style-type: none"> • <u>Drywall</u> • <u>Pressure Treated Wood</u> 	
<u>Pressure Treated Wood</u>			
<u>Grass, leaves and flowers</u>		<ul style="list-style-type: none"> • <u>Branches</u> • <u>Soil</u> • <u>Compostable bags</u> 	
<u>Branches, scrub and brush</u>	<ul style="list-style-type: none"> • <u>Stumps & roots must be larger than 3m x 3m</u> 	<ul style="list-style-type: none"> • <u>Compostable bags</u> 	
<u>Assorted metals</u>	<ul style="list-style-type: none"> • <u>Scrap metal</u> • <u>Furnaces</u> • <u>Hot water tanks</u> 	<ul style="list-style-type: none"> • <u>Fuel</u> • <u>Cylinders</u> • <u>Flammable items</u> 	
<u>Other materials from CRD sites</u>	<ul style="list-style-type: none"> • <u>Electronics</u> • <u>Mattresses/box springs</u> • <u>Refrigerators/freezers</u> • <u>Lighting</u> 		

SCHEDULE D E – UNACCEPTABLE WASTE

The following materials shall be deemed to be Unacceptable Waste and are not acceptable for disposal within the Town:

- a) Any materials that are not set out in accordance with the provisions of this bylaw;
- b) Hazardous Waste, unless specifically permitted by the Town Manager;
- c) Biohazardous Waste;
- d) Dead animals or parts of dead animals with the exception of Food Waste;
- e) Sod, soil, dirt, and stones;
- f) Contaminated soil; or,
- g) Any other material or item designated as Unacceptable Waste by the Town Manager.

Schedule E– Voluntary Payments

First offense (all sections)	\$150
Second offense	\$300
Third and all subsequent offenses	\$500