

DISTRICT OF UCLUELET

BYLAW NO. 1247, 2019

A bylaw to regulate distribution of single-use plastic items by businesses.

WHEREAS the *Community Charter* authorizes a council to regulate in relation to business;

AND WHEREAS the District of Ucluelet Council wishes to promote responsible and sustainable business practices that are consistent with the values of the community;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as the “District of Ucluelet Single-Use Plastic Regulation Bylaw No. 1247, 2019.”

2. Definitions

In this bylaw:

“Checkout Bag” means:

- (a) any bag that is intended for the purpose of transporting items received by a customer from a Business;
- (b) 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 Regulation Bylaw and, for the purposes of section 3, includes a person employed by, or operating on behalf of, a Business;

“Drinking Straw” means a tube 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 designed and manufactured to be capable of at least 100 uses;

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

“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 straw made primarily of plastic, including biodegradable or compostable plastic.

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) \$2.00 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 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;
- (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 day that a contravention of a provision of this bylaw occurs or continues shall constitute a separate offence.

6. Enforcement

- (1) Bylaw Enforcement Officers of the District of Ucluelet are responsible for the enforcement and administration of this Bylaw.
- (2) For the purposes of this bylaw, the designated Bylaw Enforcement Officer means any of the following:
- (a) Chief Administrative Officer or his designate;
 - (b) Bylaw Enforcement Officer or his designate or
 - (c) Manager of Community Planning or his designate.
- (3) No person shall unreasonably obstruct or prevent a Bylaw Enforcement Officer from carrying out his or her duties as prescribed in this bylaw. The Bylaw Enforcement Officer is authorized and empowered to inspect, compel and require that all the regulations and provisions in this bylaw are carried out.
- (4) Every person who contravenes any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfil, observe, carry out, or perform a duty or obligation imposed by this bylaw, shall be deemed to have committed an offence against this bylaw and:
- (a) shall be liable to a fine set out in "Schedule A" attached hereto and forming part of this bylaw, as amended from time to time; or
 - (b) shall be liable to a penalty set out in the "Municipal Ticket Information System Bylaw No. 949, 2004" as amended from time to time; or
 - (c) shall be liable, upon summary conviction, to the penalties provided under the "Offence Act" and amendments thereto; or
 - (d) any combination of subsection (4) (a), (b), and (c).
- (4) The intent of this Bylaw is to set standards of general public interest, and not to impose a duty on the District of Ucluelet or its employees to enforce its provisions and:
- (a) A failure to administer or enforce its provisions or the incomplete or inadequate administration or enforcement of its provisions is not to give rise to a cause of action in favour of any person; and
 - (b) The grant of any approval or permission or issuance of any permit is not a representation, warranty or statement of compliance with the Bylaw and the

issuance thereof in error is not to give rise to a cause of action.

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 June 8, 2019, except section 5 which comes into force January 1, 2020.

READ A FIRST TIME this 26th day of **March, 2019.**

READ A SECOND TIME this day of , **2019.**

READ A THIRD TIME this day of , **2019.**

ADOPTED this this day of , **2019.**

CERTIFIED A TRUE AND CORRECT COPY of the “District of Ucluelet Single-Use Plastic Regulation Bylaw No. 1247, 2019.”

Mayco Noël
Mayor

Mark Boysen
Corporate Officer

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:

Mark Boysen
Corporate Officer

SCHEDULE "A"
Fines and Penalties

Fines for tickets issued pursuant to this Bylaw shall be as follows:

Description of Offence	Section #	Fine - 1st Offence	Fine - if paid within 7 days	Fine - 2nd and Each Subsequent Offence
Providing a Checkout Bag to a customer except as provided in the bylaw	3(1)(a)	\$100	\$75	\$200
Providing a Plastic Drinking Straw to a customer except as provided in the bylaw	3(1)(b)	\$100	\$75	\$200
Denying or discouraging customer's own Checkout Bag or Drinking Straw.	3(4)	\$100	\$75	\$200