



SINGLE-USE PLASTIC BAG BYLAW

BYLAW NO. XXX

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SINGLE-USE PLASTIC BAG BYLAW
A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to prohibit the sale or free distribution of single-use plastic bags within the city of Victoria.

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Under its statutory powers, including sections 8(3)(j) and 9(1)(b) of the *Community Charter*, and section 2(1)(a) of B.C. Regulation 235/2008 [*Spheres of Concurrent Jurisdiction - Environment and Wildlife Regulation*], the Council of the City of Victoria enacts the following provisions:

PART 1 – INTRODUCTION

Title

- 1 This Bylaw may be cited as the “SINGLE-USE PLASTIC BAG BAN BYLAW”.

Definitions

- 2 In this Bylaw

“Biodegradable Plastic bag” “Compostable Plastic Bag” or “Degradable Plastic Bag”

means any bag which is composed of, in whole or part, biodegradable plastic, Ox-biodegradable plastics, Plastarch Material (PSM), polylactide or any other

plastic resin composite that is intended to degrade at a faster rate than non-biodegradable plastic film.

“Customer”

means any person purchasing food, goods, or materials or renting goods or materials from a retail business.

“Door-Hanger Bag”

means a bag designed to hold flyers, coupons or other advertisements and intended to be left on the door of homes.

“Designated Officer”

means the person(s) authorized by City Council to enforce any part of this Bylaw.

“Retail Business”

means a business that sells or offers for sale or rent goods or services by retail to the public.

“Reusable Container”

means other than a single-use plastic bag, a bag, box or other container that is specifically designed and manufactured for multiple reuse that is:

- (i) made of cloth or other machine washable fabric; or
- (ii) made of other durable material suitable for reuse

“Single-Use Plastic Bag”

means any bag made with less than 2.25 millimeters thick polyethylene, including biodegradable bags, compostable bags and degradable bags.

PART 2 – REGULATIONS

- 3 No person shall sell or provide single-use bags free of charge or allow single-use plastic bags to be sold or provided free of charge.
- 4 No person employed by or acting on behalf of a person carrying on a retail business shall sell or provide single plastic bags free of charge or allow single-use plastic bags to be sold or provided free of charge.
- 5 Nothing in this Bylaw shall preclude owners of retail businesses from making alternatives to single-use plastic bags, such as reusable containers and bags, available for sale or free of charge to customers.
- 6 No retail business shall deny the use of any reusable bag by a customer for the transport of purchased items.

PART 3 – EXEMPTIONS

- 7 A retail business shall be permitted to provide bags for the following circumstances:
- (i) bags used by customers inside retail businesses established to package bulk items, but not limited to such as fruit, vegetables, nuts, grains, candy or small hardware items such as nails and bolts;
 - (ii) bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, whether pre-packaged or not;
 - (iii) bags used to protect prepared foods or bakery goods;
 - (iv) bags provided by pharmacists to contain prescriptions drugs;
 - (v) door-hanger bags;
 - (vi) laundry-dry cleaning bags; and
 - (vii) bags sold in packages containing multiple bags intended for such uses including, but not limited to garbage bags, pet waste bags, yard waste bags, or recycling bags.

PART 4 - ENFORCEMENT

- 8 A designated officer may enter any retail business established and may make examinations, investigations and inquires for enforcement purposes.
- 9 Every person or retail business who contravenes a provision of this Bylaw is guilty of an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw and the *Offence Act*.
- 10 Each day that a contravention of a provision of this Bylaw continues is a separate offence.

PART 5 – GENERAL PROVISIONS

- 11 If any provision or part of a provision 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, the balance of the Bylaw or its application in any other circumstances shall not be affected and shall continue to be in full force and effect.
- 12 This Bylaw shall come into force on the date of adoption.

“X”
CORPORATE ADMINISTRATOR

“LISA HELPS”
MAYOR