

DISTRICT OF UCLUELET

BYLAW NO. 1266, 2020

UNOFFICIAL CONSOLIDATION

Consolidated for convenience to include Bylaw No. 1298, 2022

A bylaw to regulate single-use items.

WHEREAS the Community Charter authorizes a council to regulate in relation to protection of the natural environment with approval from the minister responsible;

AND WHEREAS the Council of the District of Ucluelet wishes to establish a bylaw to reduce the creation of waste from single-use items and the associated municipal costs to better steward municipal property, including sewers, streets, parks, beaches and waterways;

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

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

1. CITATION

This Bylaw may be cited for all purposes as the "District of Ucluelet Single-Use Item Regulation Bylaw No. 1266, 2020."

2. DEFINITIONS

In this Bylaw:

"Business" means any person, organization, or group engaged in a trade, business, profession, occupation, calling, employment or purpose that is regulated under the Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003, as amended from time to time or any successor legislation to that bylaw and, for the purposes of section 3, includes a person employed by, or operating on behalf of, a Business;

"Bylaw Enforcement Officer" means, for the purpose of this bylaw, any of the following:

- (a) Chief Administrative Officer or his designate;
- (b) Bylaw Enforcement Officer or his designate;
- (c) Manager/Director of Community Planning or his designate.

"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;

"Drinking Straw" means a tube used to transfer a beverage from a container to the mouth of the individual drinking the beverage by suction;

"Food Service Ware" means products used for serving or transporting prepared food or beverages including, but not limited to, plates, cups, bowls, trays, and hinged or lidded containers;

"Item" means the applicable of the following:

- (a) a bag;
- (b) a service ware container;
- (c) a utensil;
- (d) a drinking straw;

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

"Plastic" includes all compostable and biodegradable plastic(s);

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

"Plastic Drinking Straw" means a straw made primarily of plastic, including biodegradable or compostable plastic;

"Polystyrene Foam" means blown polystyrene and expanded and extruded foams composed of thermoplastic petrochemical materials containing a styrene monomer and processed by any technique including, but not limited to, fusion of polymer spheres (expandable bead form), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene);

"Prepared Food" means any food or beverage prepared for consumption by a Business at a licenced premises or location, using any cooking or preparation technique. Prepared Food does not include any raw or uncooked food, including meat, poultry, fish, seafood, or vegetables, unless provided for consumption without further preparation;

"Reusable bag" means a bag with handles that is for the purpose of transporting items by the customer from a Business, and is designed and manufactured to be used and machine-washed at least 100 times;

"Single-use", when used in reference to an item, means the item is provided for a single use or a short-term purpose;

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

"Small Plastic Bag" means any bag made out of plastic that is less than 15 centimetres by 20 centimetres when flat;

"Utensil" includes a spoon, fork, knife, chopstick or stir stick.

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
- (c) Polystyrene Foam Food Service Ware for Prepared Foods
- (d) Plastic Utensil

(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 drinking straw, plastic utensil or reusable checkout bag.

4. EXEMPTIONS

(1) Section 3 does not apply to Small Paper Bags or Small 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; or
- (f) contain prescription drugs received from a pharmacy;

(2) Section 3 does not apply to Plastic Bags used to protect linens, bedding, construction materials or other similarly large items that cannot easily fit in a Reusable Bag.

(3) Section 3 does not apply to Plastic Drinking Straws or Plastic Utensils provided on request by customers with disabilities or due to medical reasons.

(4) This bylaw does not apply to the sale of single-use items that are sold as a product, ordinarily in sets of multiple items.

(5) This bylaw does not apply to

- (a) a hospital or any facility licensed as a community care facility under the *Community Care and Assisted Living Act*, and
- (b) people experiencing financial hardship.

5. OFFENCE

(1) Every person who contravenes any provision of the 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 fulfill, 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 penalty as set out in the "Municipal Ticket Information System Bylaw No. 949, 2004" as amended from time to time;
- (b) Shall be liable, upon summary conviction, to the penalties provided under the "Offense Act" and amendments thereto; or

- (c) Any combination of (a) and (b).
- (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. 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) 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 part, section, sub-section, clause of this bylaw for any reason is held to be invalid by the decisions of a Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remaining portions of this bylaw.

REPEAL

"District of Ucluelet Single-Use Plastic Regulation Bylaw No. 1247, 2019" is hereby repealed.

ENACTMENT

This bylaw shall come into force and effect upon the date of adoption, excepting that which pertains to plastic utensils, which shall come into force and effect six (6) months from the date of adoption.

READ A FIRST TIME this 11th day of February, 2020.

READ A SECOND TIME this 11th day of February, 2020.

READ A THIRD TIME this 11th day of February, 2020.

THIRD READING RESCINDED this 12th day of March, 2020.

THE AMENDED BYLAW WAS READ A THIRD TIME this 12th day of March, 2020.

APPROVED BY THE MINISTRY OF ENVIRONMENT AND CLIMATE CHANGE STRATEGY
this 10th day of September, 2020.

NOTICE GIVEN UNDERS SECTION 59(2)(A) AND (3) OF THE COMMUNITY CHARTER
on this 7th day of February, 2020 and this 10th day of March, 2020._

OPPORTUNITY TO MAKE REPRESENTATIONS TO COUNCIL UNDER SECTION 59(2)(8) PROVIDED
this 11th day of February, 2020 and this 12th day of March, 2020.

ADOPTED this this 13th day of October, 2020.


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

ORIGINAL SIGNED BY MAYOR AND BY CORPORATE OFFICER

Mayco Noel
Mayor

Mark Boysen
Corporate Officer

A CERTIFIED TRUE CONSOLIDATED COPY of the “District of Ucluelet Single-Use Plastic Regulation Bylaw No. 1266, 2020”, which includes amending Bylaw No. 1298, 2022.



Paula Mason
Deputy Corporate Officer