

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 9589

CHECKOUT BAG REGULATION BYLAW

The Municipal Council of The Corporation of the District of Saanich, in open meeting assembled, enacts as follows:

1. Definitions

In this Bylaw:

“**checkout bag**” means any bag that is:

- (a) 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) used to package food for take-out or delivery;

and includes a paper bag, plastic bag, or reusable bag;

“**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, 2002, No. 8213 and, for the purposes of section 2, includes a person employed by, or operating on behalf of, a business;

“**paper bag**” means a bag that is:

- (a) made of paper;
- (b) contains at least 40% post-consumer recycled paper content; and
- (c) displays, on the outside of the bag, the words “Recyclable” and “made from 40% post-consumer recycled content” (or such greater proportion as is applicable);

but does not include a small paper bag;

“**plastic bag**” means any bag that is made of plastic, including biodegradable plastic or compostable plastic, but does not include a reusable bag;

“**reusable bag**” means a bag that is

- (a) 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;
- (b) equipped with handles;

- (c) designed and manufactured to be capable of at least 100 uses; and
- (d) made primarily of cloth or other washable fabric;

“**small paper bag**” means a bag made out of paper that is less than 15 centimetres by 20 centimetres when flat.

2. Checkout Bag Regulation

- (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) 15 cents per paper bag; and
 - (ii) \$1.00 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.

3. Exemptions

- (1) Section 2 does not apply to small paper bags or 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) transport live fish;
 - (h) protect linens, bedding, or other similar large items that cannot easily fit in a reusable bag;
 - (i) protect newspapers or other printed material intended to be left at the customer's residence or place of business; or
 - (j) protect clothes after professional laundering or dry cleaning.
- (2) Section 2 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 containing multiple bags.
- (3) Notwithstanding section 2(2)(c) and 2(3)(b), a business may provide a checkout bag free of charge if:
- (a) the business meets the other requirements of section 2(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.
- (4) Notwithstanding section 2, a business may provide a paper bag to a customer free of charge if it is provided as part of a drive-through restaurant service.

4. Offence

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

5. Penalties

A person found guilty of an offence under this Bylaw is subject to a fine:

- (a) if a corporation, of not less than \$100.00 and not more than \$10,000.00; or
- (b) if an individual, of not less than \$50.00 and not more than \$500.00;

for every instance in which an offence occurs or each day upon which it continues.

6. Severability

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.

7. Consequential Amendments

(1) The Ticket Bylaw, 2010, No. 9029 is amended as follows:

(a) by adding the following to Schedule 1:

<u>COLUMN 1</u>	<u>COLUMN 2</u>
<u>Designated Bylaws</u>	<u>Designated Bylaw Enforcement Officers</u>
26. Checkout Bag Regulation Bylaw 2020, No. 9589	Senior Bylaw Enforcement Officer Bylaw Enforcement Officer Assistant Licence Inspector

(b) by inserting, immediately after Schedule 27, the Schedule "A" attached to this Bylaw as a new Schedule 28.

(2) The Bylaw Notice Enforcement Bylaw, 2018, No. 9525 is amended as follows:

(a) by adding the following to Schedule "A":

CHECKOUT BAG REGULATION BYLAW, 2020, NO. 9589

<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>	<u>COLUMN 4</u>	<u>COLUMN 5</u>	<u>COLUMN 6</u>
<u>Offence</u>	<u>Section</u>	<u>Fine if paid within 30 days</u>	<u>Fine if paid after 30 days</u>	<u>Late Payment Surcharge</u>	<u>Compliance Agreement Discount</u>
Providing a checkout bag to a customer except as	2(1)	\$75.00	\$100.00	\$50.00	n/a

provided in the bylaw					
Providing a checkout bag without asking whether a customer wants one	2(2)(a)	\$75.00	\$100.00	\$50.00	n/a
Providing a checkout bag that is not a paper bag or reusable bag	2(2)(b)	\$75.00	\$100.00	\$50.00	n/a
Charging less than the prescribed amount for a checkout bag	2(2)(c)	\$75.00	\$100.00	\$50.00	n/a
Selling or providing a plastic bag	2(3)(a)	\$75.00	\$100.00	\$50.00	n/a
Providing checkout bag free of charge	2(3)(b)	\$75.00	\$100.00	\$50.00	n/a
Denying or discouraging use of customer's own reusable bag	2(4)	\$75.00	\$100.00	\$50.00	n/a

8. Transition Provisions

- (1) Section 2(2)(c)(i) is amended by deleting the figure "15 cents" and replacing it with the figure "25 cents".
- (2) Section 2(2)(c)(ii) is amended by deleting the figure "\$1.00" and replacing it with the figure "\$2.00".

9. Effective Date

This Bylaw comes into force on the date that is sixty (60) days following the date of its adoption (the "effective date"), except sections 8(1) and 8(2), which come into force on the date that is one (1) year following the effective date.

10. Citation

This Bylaw may be cited for all purposes as the “**CHECKOUT BAG REGULATION BYLAW, 2020, NO. 9589**”.

Read a first time this day of , 2020.

Read a second time this day of , 2020.

Read a third time this day of , 2020.

Approved by the Ministry of Environment and Climate Change Strategy this day of , 2020.

Adopted by Council, signed by the Mayor and Clerk and sealed with the Seal of the Corporation on the day of , 2020.

Municipal Clerk

Mayor

PENDING FINAL APPROVAL

SCHEDULE "A"**Schedule 28****Checkout Bag Regulation Bylaw Offences and Fines**

<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>	<u>COLUMN 4</u>
<u>Offence</u>	<u>Section</u>	<u>Fine if paid within 30 days</u>	<u>Fine if paid after 30 days</u>
Providing a checkout bag to a customer except as provided in the bylaw	2(1)	\$75.00	\$100.00
Providing a checkout bag without asking whether a customer wants one	2(2)(a)	\$75.00	\$100.00
Providing a checkout bag that is not a paper bag or reusable bag	2(2)(b)	\$75.00	\$100.00
Charging less than the prescribed amount for a checkout bag	2(2)(c)	\$75.00	\$100.00
Selling or providing a plastic bag	2(3)(a)	\$75.00	\$100.00
Providing checkout bag free of charge	2(3)(b)	\$75.00	\$100.00
Denying or discouraging use of customer's own reusable bag	2(4)	\$75.00	\$100.00