

TOWN OF BANFF

BYLAW 376-1

Residential Waste Bylaw

A Bylaw to establish and maintain a system for the collection of 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 Residential Waste Bylaw.

2.0 DEFINITIONS

- 2.1 In this bylaw:
- 2.1.1 “Approved Bin” means a receptacle provided by the Town for the disposal of Garbage, Recyclable Material, Food Waste or Paper Waste.
 - 2.1.2 “Ashes” means the solid residue derived as a by-product from the burning of or combustion of any material or substance.
 - 2.1.3 “Bulky Waste” means a discarded household chattel, material or equipment of any kind exceeding 1.2 meters in any dimension or 23 kilograms in weight including but not limited to household furniture, appliances, packaging and mattresses.
 - 2.1.4 “Business” means the following, 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;
 - b) a profession, trade, occupation, calling or employment; or
 - c) an activity providing goods or services.
 - 2.1.5 “Construction Waste” means all waste produced in the process of constructing, altering, renovating, repairing, or demolishing a building, including vegetation displaced during this process.
 - 2.1.6 “Construction Waste Storage Container” means a container provided for the temporary storage of Construction Waste.

- 2.1.7 “Dwelling” means any building or place including the land upon which the premises is located, which is occupied or used as a place of abode.
- 2.1.8 “Food Waste” means any material as described in Schedule “A” of this bylaw.
- 2.1.9 “Garbage” means all abandoned, rejected or discarded matter generated in and/or coming from a Dwelling but does not include:
- a) Food Waste
 - b) Paper
 - c) Recyclable Materials
 - d) Construction Waste
 - e) Bulky Waste
 - f) Unacceptable Waste
- 2.1.10 “Hazardous Waste” means any solid, liquid or gaseous substance defined or described by legislation or regulations 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, bio-hazardous, pathological, explosive, highly flammable, radioactive or toxic nature, which, without limiting the foregoing, shall include asbestos and blood samples, but shall not include domestic animal feces.
- 2.1.11 “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.
- 2.1.12 “Non-Residential Waste” means solid waste generated by or discarded as refuse from a Non-Residential Premises.
- 2.1.13 “Occupant” means any Person occupying a Dwelling whether they are in fact the Owner, renter, tenant, or lessee of the Dwelling.
- 2.1.14 “Out-of-Town Waste” means any Residential Waste or Non-Residential Waste not emanating from within the corporate limits of the Town of Banff.
- 2.1.15 “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 to 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 who has the exclusive use of a vehicle for a period of more than thirty (30) days whether pursuant to a lease or otherwise.

2.1.16 “Paper” means any material as described in Schedule ‘B’ of this bylaw.

2.1.17 “Peace Officer” means the following persons while that person is in the exercise or discharge of their 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.

2.1.18 “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

2.1.19 “Person” means any individual, Occupant, Owner, firm, partnership, association, corporation, company or organization of any kind.

2.1.20 “Recyclable Materials” means any material as described in Schedule ‘C’ of this bylaw.

2.1.21 “Residential Waste” means the solid waste generated by or discarded as refuse from a Dwelling.

2.1.22 “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;

2.1.23 “Town Manager” means the Chief Administrative Officer of the Town of Banff or a Person appointed as the Town Manager by Town Council, or the Person designated by the Town Manager to carry out a particular duty.

2.1.24 “Transfer Site” means the Town of Banff Waste Transfer Site located at 160 Hawk Avenue.

2.1.25 “Unacceptable Waste” means any material as described in Schedule “D” of this bylaw.

- 2.1.26 “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 Residential Waste generated within the Town.
- 4.2 The municipal service provided to Owners and Occupants of a Dwelling shall include provision of communal Approved Bins designed for the separate collections, removal and disposal of:
- a) Garbage;
 - b) Paper in accordance with Schedule ‘A’ of this bylaw;
 - c) Food Waste in accordance with Schedule ‘B’, and
 - d) Recyclable Materials in accordance with Schedule ‘C’;
- as provided for herein.
- 4.3 The Town shall operate a Waste Transfer Site to receive and dispose of residential Recyclable Material as listed in Schedule ‘C’ hereto.
- 4.4 The Town shall reserve the right to determine the locations of Approved Bins.
- 4.5 No Person residing outside the Town limits shall dispose of their Residential Waste in an Approved Bin within the Town corporate limits, unless specifically provided for in this bylaw.
- 4.6 Owners residing outside the Town limits may dispose of those items listed in Schedule ‘E’ as permissible for Out of Town Waste at the Transfer Site, upon paying those fees listed in Schedule “E”.
- 4.7 Notwithstanding the provisions of this bylaw, the Town may make special arrangements and enter into contracts related to the collection of Residential Waste or Out-of-Town Waste.
- 4.8 The Town may freely dispose of, recycle or reuse in any manner, all Residential Waste delivered to or collected by the Town.

- 4.9 The Town shall not be liable in any manner whatsoever for any damage, loss, or associated costs related to the Residential Waste or its collection, removal or disposal, unless directly due to the gross negligence of the Town.

5.0 DISPOSAL OF WASTE FROM A DWELLING

- 5.1 All Persons shall be responsible to comply with any Town requirements for the separation of any materials for separate collection or disposal.
- 5.2 Owners or Occupants of a Dwelling shall dispose of Garbage generated by the Occupants of the Dwelling by first placing it in an appropriate disposable container, securely tied or sealed, with a maximum weight of 23kg and depositing the same entirely within the appropriate Approved Bin provided by the Town for that purpose.
- 5.3 Owners or Occupants of a Dwelling may choose to dispose of Paper, Food Waste or Recyclable Materials as Garbage, in which case the provisions of this bylaw related to Garbage will apply or, may choose to dispose of Paper, Food Waste or Recyclable Materials as recycling, in which case Owners or Occupants will first prepare the materials in accordance with this bylaw, including Schedules “A”, “B” and “C”, hereof and will deposit the same entirely within the Approved Bins provided by the Town for those purposes.
- 5.4 All Persons shall follow the directions posted on Approved Bins and/or at the Transfer Site.
- 5.5 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.
- 5.6 Owners or Occupants of a Dwelling shall deliver Construction Waste 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 federal and/or provincial legislation.
- 5.7 Any Person who supplies and/or uses a Construction Waste Storage Container for the temporary storage of Construction Waste shall ensure that such container:
- a) is sturdily constructed and is capable of containing the material deposited within;
 - b) is equipped with a cover capable of restricting the entry of animals and preventing litter produced by wind as and if directed by the Town Manager; and,
 - c) is cleaned out regularly.

- 5.8 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;
 - b) the Construction Waste is not accessible to animals; and,
 - c) the area around the storage container is maintained free from litter.
- 5.9 Owners or Occupants of a Dwelling shall deliver Yard Waste to the Transfer Site or to an acceptable facility outside of the Town.
- 5.10 Owners or Occupants of a Dwelling shall deliver Bulky Waste to the Transfer Site or to an acceptable facility outside of the Town.

6.0 PROHIBITIONS

- 6.1 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.
- 6.2 No Person shall dispose of Residential Waste in any manner which contravenes any provision of this bylaw.
- 6.3 No Person shall dispose of Non-Residential Garbage, Food Waste and cardboard in an Approved Bin provided for Residential Waste, with the exception of Recyclable Materials as defined in Schedule 'C' and Mixed Paper as defined in Schedule 'B'.
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- 6.4 No Person shall dispose of Residential Waste in an Approved Bin owned or provided to the Owner of a Non-Residential Premises, unless authorized by the Owner.
- 6.5 No Person shall place Residential Waste on top of, or beside an Approved Bin.
- 6.6 No Person shall deposit any items in an Approved Bin designed for the collection of Paper other than Paper in accordance with Schedule 'B'.
- 6.7 No Person shall deposit any items in an Approved Bin designed for the collection of Food Waste other than Food Waste in accordance with Schedule 'A'.

- 6.8 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’.
- 6.9 No Person shall deposit Residential Waste in an Approved Bin designed for the collection of Pedestrian Waste.
- 6.10 No Person shall deposit any items in a Construction Waste Storage Container without the permission of the Owner or renter of the container.
- 6.11 No Person shall dispose of Bulky Waste in an Approved Bin.
- 6.12 No Person shall deposit Ashes in an Approved Bin unless they are quenched.
- 6.13 No Person shall leave Residential Waste of any kind on public or private property where it may attract animals.
- 6.14 No Person shall park or allow to be parked a vehicle, whether on public or private property, that contains Residential Waste that may attract animals.
- 6.15 No Person shall alter the location, access, operation, or otherwise interfere with the use and servicing of an Approved Bin.
- 6.16 No Person other than an employee, contractor or agent of the Town providing municipal services, shall pick over, interfere with, scavenge, disturb, remove or scatter any Residential Waste that has been placed in an Approved Bin.
- 6.17 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 Residential Waste as authorized or required in this bylaw.
- 6.18 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.
- 6.19 The Town or its contractors, servants, agents or workers may inspect any waste deposited or being deposited in an Approved Bin, or at any Town facility, including the Transfer Site or landfill.

7.0 FEES

- 7.1 The fees, rates and charges outlined in Schedule ‘E’ of this bylaw are hereby adopted and will be due and owing to the Town for the services outlined in Schedule “E”.

- 7.2 All accounts for Residential Waste services provided under this bylaw shall be due and payable when rendered.
- 7.3 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 the Person.
- 7.4 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 Schedule 'E'.
- 7.5 All sums payable by an Owner pursuant to this bylaw, including the rates set out in Schedule 'E', are a debt due and owing to the Town and shall constitute a preferential lien and charge on the parcel or Residential Premises and the personal property of the Owner and may be levied and collected in a like manner as municipal taxes, in accordance with the Municipal Government Act.
- 7.6 An Owner or Occupant of a 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 Residential Waste rates were imposed.
- 7.7 The Town reserves the right to withhold services, or take legal action, when fees are unpaid.
- 7.8 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 Residential Waste or Out-of-Town Waste.

8.0 VIOLATIONS AND ENFORCEMENT

- 8.1 Any Person who contravenes any provision of this bylaw is guilty of an offence and is liable for the penalties provided for herein.
- 8.2 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.
- 8.3 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.

- 8.4 If a vehicle is involved in any contravention of this bylaw, the Owner of that vehicle is guilty of an offence.
- 8.5 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.
- 8.6 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.
- 8.7 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.
- 8.8 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.
- 8.9 A Peace Officer may issue a ticket, or lay any 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.
- 8.10 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 “F” attached hereto.
- 8.11 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.

- 8.12 Any Person violating any of the provisions of this bylaw shall become liable to the Town for any expense, loss or damage occasioned to the Town by reason of such violation.
- 8.13 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 “F” 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.
- 8.14 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 “F” 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.
- 8.15 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 “F” of this bylaw as a voluntary payment for a third 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.
- 8.16 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.
- 8.17 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.

- 8.18 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.
- 8.19 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.

9.0 SEVERABILITY

- 9.1 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.

10.0 SCHEDULES

- 10.1 Schedules ‘A’, ‘B’, ‘C’, ‘D’, and ‘E’ referred to herein as attached to this bylaw form part of this bylaw.

11.0 REPEAL

- 11.1 Bylaw 18-4, Banff Waste Bylaw, as amended, is repealed.

12.0 ENACTMENT

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

EAD 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.

Town of Banff Bylaw 376-1 – Residential Waste

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 – FOOD WASTE

The following materials listed as acceptable shall be deemed to be Food Waste for the purposes of this bylaw:

| Materials | Acceptable | Not Acceptable | Preparation |
|-------------|---|---|---|
| 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) • Meat, fish & bones | <ul style="list-style-type: none"> • Plastic • Elastics • Twist ties • Stickers • Plastic labels • Fabrics • Pet waste | <ul style="list-style-type: none"> • Loose |

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SCHEDULE B – PAPER

The following materials listed as acceptable shall be deemed to be Paper for the purposes of this bylaw:

| Material | Acceptable | Not Acceptable | Preparation |
|--------------------|--|---|---|
| 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 |
| 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 |

Amended 2019.09.18 Bylaw 424

SCHEDULE C – RECYCLABLE MATERIALS

The following materials listed as acceptable shall be deemed to be Recyclable Material for the purposes of this bylaw:

| Material | Acceptable | Not Acceptable | Preparation |
|---------------------------------------|--|--|--|
| 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 |
| 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 |
| 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 |

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SCHEDULE D – 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.

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Schedule E – Voluntary Payments

| | |
|-----------------------------------|-------|
| First offense (all sections) | \$100 |
| Second offense | \$200 |
| Third and all subsequent offenses | \$300 |

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