

## **ANNEX A: DRAFT BYLAW**

NO. 17-XXX

### **CHECKOUT BAG REGULATION BYLAW A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to regulate the business use of single use checkout bags to reduce the creation of waste and associated municipal costs, to better steward municipal property, including sewers, streets and parks, and to promote responsible and sustainable business practices that are consistent with the values of the community.

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

#### **Title**

- 1 This Bylaw may be cited as the "Checkout Bag Regulation Bylaw".

#### **Definitions**

- 2 In this Bylaw

"Checkout Bag" means:

- (a) any bag intended to be used by a customer for the purpose of transporting items purchased or received by the customer from the business providing the bag; or
- (b) bags used to package take-out or delivery of food
- (c) 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 Bylaw or the Cannabis Related Business Regulation Bylaw and, for the purposes of section 3, includes a person employed by, or operating on behalf of, a Business;

"Paper Bag" means a bag made out of paper and containing at least 40% of post consumer recycled paper content;

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

“Reusable Bag” means a bag with handles that is specifically designed and manufactured for use multiple times by a customer for the purpose of transporting items purchased by the customer from a Business and meets the following specifications:

- (a) it is made of cloth or other machine washable fabric; and
- (b) has a minimum lifetime capacity of 125 or more uses carrying 10 kilograms over a distance of at least 50 metres.

### **Checkout Bag Regulation**

- 3 (1) Except as provided in this Bylaw, no Business shall provide a Checkout Bag to a customer.
- (2) A Business may provide a Checkout Bag to a customer only if:
  - (a) the customer is first asked whether he or she needs 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) 12 cents per Paper Bag; and
    - (ii) \$2 per Reusable Bag.
- (3) For certainty, no Business may
  - (a) sell or provide to a customer a Plastic Bag; or
  - (b) provide a Checkout Bag to a customer free of charge.
- (4) No Business shall deny or discourage the use by a customer of his or her own Reusable Bag for the purpose of transporting items purchased or received by the customer from the Business.

### **Exemptions**

- 4 (1) Section 3 does not apply to bags used to:
  - (a) package loose bulk items such as fruit, vegetables, nuts, grains, or 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 newspapers or other printed material intended to be left at the customer's residence or place of business; or
  - (h) protect clothes after professional laundering or dry cleaning.
- (2) Section 3 does not limit or restrict the sale of bags, including Plastic Bags, intended for use at the customer's home or business, provided that they are sold in packages of multiple bags.
- (3) 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.

### Offence

- 5 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket 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 instance that a contravention of a provision of this Bylaw occurs and each day that a contravention continues shall constitute a separate offence.

### Penalties

- 6 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 \$10,000.00 for every instance that an offence occurs or each day that it continues.

### Severability

- 7 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.

**Consequential Amendment to the Ticket Bylaw**

8 The Ticket Bylaw No. 10-071 is amended by inserting, immediately after Schedule Y, the Schedule 1 attached to this Bylaw as the new Schedule Z.

**Effective Date**

9 This Bylaw comes into force on July 1, 2018.

READ A FIRST TIME the day of 2017.

READ A SECOND TIME the day of 2017.

READ A THIRD TIME the day of 2017.

ADOPTED on the day of 2017.

CITY CLERK

MAYOR

Schedule 1

**Schedule Z**  
**Single Use Checkout Bag Regulation Bylaw**  
**Offences and Fines**

Column 1 – Offence	Column 2 – Section	Column 3 – Set Fine	Column 4 – Fine if paid within 30 days
Providing a Checkout Bag to a Customer except as provided in the bylaw	3(1)	\$100.00	\$75.00
Providing a Checkout Bag without asking whether a customer wants one	3(2)(a)	\$100.00	\$75.00
Providing a Checkout Bag that is not a Paper Bag or Reusable Bag	3(2)(b)	\$100.00	\$75.00
Charging less than a prescribed amount for a Checkout Bag	3(2)(c)	\$100.00	\$75.00
Selling or providing a Plastic Bag	3(3)(a)	\$100.00	\$75.00
Providing Checkout Bag free of charge	3(3)(b)	\$100.00	\$75.00
Denying or discourage use of customer's own Reusable Bag	3(4)	\$100.00	\$75.00