

CITY OF SALMON ARM

BYLAW NO. 4478

A bylaw to regulate the use of checkout shopping bags

WHEREAS the City of Salmon Arm desires to regulate the business use of single use checkout bags to reduce the creation of waste and associated municipal costs, to better steward municipal infrastructure and/or property, including sewers, streets and parks, and to promote responsible and sustainable business practices that are consistent with the values of the community;

AND WHEREAS Section 8(6) of the *Community Charter* authorizes a municipality to regulate in relation to business

NOW THEREFORE the City of Salmon Arm, in open meeting assembled, enacts as follows:

1. DEFINITIONS

“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 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 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 centimeters by 20 centimeters when flat.

2. CHECKOUT BAG REGULATIONS

- 1) Except as provided for 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:
 - a. \$0.25 per Paper Bag; and
 - b. \$2.00 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 of multiple bags.
- 3) Notwithstanding Sections 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. OFFENCE

- 1) A person or a business commits an offence and is subject to the penalties imposed by this Bylaw, the Municipal Ticket Information Utilization 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.

5. PENALTIES

A corporation or individual 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 that an offence occurs or each day that it continues.

6. CONSEQUENTIAL AMENDMENT TO THE TICKET BYLAW

The City of Salmon Arm Ticket Information Utilization Bylaw No. 2760 is amended by inserting, immediately after Schedule 19, the Schedule attached to this Bylaw as the new Schedule 20.

7. SEVERABILITY

If any part, section, sub-section, clause of this bylaw for any reason is held to be invalid by the decisions of a Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remaining portions of this bylaw.

8. ENACTMENT

Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto as amended, revised, consolidated or replaced from time to time.

9. EFFECTIVE DATE

This bylaw shall come into force and effect July 1, 2022.

10. REPEAL

“The City of Salmon Arm Checkout Bag Regulation Bylaw No. 4297” and all previous versions, consolidations and amendments made thereto are repealed upon adoption of this Bylaw.

11. CITATION

This bylaw may be cited as “City of Salmon Arm Checkout Bag Regulation Bylaw No. 4478”

READ A FIRST TIME THIS	12	DAY OF	October	2021
READ A SECOND TIME THIS	12	DAY OF	October	2021
READ A THIRD TIME THIS	12	DAY OF	October	2021
ADOPTED BY COUNCIL THIS	13	DAY OF	December	2021

“E. JACKSON”
CORPORATE OFFICER

“A. HARRISON”
MAYOR

BYLAW NO. 2760**SCHEDULE 20**

BYLAW	SECTION	SET FINE
Checkout Bag Regulation Bylaw No.		
Providing a Checkout Bag to a Customer except as provided in the bylaw	2. 1)	\$100.00
Providing a Checkout Bag without asking whether a customer wants one	2. 2) a)	\$100.00
Providing a Checkout Bag that is not a Paper Bag or Reusable Bag	2. 2) b)	\$100.00
Charging less than a prescribed amount for a Checkout Bag	2. 2) c)	\$100.00
Selling or providing a Plastic Bag	2. 3) a)	\$100.00
Providing Checkout Bag free of charge	2. 3) b)	\$100.00
Denying or discouraging use of customer's own Reusable Bag	2. 4)	\$100.00