



THE CITY OF ROSSLAND REQUEST FOR COUNCIL DECISION

DATE: April 24, 2019 File No: 0110.03/2019
TOPIC: Checkout Bag Regulation Bylaw No. 2691, 2019
SUBMITTED BY: Cynthia Anonuevo, Deputy Corporate Officer

RECOMMENDATIONS:

1. *THAT Council gives second and third readings to the Checkout Bag Regulation Bylaw No. 2691, 2019;*

SUMMARY:

At the March 11, 2019 Regular Meeting, Rossland City Council read the Checkout Bag Regulation Bylaw No. 2691, 2019 for the first time. A committee of Council members and local stakeholders met to discuss the next steps. The group recommended that Council proceeds with the adoption of the Bylaw so that regulations are in place and public education campaigns can commence.

The Checkout Bag Regulation Bylaw No. 2691, 2019 would be scheduled to be adopted at the May 21st, 2019 Regular Meeting of Council with a scheduled enforcement date of penalties beginning January 1, 2020.

NEXT STEPS:

Education:

When a single use plastic ban is implemented, local businesses are at the forefront, and must address the impacts to their respective customer services. Business owners and their staff need to be informed and aware of the ban and able to explain both the motive and implications to customers. Public education can result in additional administrative costs that may not be part of businesses current long-term planning. Any strategic approach would need to focus public awareness and education, focused on these three groups: retail businesses, residents and visitors.

Enforcement:

Any enforcement requirements will be directly reduced by the effectiveness of the education campaign and the willingness of businesses to adopt the new standards. Enforcement will begin January 1, 2020 as per the direction of Council to delay enforcement to allow for education and implementation.

Implementation:

Mitigating any unintended consequences identified that it is imperative for any City strategy to reduce single-use checkout bags should:

- shift business practices and societal norms to support lasting behaviour change,
- create a level playing field for businesses,
- address the needs of small businesses,
- collaborate on implementation,
- provide support with the transition,

- mitigate unintended consequences,
- Consider any negative impacts on consumers & businesses, such as:
 - Failing to address the wider sustainability issues related to retail packaging overall;
 - Inadvertently increasing the use of more environmentally harmful bag alternatives;
 - Causing inconsistency with provincial recycling programs, thereby imposing confusion and waste-management inefficiencies;
 - Causing consumers to shop across municipal boundaries to purchase goods at less restrictive retail locations.

FINANCIAL IMPLICATIONS:

Currently there is no allocation in the annual operating budget to undertake an education/advisory campaign. Financial considerations can be assessed and built into the budget for future consideration.

OPERATIONAL IMPLICATIONS:

The implementation of a single use plastics bylaw should also consider additional operational efforts on behalf of the City in the form of public education/advisory campaign via advertising, meetings, implementation, administration and the potential of increased bylaw enforcement. A more detailed work-plan would assess the staff resources required.

OPTIONS AND ALTERNATIVES:

1. Give second and third readings of the proposed Bylaw as is or with minor amendments.

This option complies with Council direction.

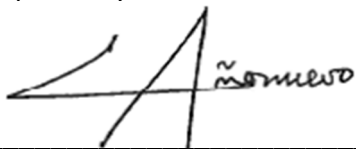
LEGISLATIVE IMPACTS, PRECEDENTS, POLICIES:

Municipal bylaws relating to the protection of the natural environment [CC s. 9(1)(b)] are subject to CC s. 9 concurrent authority approval requirements in accordance with the Spheres of Concurrent Jurisdiction — Environment and Wildlife Regulation, B.C. Reg. 144/2004.

ATTACHMENTS:

1. Draft Checkout Bag Regulation Bylaw No. 2691, 2019

Prepared by:



Cynthia Anonuevo
Deputy Corporate Officer

Reviewed by:



Bryan Teasdale
Chief Administrative Officer/Corporate Officer

THE CORPORATION OF THE CITY OF ROSSLAND
BYLAW NO. 2691

A 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.

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

SHORT TITLE

1. This Bylaw may be cited as the "Checkout Bag Regulation Bylaw, No. 2691 (2019)".

DEFINITIONS

2. In this Bylaw:

"Checkout Bag" means:

- i. 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
- ii. bags used to package take-out or delivery of food
- iii. and includes Paper Bags, Plastic Bags, or Reusable Bags;

"Business" means any person, organization, corporation, 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, and displays the words "Recyclable" and "made from 40% post-consumer recycled content" or other applicable amount on the outside of the bag, but does not include a Small Paper Bag;

"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 for the purpose of transporting items purchased by the customer from a Business and is:

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

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

CHECKOUT BAG REGULATIONS

3. a) Except as provided in this Bylaw, no Business shall provide a Checkout Bag to a customer.
- b) A Business may provide a Checkout Bag to a customer only if:
 - i. the customer is first asked whether he or she needs a bag;
 - ii. the bag provided is a Paper Bag or a Reusable Bag; and
 - iii. the customer is charged an applicable fee.
- c) For certainty, no Business may:
 - i. sell or provide to a customer a Plastic Bag; or
 - ii. provide a Checkout Bag to a customer free of charge.
- d) 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. a) Section 3 does not apply to Small Paper Bags or bags used to:
 - i. package loose bulk items such as fruit, vegetables, nuts, grains, or candy;
 - ii. package loose small hardware items such as nails and bolts;
 - iii. contain or wrap frozen foods, meat, poultry, or fish, whether pre-packaged or not;
 - iv. wrap flowers or potted plants;
 - v. protect prepared foods or bakery goods that are not pre-packaged;
 - vi. contain prescription drugs received from a pharmacy;
 - vii. transport live fish;
 - viii. protect linens, bedding, or other similar large items that cannot easily fit in a Reusable Bag;
 - ix. protect newspapers or other printed material intended to be left at the customer's residence or place of business; or
 - x. protect clothes after professional laundering or dry cleaning.
- b) 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.
- c) Notwithstanding section 3(2)(c) and 3(3)(b), a Business may provide a Checkout Bag free of charge if:
 - i. the Business meets the other requirements of section 3(2);
 - ii. the bag has already been used by a customer; and
 - iii. the bag has been returned to the Business for the purpose of being reused by other customers.
- d) Section 3 does not apply to a Checkout Bag that was purchased by a Business prior to the first reading of this Bylaw.

OFFENCE

- 5. a) 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:
 - i. contravenes a provision of this Bylaw;
 - ii. consents to, allows, or permits an act or thing to be done contrary to this Bylaw; or
 - iii. neglects or refrains from doing anything required by a provision of this Bylaw.
- b) 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) A person or business found guilty of an offence under this Bylaw is subject to a fine subject to Schedule A, attached to, and forming a portion of this Bylaw. In addition to Schedule A, the maximum following penalties shall apply:
 - i. for a business not more than \$10,000.00; or for an individual, not more than \$500.00.

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.

DISPUTE RESOLUTION

- 8. Any individual or business that receives correspondence regarding either that an offence has occurred and/or outlining the prescribed penalty for that offence in occurring, including any demand of payment issued by the City, may, within 14 days of receipt of said correspondence, provide a written request to Council for reconsideration of the matter. Requests received after the 14-day period will not have an opportunity to be either heard or reviewed by Council.

EFFECTIVE DATE

- 9. This Bylaw shall come into force and effect upon adoption except sections 5 and 6 which come into force on January 1, 2020.

READ A FIRST TIME
READ A SECOND TIME
READ A THIRD TIME
FINALLY PASSED AND ADOPTED

this 11th day of March, 2019
this 6th day of May, 2019
this 6th day of May, 2019
this day of, 2019

Mayor

Chief Administrative Officer/ Corporate Officer

Schedule A

Checkout Bag Regulation Bylaw, No. 2691 (2019) Bylaw Offences and Fines

Offence	Section	Set Fine (business)	Fine if paid within 30 days (business)	Set Fine (individual)	Fine if paid within 30 days (individual)
Providing a Checkout Bag to a Customer except as provided in the bylaw	3(1)	\$100.00	\$75.00	\$50.00	\$37.50
Providing a Checkout Bag without asking whether a customer wants one	3(2)(a)	\$100.00	\$75.00	\$50.00	\$37.50
Providing a Checkout Bag that is not a Paper Bag or Reusable Bag	3(2)(b)	\$100.00	\$75.00	\$50.00	\$37.50
Not Charging an amount for a Checkout Bag	3(2)(c)	\$100.00	\$75.00	\$50.00	\$37.50
Selling or Providing a Plastic Bag	3(3)(a)	\$100.00	\$75.00	\$50.00	\$37.50
Providing Checkout Bag free of charge	3(3)(b)	\$100.00	\$75.00	\$50.00	\$37.50
Denying or discourage use of customer's own Reusable Bag	3(4)	\$100.00	\$75.00	\$50.00	\$37.50