

SINGLE-USE ITEMS REDUCTION BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purposes of this bylaw are to protect the natural environment by imposing regulations and requirements to reduce the distribution and waste of single-use items and require the use of reusable service ware for on-site dining.

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Under its statutory powers, including sections 8(3)(j), 8(6) and 16 of the *Community Charter*, the Council of the Corporation of the City of Victoria in an open meeting assembled enacts the following provisions:

PART 1 - INTERPRETATION

Title

1 This bylaw may be cited as the “Single-Use Items Reduction Bylaw”.

Definitions

2 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 Business Licence Bylaw and, for the purposes of section 3, includes a person employed by, or operating on behalf of, a business.

“Bylaw Notice Adjudication Bylaw” means the *Bylaw Notice Adjudication Bylaw* No. 16-017.

“Director” means the City’s Director of Engineering and Public Works or their designated representative.

“prepackaged food or beverage” means food or beverage prepared on or off the premises of the business that is packaged, wrapped or contained in a receptacle or covering and displayed for purchase and consumption by a customer, but does not include food or beverage prepared on demand.

“reusable service ware” means plates, bowls, cups, glasses, stirrers, condiment containers, cutlery and other food or beverage service ware that is manufactured of durable materials and designed to be washed, sanitized and used repeatedly in accordance with applicable health and safety regulations.

“self-serve station” means an area on the premises of the business where customers may obtain a single-use accessory for themselves.

“single-use accessory” means the following items made from any material and ordinarily used for its intended purpose only once before being disposed:

- i. forks, spoons, knives, chopsticks;
- ii. beverage cup lids but does not include lids for hot beverages;
- iii. straws, stir sticks, drink plugs, drink trays, cup sleeves;
- iv. napkins; and
- v. condiment and seasoning packages.

“Ticket Bylaw” means the *Ticket Bylaw* No. 10-071.

PART 2 – REGULATIONS

Single-Use Accessory Regulations

- 3 (1) Except as provided in this bylaw, no business shall provide a single-use accessory to a customer.
- (2) A business may provide a single-use accessory to a customer only if one or more of the following is implemented:
 - a. the customer is first asked whether they need a single-use accessory and the customer responds that they do, including responses given by telephone or using internet-based ordering platforms;
 - b. a customer requests a single-use accessory, including requests made by telephone or using internet-based ordering platforms; or
 - c. a customer obtains a single-use accessory from a self-serve station.

On-Site Dining and Reusable Service Ware

- 4 (1) Subject to sections 4(2), (3) and section 6, businesses that provide food or beverage to customers for consumption on the premises of the business must serve the food or beverage using reusable service ware.

- (2) A business may provide food to customers for consumption on the premises of the business in paper food wrappers or paper sleeves.
- (3) Section 4(1) does not apply to prepackaged food or beverage.

PART 3 – EXEMPTIONS

Exemptions

- 5 This bylaw does not apply to the sale of a single-use accessory that is sold as a product, ordinarily in sets of multiples.
- 6 (1) A business license holder may apply to the Director for an exemption from the requirement under section 4(1) by providing documentation to the satisfaction of the Director demonstrating that the business is unable to sanitize reusable service ware due to insurmountable space constraints, undue financial hardship or other extraordinary circumstances that prevent the business from installing:
 - a. a grease trap but only where no grease trap is required by applicable regulations; or
 - b. sanitation equipment as required by applicable regulations.
- (2) The term of the exemption under subsection (1) shall be for three years and may be renewed for subsequent terms of three years each on application by the business license holder if, in the opinion of the Director, the conditions under subsection (1) continue to apply.
- (3) The decision of the Director under this section is final and may not be reconsidered by council.

PART 4 – GENERAL

Inspections

- 7 (1) The Director, a City employee authorized by the Director, or bylaw officer may enter on or into property in accordance with section 16, *Community Charter*, to inspect and determine whether all regulations, prohibitions, and requirements of this bylaw are being met.
- (2) A person must not prevent, obstruct, or attempt to prevent or obstruct, an entry authorized under subsection (1).

Offences

- 8 (1) A person commits an offence and is subject to the penalties imposed by this bylaw, the Ticket Bylaw, the Bylaw Notice Adjudication 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 continues is a separate offence.

Penalties

9 A person found guilty of an offence under this bylaw is subject to a fine of not less than \$100.00 and not more than \$50,000.00 for every instance that an offence occurs or each day that it continues.

Severability

10 If any provision or part of this Bylaw is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, it shall be severed from the bylaw and the balance of the bylaw, or its application in any circumstances, shall not be affected and shall continue to be in full force and effect.

Commencement

11 This bylaw comes into force on adoption, except:

- (1) section 3, which comes into force three months after the date of adoption of this bylaw;
- (2) sections 4 and 6, which come into force 18 months after the date of adoption of this bylaw.

READ A FIRST TIME the	13th	day of	April	2023
READ A SECOND TIME the	13th	day of	April	2023
READ A THIRD TIME the	13th	day of	April	2023
RESCINDED THIRD READING the	20th	day of	June	2024
AMENDED the	20th	day of	June	2024
READ A THIRD TIME the	20th	day of	June	2024
APPROVED BY THE MINISTER OF ENVIRONMENT AND CLIMATE CHANGE STRATEGY this	2nd	day of	July	2024
ADOPTED on the		day of		2024

CITY CLERK

MAYOR