



# REQUEST FOR DECISION

## Subject: Proposed Single-Use Item Reduction Bylaw 468

Presented to: Council

Date: February 13, 2023

Submitted by: Carla Bitz,  
Environmental Coordinator,  
Environment & Sustainability

Item #: 8.2

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### ADMINISTRATIVE RECOMMENDATION

That Council:

1. Prior to second reading, amend the proposed Single-Use Item Reduction Bylaw 468, as follows:
  - a) By removing the following sections:
    - Section 4.1: Remove the Business License Categories “Retail” and “Transportation”
    - Section 4.2.2: Require businesses that do not have consumption on the premises to provide reusables for takeaway services.
    - Section 7: Require that any remaining disposable food ware must be recyclable or compostable within Banff’s waste streams.
  - b) By adding the following sections:
    - Subsection 4.2.5 to permit straws by request only for on-site dining:  
4.2.5. Straws may be provided if the Customer requests a straw.
    - Subsection c to section 6.2 to permit self-serve stations, as follows:  
c. the customer takes the item themselves from a self-serve station, which also contains options for Reusable Foodware.
  - c) By deferring enforcement of section 4 of the bylaw until January 1, 2024, by adding a new section 4.3 as follows:  
  
4.3 Section 4.0 comes into force on January 1, 2024.
2. Give second and third reading as amended, to the proposed Single-Use Item Reduction Bylaw 468; and
3. Direct Administration to return to a future meeting of Council, no later than March 13, 2023, with a proposed rebate program that could provide support and incentivize businesses to comply with bylaw requirements prior to the January 1, 2024, enforcement deadline.

### BACKGROUND

#### Reason for Report

The purpose of this report is to present a new Single-Use Item Reduction Bylaw for consideration by Council, as a key step towards achieving Council’s 2018 commitment to waste diversion targets of 70% by 2028 and zero waste to landfill by 2050.

In 2019, following a presentation to Council on plastic waste by the grassroots group The Bear Minimum, Council directed Administration to conduct a waste characterization study to better understand the state of single-use items in Banff.

**7.2 Mayor Sorensen – Notice of Motion Given 2019.04.08**

COU19-127 Moved by Mayor Sorensen that council direct administration to conduct a characterization study of an average bail of mixed plastic waste; and, should it not be possible within the current operational budget, that council direct administration to return with a budget request for consideration.

**CARRIED**

Speaking broadly, the results of this waste characterization demonstrated that single-use items are problematic for several reasons including:

- Being a primary source of waste in the contaminants bin on the sort line
- Appearing in large quantities in pedestrian bins, and as litter throughout the town
- In addition to disposal costs, the Town of Banff uses employee resources to manage single-use items, the majority of which ultimately end up in the landfill

Following the presentation of the waste characterization report on August 12<sup>th</sup>, 2019, Council directed administration to conduct stakeholder consultation on a Single-Use Item Reduction Strategy for the Town of Banff.

**8.7 Plastic Waste in Banff: Current State and Options for Single-Use Item Reduction**

Moved by Councillor Olver that council accept this report as information and direct administration to conduct stakeholder consultation on a Single-use Items Reduction Strategy for the Town of Banff.

**CARRIED**

**Christensen opposed**

In December 2021, Council unanimously approved the Single-Use Item Reduction strategy and directed administration to implement the six actions outlined in the Report. \$10,000 was allocated from the Environmental Reserve for public consultation on a Single-Use Items Bylaw.

**8.0 BYLAWS AND STAFF REPORTS**

**8.1 Request for Decision: Single-Use Item Reduction Strategy for the Town of Banff**

COU21-456 **Moved by Mayor DiManno**

That with respect to Item 8.1, Request for Decision: Single-Use Item Reduction Strategy for the Town of Banff, the following be adopted:

That Council:

1. Allocate \$10,000 from the Environmental Reserve and adopt the Single-Use Item Reduction Strategy as outlined in the Report; and
2. Direct Administration to implement the six actions outlined in the Report.

For: (7): Mayor DiManno, Councillor Canning, Councillor Christensen, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram

**MOTION CARRIED**

Public consultations have now been completed, and the Proposed Single-Use Items Reduction Bylaw is ready for review.

## Summary of Issue

Upon bringing second and third reading of the proposed bylaw to Council, further feedback was received from commercial stakeholders, prompting an additional consultation workshop on January 31<sup>st</sup>. At the consultation workshop, administration informed commercial stakeholders that bylaw changes and timeline adjustments would be recommended to Council in conjunction with second and third reading of the proposed bylaw.

Feedback provided at the workshop validated that the below bylaw changes would address concerns that had been raised following first reading:

- Remove the following sections:
  - **Section 4.1:** Remove the Business License Categories “Retail” and “Transportation”
  - **Section 4.2.2:** Require businesses that do not have consumption on the premises to provide reusables for takeaway services.
  - **Section 7:** Require that any remaining disposable food ware must be recyclable or compostable within Banff’s waste streams.
- Add 6c to **Section 6** to permit self-serve stations:
  - 6. A Customer request as required by section 6.1 is deemed to be valid if:
    - the Customer initiates the request;
    - the Customer answers a prompt on an Ordering Platform; or
    - the customer takes the item themselves.

With respect to timing, feedback provided at the workshop validated that, for the following reasons, commercial stakeholders would like more time to implement the requirement for reusables for dine-in services:

- Budget planning;
- Infrastructure adjustments; and
- Staff training.

As such, Administration is recommending that the following components of the Single-Use Item Reduction Bylaw would come into effect for all businesses by July 1<sup>st</sup>, 2023, in time for the summer season:

- Customer must request accessory items like utensils, straws, and pre-packaged condiments;
- Plastic bags banned; businesses must charge a minimum fee on paper (\$0.25) and reusable (\$2); and
- Businesses must have a written policy to accept reusable customer cups and containers.

With respect to the requirement to provide reusables for on-site dining, businesses would be granted extra time until January 1<sup>st</sup>, 2024, to make necessary changes.

Administration is also recommending that Council consider a rebate program that will support and incentivize businesses to comply with bylaw requirements and reward additional leadership actions prior to the January 1<sup>st</sup>, 2024 enforcement deadline. The incentive program could entail an expansion to the existing commercial dishwasher rebate program, to provide funding for expenses such as:

- Dishwashing infrastructure & equipment;
- Purchase of reusable dishware;
- Bulk dispensers for condiments; and
- Costs associated with participation in a reusable food service ware pilot for takeaway food ware.

A summary of the bylaw focus areas, including proposed adjustments, is provided in Table 3.

| Focus Area  | In Effect   | Details   |
|---|---|---|
| <b>1. Require reusable products for dine-in services</b>                                      | Existing businesses: January 1st, 2024<br><br>New businesses: Upon bylaw approval | <ul style="list-style-type: none"> <li>• Businesses must provide reusable products must be provided for dine-in services, including any food or beverages that are consumed on the premises of a business</li> <li>• Includes plates, bowls, cups, and accessory items</li> <li>• This will usually look like regular “dine-in” style ceramic food ware</li> <li>• The business can rely on customers stated intention as to whether they are staying or going</li> <li>• Does not depend on customers bringing their own reusable products, which is more realistic in a visitor context</li> <li>• Existing businesses are eligible for an exemption if they               <ul style="list-style-type: none"> <li>▪ demonstrate they do not have adequate dishwashing capacity that meets AHS requirements</li> <li>▪ provide a reusable option for Takeout Food</li> <li>▪ are a non-profit or charitable organization</li> </ul> </li> <li>• Applies to food ware provided at events</li> <li>• Applies to food ware provided in hotel rooms</li> </ul> |
| <b>2. Provide accessory items by request only</b>   | July 1 <sup>st</sup> , 2023   | <ul style="list-style-type: none"> <li>• Includes single-use spoons, forks, knives, chopsticks, utensils, straws, stir sticks, splash sticks, cocktail sticks, toothpicks, pre-packaged condiments and napkins</li> <li>• Customer must ask for accessory items</li> <li>• Applies to food ware provided at events</li> </ul>   |
| <b>3. Checkout Bags Ban on plastic; Minimum fee on paper (\$0.25) &amp; reusable (\$2.00)</b> | July 1 <sup>st</sup> , 2023   | <ul style="list-style-type: none"> <li>• Single-use plastic shopping bags will be banned</li> <li>• Businesses must charge a minimum fee of \$0.25 on paper bags and \$2.00 on reusable bags; fee to be retained by the business</li> <li>• Comparable with other Canadian jurisdictions</li> <li>• Higher fee for reusable bags helps avoid unintended consequences of over purchasing</li> <li>• Applies to food ware provided at events</li> </ul>   |

|   |                             |  |
|---|-----------------------------|--|
| <b>4. Require businesses to create a written policy on accepting reusable customer foodware</b> | July 1 <sup>st</sup> , 2023 | <ul style="list-style-type: none"> <li>• Supports customers who choose to BYO</li> <li>• Ensures consistency to promote use of customer cups and containers</li> <li>• Ensures businesses are accommodating customers while following AHS guidelines</li> <li>• Applies to food ware provided at events</li> </ul> |
|---|-----------------------------|--|

*Table 3: Bylaw Focus Areas & Regulatory Measures*

In addition to the above requirements for existing businesses, all new businesses would be required under the bylaw to provide infrastructure to enable guests to eat on site with reusable food ware. This will ensure consistency going forward and help to set new businesses up for success in complying with the Single-Use Item Reduction Bylaw.

### **Future Bylaw Options**

Administration will return to Council in Q4 of 2023 with information and feedback on the initial implementation of the Single-Use Item Reduction Bylaw along with progress with respect to development of supporting tools. At that time, Council could consider looking at additional measures where appropriate, such as the following regulatory options:

- Require that businesses provide a reusable option for takeaway services
- Require that businesses charge a minimum fee on disposable cups, containers, or takeaway services
- Require that all disposable food ware is compostable or recyclable within Banff’s waste streams

Enforcement of the Single-Use Item Reduction Bylaw would be conducted on a complaint-based, education-first approach. Administration would consider the possibility of audits in collaboration with Municipal Enforcement if deemed appropriate.

### **Other Jurisdictions**

Leading jurisdictions have approached their single-use item reduction programs comprehensively, in order to make solutions context-appropriate for each type of material in their jurisdiction, as opposed to a blanket ‘one size fits all’ approach.

Administration researched and examined single-use item strategies in numerous jurisdictions in developing the Single-Use Item Reduction Strategy; however, in the context of the Single-Use Item Reduction Bylaw in particular, administration looked most closely at the following jurisdictions who focus their policies on reduction and reuse.

| <b>Jurisdiction</b>                 | <b>Bylaw Approach</b>   |
|-------------------------------------|---|
| <b>City of Victoria, BC</b>         | Most similar approach to Banff with a strong focus on reduction and reuse. Intending to require reusables for consumption on premises along with mandatory fees for takeaway cups and containers.   |
| <b>City of Edmonton, Alberta</b>    | Bylaw passed October 2022 which will require reusables for cups for consumption on premises, require businesses to accept customer cups, allow accessory items by request only, and ban certain polystyrene products.   |
| <b>City of Vancouver, BC</b>        | Developed a ‘made in Vancouver’ approach to reduce single-use items, identifying unique regulatory measures for the most problematic single-use items within Vancouver’s jurisdiction. Amendments were made to the Business Licence by-law, and educational tools and outreach are being conducted to support businesses and residents in adapting to the new requirements. |
| <b>City of Berkeley, California</b> | The Single-Use Foodware and other Litter Reduction ordinance came into effect July 1, 2021, and includes a requirement for reusable food ware for on-site dining, a minimum fee on disposable cups, and by request only requirements on disposable accessory items such as straws, stirrers, etc.   |

*Table 3: Other Jurisdictions*

**Government of Canada**

The Government of Canada has adopted Single-use Plastics Prohibition Regulations (SUPPR) to address pollution, meet the target of zero plastic waste by 2030, and help reduce greenhouse gas emissions. SUPPR prohibits the manufacture, import and sale of single-use plastic:

- Checkout bags;
- Cutlery;
- Food serviceware made from or containing “problematic plastics”;
- Ring carriers;
- Stir sticks; and
- Straws.

The Town of Banff Single-Use Item Reduction Bylaw will complement the Federal SUPPR by reducing the number of single-use items overall. Municipalities are often better positioned to implement policies that focus on reduction and reuse which works to augment the focus on plastic at a federal level.

## Response Options

Council may:

### 1. Prior to second reading:

Amend the proposed Single-Use Item Reduction Bylaw 468, as follows:

a.) By removing the following sections:

- Section 4.1: Remove the Business License Categories “Retail” and “Transportation”
- Section 4.2.2: Require businesses that do not have consumption on the premises to provide reusables for takeaway services.
- Section 7: Require that any remaining disposable food ware must be recyclable or compostable within Banff’s waste streams.

b.) By adding the following sections:

- Subsection 4.2.5 to permit straws by request only for on-site dining:  
*4.2.5. Straws may be provided if the Customer requests a straw.*
- Subsection c to section 6.2 to permit self-serve stations, as follows:  
*c. the customer takes the item themselves from a self-serve station, which also contains options for Reusable Foodware.*

c.) Defer enforcement of section 4 of the bylaw until January 1<sup>st</sup>, 2024, by adding a new section 4.3 as follows:

4.3 Section 4.0 comes into force on January 1<sup>st</sup>, 2024.

2. Give second and third reading as amended, to the proposed Single-Use Item Reduction Bylaw 468; and
3. Direct Administration to return to a future meeting of Council, no later than March 13<sup>th</sup>, 2023, with a proposed rebate program that could provide support and incentivize businesses to comply with bylaw requirements prior to the January 1<sup>st</sup>, 2024, enforcement deadline.

OR

4. Propose additional amendments to the Proposed Single-Use Item Reduction Bylaw 468, and then give second and third reading as amended;

OR

5. Give second and third reading, to Proposed Single-Use Item Reduction Bylaw 468;

OR

6. Direct that Administration return with additional changes to the Single-Use Item Reduction Bylaw.

## IMPLICATIONS OF DECISION

### Budget

Ongoing communications programs and affected party engagement is currently budget for 2023. A budget for a proposed rebate program will brought back in a separate report for Council consideration.

## Banff Community Plan

### Local Economy

- Respond to the feedback, perceptions, and recommendations of our visitors.
- Showcase Banff as a leader in environmental practices and hospitality.

### Environmental

- Be an environmental role model for communities around the world.
- Reduce Banff's ecological footprint.
- Reduce the Town's impact on the surrounding national park.

## Council Strategic Priorities

### Leading Conservation (Nurturing a Model Environmental Community)

Initiate new strategies in 2018 to 2022 focused on:

- Waste: Implement municipal actions, policies and public education to prevent the creation of waste, whenever possible, and ensure waste that is produced is primarily diverted from landfill through recycling, composting, and other value-add uses.

### Environmental Master Plan:

- 13. Engage with the commercial sector to better understand the “state of” single-use items in Banff (i.e., straws, coffee cups)
  - a. Pilot a single-use items ban
  - b. Based on the learnings from the pilot, develop a strategy to eliminate specific single-use items from Banff's commercial waste stream

### Waste Targets:

- 70% community-wide waste diversion by 2020
- Zero waste to landfill by 2050

## LINKS

[Banff Environmental Master Plan](#)

[Plastic Waste in Banff: Current State and Options for Single-Use Item Reduction \(Council August 12<sup>th</sup>, 2019\)](#)

[Single-Use Item Reduction Strategy \(Council December 6<sup>th</sup>, 2021\)](#)

## ATTACHMENTS

Attachment: Proposed Bylaw 468: Single-Use Item Reduction Bylaw

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Circulation date: 31 January 2023



Submitted By: \_\_\_\_\_

Reviewed By: On Original  
Kelly Gibson, Town Manager



# PROPOSED

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Attachment

## TOWN OF BANFF BYLAW 468

### SINGLE-USE ITEM REDUCTION BYLAW

**A Bylaw to regulate the distribution of single-use items in Banff to reduce problematic unnecessary waste and foster the use of reusable alternatives.**

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**WHEREAS**, pursuant to section 7 of the *Municipal Government Act*, a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and protection of people and property;

**AND WHEREAS**, pursuant to section 7 of the *Municipal Government Act*, a Council may pass bylaws for municipal purposes respecting people, activities and things in, on or near a public place or place that is open to the public;

**AND WHEREAS**, pursuant to section 7 of the *Municipal Government Act*, a Council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business;

**AND WHEREAS**, the Town of Banff has adopted the Environmental Master Plan along with a goal to send zero waste to landfill by 2050;

**AND WHEREAS**, the Town of Banff wishes to become a model environmental community, where everything we do is guided by a goal to protect this special place;

**AND WHEREAS**, the Town of Banff is a municipality situated within Banff National Park, for which Parks Canada as a governing body has a mission to maintain the ecological integrity of the park;

**NOW THEREFORE 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 Single-Use Item Reduction Bylaw.

## 2.0 DEFINITION

- 2.1 “Accessory Disposable Foodware Item” means any Disposable Foodware such as straws, stirrers, napkins, and utensils; condiment cups and packets; cup sleeves, tops, lids, and spill plugs; and other similar accessory or accompanying Disposable Foodware used as part of food or beverage service or packaging.
- 2.2 “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.
- 2.3 “Business Premises” includes any store, office, dwelling, warehouse, yard, building, enclosure, or other place occupied, or capable of being occupied, for the purpose of carrying on a Business and in which place the carrying on of a Business is a permitted or discretionary use, or is otherwise permitted, under the Town’s Land Use Bylaw, including communal indoor or outdoor areas capable of being used by customers for the purpose of eating or drinking, whether or not seating or tables are made available.
- 2.4 “Charitable Organization” means
- 2.4.1 Any incorporated or unincorporated organization that is formed for a charitable purpose, including a philanthropic, benevolent, educational, health, humane, religious, cultural, artistic, or recreational purpose, so long as the purpose is not part of a Business, or
  - 2.4.2 A person who makes solicitations for contributions to be used for a charitable purpose and who is not connected to any incorporated or unincorporated organization that is formed for the charitable purpose for which the solicitation is made.
- 2.5 “Customer” means any person who purchases or receives food, drinks, or items from a business, event organizer, or other vendor and includes a person who orders these food, drinks, or items through an online ordering platform.
- 2.6 “Disposable Foodware” means all containers, bowls, plates, trays, cartons, boxes, pizza boxes, cups, accessory items, lids, sleeves, liners, and any other items used to hold, serve, eat or drink food or beverages, which are designed for single use and in which food or beverages is placed or prepared on a business's premises.

# PROPOSED

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- 2.7 “Event Organizer” means any person who holds a Special Events Permit through the Town of Banff.
- 2.8 “Food Handling Permit” means a food handling permit as defined in the Food Regulation AR31/2006 of the Alberta Public Health Act, RSA 2000, c. P-37, as amended.
- 2.9 “Non-Profit Organization” means a club, society, or association that’s organized and operated solely for social welfare, civic improvement, pleasure or recreation, or any other purpose except profit.
- 2.10 “Ordering Platform” means any platform that allows customers to order food or items for pickup or delivery from a business, and includes orders made by phone, on the business website, or on a third-party site, any of which may also include delivery by a third-party.
- 2.11 “Paper Shopping Bag” means a shopping bag made out of paper.
- 2.12 “Plastic Shopping Bag” means a shopping bag made out of any type of film plastic, which may include compostable, biodegradable, oxo-degradable, recycled, bio-plastic, or conventional plastics, but does not include reusable shopping bags;
- 2.13 “Person” means any individual, Occupant, Owner, firm, partnership, association, corporation, company or organization of any kind.
- 2.14 “Prepared Food” means foods or beverages which are prepared on the vendor’s premises by cooking, chopping, slicing, mixing, freezing, squeezing, or other processing and which require no further preparation to be consumed. Prepared Food does not include raw uncooked whole fruits or vegetables which are not chopped, squeezed, or mixed, or raw or uncooked meat products.
- 2.15 “Reusable Shopping Bag” means a shopping bag made of any type of material, excluding film plastic, and is designed and manufactured to be durable enough for multiple uses, and is capable of being washed or disinfected;
- 2.16 “Reusable Foodware” means all foodware, including plates, bowls, trays, cups, glasses, bottles, mugs and accessory items, that are manufactured of durable materials and that are specifically designed and manufactured to be washed and sanitised and to be used repeatedly over an extended period of time, and are safe for washing and sanitizing according to applicable regulations.
- 2.17 “Shopping Bag” means any bag provided by a business to transport items purchased or received from the business, but does not include bags used to:
- a. Package bulk items such as hardware or fasteners;

- b. Serve as primary packaging for food items, including, but not limited to, baked goods, produce, or bulk food items such as nuts, dry goods, or candy;
  - c. Package goods received from a pharmacist; or
  - d. Protect items from becoming dirty or unusable due to exposure such as newspapers intended to be left at a customer's residence, or clothes after professional laundering or dry cleaning;
- 2.18 “Takeout Food” means Prepared Food which is purchased to be consumed off a Prepared Food Vendor’s premises. Takeout Food includes Prepared Food carried out by the customer or delivered by an individual pursuant to an order bring placed on an Ordering Platform.
- 2.19 “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.
- 2.20 “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.

## 3.0 INTERPRETATION

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

## 4.0 CONSUMPTION ON PREMISES

- 4.1 Any Business falling within the business license category of Restaurant/Bar, Lodging, Retail, or Transportation, Attractions and Entertainment under the Town of Banff Business License Bylaw 22-10, that provides food or drinks to Customers must provide a minimum of 10 seats for consumption on the Business Premises and must provide the food or drinks provided to Customers for consumption on the Business Premises in Reusable Foodware.
- 4.1.1 The business must ask and may rely on the Customer’s stated intention regarding whether the Customer intends to consume their food or drinks on or off the Business Premises at the time of providing the food or drinks to the customer, regardless of whether the Customer does consume the food or drinks on or off the Business Premises.
- 4.1.2 A License Inspector may, at any time, request that a business provide proof that they have Reusable Foodware on site in order to comply with Section 4.1.

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4.1.3 As per the Business License renewal and approval process, all Businesses must establish, to the satisfaction of the Town, that they have suitable dishwashing facilities and adequate seating located on the premises, to be able to comply with Section 4.1.

4.2 Notwithstanding subsection 4.1,

4.2.1 a Business that is a Charitable Organization, Non-Profit Organization or healthcare facility is permitted to provide food or beverages to Customers in Disposable Foodware for consumption on the Business Premises;

4.2.2 an existing Business that does not have the minimum required seating on their premises and provides Reusable Foodware for Takeout Food and drinks, by way of providing their own Reusable Foodware for Takeout Food and drinks independently and/or participating in a third-party program that provides Reusable Foodware for Takeout Food and drinks, is exempt from the requirements for consumption on the Premises as outlined in Section 4.1;

4.2.3 a Business

4.2.3.1 that possesses a food handling permit containing terms and conditions requiring “single-use, disposable customer utensils only” as issued under the Food Regulation, or

4.2.3.2 that does not have on-site or off-site dishwashing capacity and can demonstrate inability to comply due to insurmountable space constraints, undue financial hardship and/or other extraordinary, insurmountable circumstances,

may apply for an exemption from the Town Manager, for which the exemption may be of limited duration in order to permit the Business to implement necessary changes.

4.2.4 a Business falling within the business license category of Attractions and Entertainment under the Town of Banff Business License Bylaw 22-10 is permitted to provide food and drinks in non-Reusable Foodware at the request of a Customer provided Reusable Foodware is also available to Customers.

## 5.0 CUSTOMER REUSABLE FOODWARE

- 5.1 Customer Reusable Foodware Policy
  - 5.1.1 Any Business falling within the business license category of Restaurant/Bar, Retail, Transportation/Attractions and Entertainment under the Town of Banff Business License Bylaw 22-10, must have in place a written Reusable Foodware policy that permits Customers to supply their own Reusable Foodware in which the Business can serve food or drinks to the Customer.
  - 5.1.2 An Event Organizer or Business falling within the business category of Farmers Market or Public Market Organizer under the Town of Banff Business License Bylaw 22-10, must have in place a written Reusable Foodware policy which permits Customers to supply their own Reusable Foodware in which the vendor can serve food or drinks to the Customer.
  - 5.1.3 A Business or Event organizer identified in section 5.1.1. or 5.1.2. must permit a Customer to use their own Reusable Foodware for any food or drinks served by the Business or Event Organizer in accordance with their policy.

## 6.0 ACCESSORY DISPOSABLE FOODWARE ITEMS

- 6.1 A Business or Event Organizer shall not provide or permit to be provided any Accessory Disposable Foodware Item to a Customer unless the Customer requests the Accessory Disposable Foodware Item.
- 6.2 A Customer request as required by section 6.1 is deemed to be valid if:
  - a. the Customer initiates the request; or
  - b. the Customer answers a prompt on an Ordering Platform.
- 6.3 A Charitable Organization and Non-Profit Organization is exempt from the requirement for a Customer request for an Accessory Disposable Foodware Item under section 6.1.

## 7.0 TAKEAWAY SERVICES

- 7.1 If a Business is providing Disposable Foodware for Takeout Food, the Business must be able to demonstrate that the Disposable Foodware is recyclable or compostable in accordance with the Town of Banff's waste diversion programs.

## 8.0 SHOPPING BAGS

### 8.1 Plastic Bag Ban

- 8.1.1 A Business or Event Organizer must not provide or permit to be provided a new plastic shopping bag to a Customer.
- 8.1.2 Notwithstanding subsections 4.1.1., a Business or Event Organizer may provide a plastic shopping bag to a Customer if:
- a. The plastic shopping bag has previously been used and is being reused.
- 8.1.3 In a prosecution for a contravention of this Part:
- a. It is not necessary that a witness testify to the precise description, kind, brand or name of the plastic shopping bag;
  - b. The court may, in absence of evidence to the contrary, infer that the shopping bag was a plastic shopping bag from the fact that a witness describes it by characteristics commonly used to describe film plastic;
  - c. Evidence that a shopping bag looked, felt or behaved like film plastic
- is, in the absence of evidence to the contrary, sufficient to establish that the shopping bag was a plastic shopping bag.

### 8.2 Paper and Reusable Shopping Bags

- 8.2.1 Except as otherwise provided under subsections 4(2)(b), or 6(2), a Business or Event Organizer must not provide or permit to be provided a new shopping bag to a Customer
- 8.2.2. A Business or Event Organizer may provide or permit to be provided a new shopping bag to a Customer if:
- a. the shopping bag is a Paper Shopping Bag made of minimum 40% recycled content or a Reusable Shopping Bag;

b. the Customer requests the Paper Shopping Bag or Reusable Shopping Bag;  
and

c. the Business or Event Organizer charges a minimum fee of:

- i. \$0.25 per Paper Shopping Bag; or
- ii. \$2.00 per Reusable Shopping Bag.

8.2.3 Any fees charged under subsection 5.1.2.c must be indicated as a separate line item on any receipt given to the Customer.

8.2.4. Every Business or Event Organizer who does provide Paper Shopping Bags or Reusable Shopping Bags under subsection 5.1.2 must display information about the minimum fees charged on media visible to the Customer at the point of purchase.

8.2.5. For clarity, a shopping bag that has previously been used and is now being reused is not considered a new shopping bag under section 5.1.1.

## 8.3 Customer's Own Reusable Shopping Bags

8.3.1 No Business or Event Organizer shall deny the reasonable use by a Customer of the Customer's own reusable shopping bag.

## 8.4. Markings on Paper Shopping Bags

8.4.1 In the absence of markings on a Paper Shopping Bag designating that the bag is made of a minimum of 40 percent recycled content, the Business may show that the bag meets the recycled content threshold through other evidence.

## 8.5 Exemptions

8.5.1 A Charitable Organization and Non-Profit Organization is exempt from the requirement under subsection

- a. When they are the Customer, to pay a fee to a Business; and
- b. When they are the Business, to charge a fee to the Customer.



## 9.0 VIOLATIONS AND ENFORCEMENT

- 9.1 Any Person who contravenes a provision of this bylaw or the terms of any permit issued pursuant to this bylaw is guilty of an offence and is liable for the penalty set out in Schedule “A”, or if no penalty is specified in Schedule “A” for the offence, for the penalty in accordance with Section 61 of this bylaw.
- 9.2 When a corporation commits an offence under this bylaw, every principal, director, manager, employer, or agent of the corporation 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 corporation has been prosecuted for the offence.
- 9.3 If a partnership is guilty of an offence under this bylaw, each partner in that partnership 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.
- 9.4 Violation tickets:
- a) Where a Licence Inspector reasonably believes that a person has contravened any provision of this bylaw, the Licence Inspector or Bylaw Services Officer may serve upon the person a Violation Ticket, allowing payment of the specified penalty set out in Schedule “A” for the offence, and the recording of such payment by the Court shall constitute acceptance of a guilty plea and the imposition of a fine in the amount of the specified penalty.
  - b) This section shall not prevent any Licence Inspector or Bylaw Services Officer from issuing a ticket requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedure Act or from laying an information in lieu of issuing a Violation Ticket.
- 9.5 The imposition of a fine either by issuance of a Violation Ticket or by summary conviction in court shall not relieve any person so fined from any debt owing to the Town for an unpaid Business Licence.

## 10.0 TRANSITION

- 10.1 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.
- 10.2 Schedule “A” forms part of this bylaw.
- 10.3 This bylaw comes into force when it receives third reading and is signed by the Mayor and the Town Manager or designates. (mandatory, unless using the following section:)
- 10.3.1 Notwithstanding Section 10.3 hereof, Bylaw 468 will not be enforced until 6 months following third reading.
- 10.4 The Town Manager is authorized to consolidate Bylaw 468.

READ A FIRST TIME this 19<sup>th</sup> day of December, 2022.

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

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

SIGNED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 20xx.

\_\_\_\_\_  
Corrie DiManno  
Mayor

\_\_\_\_\_  
Kelly Gibson  
Town Manager

APPROVED by the Minister of the Environment, by his delegate this \_\_\_ day of \_\_\_\_\_, 20xx:

\_\_\_\_\_  
Minister of the Environment/Delegate

# PROPOSED

Item #: 8.2  
Attachment

## SCHEDULE A – PENALTIES

|                                   |       |
|-----------------------------------|-------|
| First offense (all sections)      | \$200 |
| Second offense (all sections)     | \$350 |
| Third and all subsequent offenses | \$500 |