



STAFF REPORT TO COUNCIL

Council Meeting: MARCH 26, 2019
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: MARLENE LAGOA, MANAGER OF CORPORATE SERVICES

FILE NO: 3900-25

SUBJECT: SINGLE-USE PLASTICS BYLAW – 1ST READING

REPORT NO: 19-34

ATTACHMENT(S): APPENDIX A – REPORT FROM NOVEMBER 27, 2018 REGULAR COUNCIL
APPENDIX B – BYLAW NO. 1247, SINGLE-USE PLASTIC REGULATION

RECOMMENDATION(S):

1. **THAT** Council give first reading to the “District of Ucluelet Single-use Plastic Regulation Bylaw No. 1247, 2019”.
2. **THAT** Council direct staff to obtain stakeholder feedback prior to second reading and schedule an opportunity for representations to Council prior to third reading.

PURPOSE:

The purpose of this report is to introduce the “District of Ucluelet Single-Use Plastic Regulation Bylaw No. 1247, 2019” for first reading. Staff will then seek feedback from stakeholders, amend as necessary and obtain a legal review, and provide an opportunity for affected parties to be heard before third reading.

BACKGROUND:

At the May 8, 2018 Regular Meeting of Council, a delegation from Surfrider Pacific Rim Chapter (“Surfrider”) and the Ucluelet Aquarium (“Aquarium”) requested that the District implement a bylaw banning plastic bags.

At the November 27, 2018 Regular Meeting of Council, the following resolutions were adopted:

1. *THAT Council direct staff to coordinate with the District of Tofino, Surfrider Pacific Rim Chapter, and the Ucluelet Aquarium, in developing a proposed bylaw to restrict the distribution of single-use plastic shopping bags and plastic straws.*
2. *THAT Council direct staff to bring back a bylaw that restricts the distribution of single-use plastic shopping bags and plastic straws within the District of Ucluelet for Council’s consideration.*

Staff have been working closely with the District in Tofino in the development of a west coast single-use plastic regulation. Staff have coordinated several meetings to discuss the bylaw with representatives from Surfrider and the Aquarium.

DISCUSSION:

Although Victoria's "Checkout Bag Regulation Bylaw" forms the basis of the regulatory scheme used by the Districts, the provisions and communication plan represent a made-on-the-West Coast strategy to support local businesses to reduce single-use items. The strategy focuses on up-front education, awareness, and support of existing Surfrider single-use plastic reduction initiatives to encourage sustained shifts in business and consumer habits and avoid burdening enforcement resources.

Though many other municipalities have discussed a ban on plastic straws, staff have not found any adopted bylaws in British Columbia and believe that Tofino and Ucluelet will be the first to enact this regulation.

West Coast Bylaw highlights include:

- Using authority granted under section 8(6) of the *Community Charter* – regulate in relation to business;
- No single plastic bags or plastic straws may be provided or sold by businesses (see exemptions for bags below);
- Avoids "Biodegradable" or "Compostable" plastic bags and plastic straws (these materials contaminate existing recycling streams and do not adequately decompose in a landfill or the environment);
- Avoids rebound to excessive paper and reusable bags by adding a minimum price of no-less than 25 cents for paper, and \$2.00 for reusable bags (see exemptions to minimum fees below);
- Provides exemptions to restrictions and fees on **plastic bags** as follows:
 - to package loose bulk items;
 - contain or wrap fresh or frozen meat,
 - poultry or fish;
 - wrap flowers;
 - protect baked goods and non-packaged foods;
 - contain prescription drugs;
 - contain large items that cannot easily fit into a reusable bag; and
 - package of multiple plastic bags that are sold for personal household use.
- Provides exemptions to restrictions and fees on **plastic straws** as follows:
 - package of multiple plastic straws that are sold for personal household use.
- Permits plastic bags to be distributed that have already been used by a customer and that have been returned to the business for the purpose of being reused by other customers;
- Specifically prohibits businesses from discouraging customers from bringing and using their own drinking straw (to accommodate musculoskeletal and oral health care needs); and
- Educates the public using campaigns, partnerships with existing organizations and advocacy.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

Staff worked closely with District of Tofino staff in drafting the single-use plastics bylaw.

Communications will be coordinated with the District of Tofino and branded as a “West Coast Single Use Plastic Regulation”. The Communication plan is to continue to build momentum on Surfrider’s work to date; for example, by using the hashtags #BYOBag and #StrawsSUCK on social media.

The bylaw may result in demand for Bylaw enforcement resources and the need to provide information to businesses at the time of processing new or renewed business licences. Notice will be provided with the 2019 business licence renewals this spring.

Timeline

March 26, 2019: First reading of Bylaw

April & May 2019: Community consultation - stakeholder meetings and input on draft bylaw

April 23, 2019: Second reading of Bylaw

May 14, 2019: Third reading of Bylaw

May 28, 2019: Adoption of Bylaw

June 8, 2019: Date Bylaw comes into force, except for enforcement provisions (i.e. fines)

Summer/Fall 2019: Conduct public awareness and education on Bylaw

January 1, 2020: Date Bylaw enforcement provisions comes into effect (i.e. fines)

FINANCIAL IMPACTS:

Staff recommends a legal review as the bylaws will be the first in British Columbia banning plastic straws. Costs of the legal review will be shared between the Districts of Ucluelet and Tofino.

The costs of communicating the new Bylaw, including ads in the Westerly News and on Facebook, is \$1,000 to be funded from the Corporate Services Department’s advertising budget.

POLICY OR LEGISLATIVE IMPACTS:

Before adopting a bylaw under section 8 (6) [business regulation] of the *Community Charter*, a council must give notice of its intention to do so in whatever manner and as often as the council considers reasonable and provide an opportunity for persons who consider they are affected by the bylaw to make representations to council. Staff is recommending that the Bylaw receive first reading, and that concerted stakeholder engagement take place prior to second and third reading.

The impacts of adopting the Bylaw include:

- June 8, 2019: Staff recommends setting minimum fees in order to continue the downward pressure on demand as follows:
 - \$0.25 for paper bags, and
 - \$2.00 for reusable bags.
- January 1, 2020: Staff recommends enforcement of fines as follows:
 - \$100 for the first offence, with an early reduction to \$75 if paid within 7 days; and
 - \$200 for the second and any subsequent offences.

OPTIONS REVIEW:

1. **THAT** Council give first reading to the “District of Ucluelet Single-use Plastic Regulation Bylaw No. 1247, 2019”. **(Recommended)**
2. **THAT** Council direct staff to obtain stakeholder feedback prior to second reading and schedule an opportunity for representations to Council prior to third reading. **(Recommended)**
3. **THAT** Council provide alternative direction to staff.

Respectfully submitted: Marlene Lagoa, Manager of Corporate Services
Mark Boysen, Chief Administrative Officer