

# THE CORPORATION OF THE CITY OF COURTENAY

## BYLAW NO. 2970

### A bylaw to regulate the business use of single use plastics

WHEREAS the Council of the City of Courtenay has the authority under Section 8(6) of the Community Charter to regulate in relation to business.

AND WHEREAS the Council of the City of Courtenay wishes to establish a bylaw to reduce the creation of waste from single-use items and the associated costs with maintaining municipal property, including but not limited to streets, sewers, parks and waterways.

NOW THEREFORE the Council of the Corporation of the City of Courtenay, in open meeting assembled, enacts as follows:

#### 1) INTRODUCTION

This bylaw may be cited for all purposes as “**City of Courtenay Single Use Plastics Regulation Bylaw No. 2970, 2019**”.

#### 2) DEFINITIONS

*Checkout Bag* means:

- (a) any bag that is intended to be used by a consumer for the purpose of transporting items purchased or received by a customer from a *Business* providing the bag; or
- (b) bags used to package take-out or delivery of food;
- (c) and includes *Paper Bags*, *Plastic Bags*, or *Reusable Bags*;

*Business* means any person, organization, or group engaged in a trade, *business*, profession, occupation, calling, employment or purpose that is regulated under the *Business Licence Bylaw* and, for the purposes of section 3, includes a person employed by, or operating on behalf of, a *Business*;

*Paper Bag* means a bag made out of paper, but does not include a Small Paper Bag;

*Plastic Bag* means any bag made with plastic, including biodegradable plastic or compostable plastic, but does not include a Reusable Bag;

***Plastic Drinking Straw*** means a tube made of plastic, including biodegradable or compostable plastics, used to transfer a beverage from a container to the mouth of the individual drinking the beverage by suction;

***Reusable Bag*** means a bag with handles that is for the purpose of transporting items purchased by the customer from a *Business* and is:

- a) designed and manufactured to be capable of at least 100 uses; and
- b) primarily made of cloth or other washable fabric;

***Small Paper Bag*** means any bag made out of paper that is less than 15 centimetres by 20 centimetres when flat.

### **3) REGULATION**

(1) Except as provided in this Bylaw, no *Business* may provide a customer with any of the following items:

- a) *Checkout Bag*;
- b) *Plastic Drinking Straw*.

(2) A *Business* may provide a *Checkout Bag* to a customer only if:

- a) the customer is first asked whether they need a bag;
- b) the bag provided is a *Paper Bag* or a *Reusable Bag*; and
- c) the customer is charged a fee not less than:
  - (i) \$0.25 per *Paper Bag*; and
  - (ii) \$1.00 per *Reusable Bag*.

(3) For certainty, no *Business* may:

- a) sell or provide to a customer any of the items listed in section (1) except as provided by this Bylaw; or
- b) provide a *Checkout Bag* to a customer free of charge.

(4) No *Business* shall deny or discourage a customer from using their own *Checkout Bag* or *Plastic Drinking Straw*.

### **4) EXEMPTIONS**

(1) Section 3 does not apply to *Small Paper Bags* or *Plastic Bags* used to:

- a) package loose bulk items such as fruit, vegetables, nuts, grains, and candy;
- b) package loose small hardware items such as nails and bolts;
- c) contain or wrap frozen foods, meat, poultry, or fish, whether pre-packaged or not;

- d) wrap flowers or potted plants;
- e) protect prepared foods or bakery goods that are not pre-packaged;
- f) contain prescription drugs received from a pharmacy;
- g) protect linens, bedding, or other similar large items that cannot easily fit in a Reusable Bag;
- h) protect clothes after professional laundering or dry cleaning.

(2) This bylaw does not apply to the sale of *Plastic Bags* intended for use at the customer's home or *business*, provided that they are prepackaged and sold in packages of multiple bags.

(3) This bylaw does not apply to the sale of *Plastic Drinking Straws* intended for use in the customer's home, provided they are sold in packages of multiple straws.

(4) Notwithstanding section 3(2)(c) and 3(3)(b), a *Business* may provide a *Checkout Bag* free of charge if:

- a) the *Business* meets the other requirements of section 3(2);
- b) the bag has already been used by a customer; and;
- c) the bag has been returned to the *Business* for the purpose of being re used by other customers.

## **5) OFFENCE**

(1) A person commits an offence and is subject to the penalties imposed by this bylaw, and the *Offence Act* if that person:

- a) contravenes a provision of this bylaw;
- b) consents to, allows, or permits an act or thing to be done contrary to this bylaw; or
- c) neglects or refrains from doing anything required by a provision of this bylaw.

(2) Each instance that a contravention of a provision of this bylaw occurs and each day that a contravention continues shall constitute a separate offence.

## **6) PENALTIES**

(1) A person found guilty of an offence under this Bylaw is subject to a fine:

- a) if a corporation, of not less than \$100.00 and not more than \$10,000.00
- b) if an individual, of not less than \$50.00 and not more than \$500.00 for every instance that an offence occurs or each day that it continues.

## **7) SEVERABILITY**

If any provision of this Bylaw is held to be invalid by any court of competent jurisdiction, that provision shall be severed and its severance shall not affect the validity of the remainder of the Bylaw.

## **8) EFFECTIVE DATE**

This Bylaw shall come into force and effect on July 1, 2019, except Section 5 which comes into force March 31, 2020.

Read a first time this 15<sup>th</sup> day of April, 2019

Read a second time this 15<sup>th</sup> day of April, 2019

Read a third time this 15<sup>th</sup> day of April, 2019

Notice given under section 59(2)(a) and (3) of the *Community Charter* and published in two editions of the Comox Valley Record on the 4<sup>th</sup> day June, 2019 and the 6<sup>th</sup> day of June, 2019

Finally passed and adopted this    day of    , 2019

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Mayor

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Corporate Officer