

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4806

CHECKOUT BAG REGULATION BYLAW

The Municipal Council of the District of Oak Bay enacts as follows:

1. Definitions

In this Bylaw:

“Checkout Bag” means

- (a) a 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) used to package food for take-out or delivery; 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 District’s *Business License Bylaw, 1988*, as amended, 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 “made from 40% recycled content” (or other applicable amount);

but does not include a Small Paper Bag;

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

“Reusable Bag” means a bag that is designed and manufactured to be capable of at least 100 uses and is intended to be used by a customer for the purpose of transporting items purchased by the customer from a Business;

“Small Paper Bag” means a bag made out of paper that is less than 15 centimetres by 20centimetres 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 they need a bag; and
 - (b) the bag provided is a Paper Bag or a Reusable Bag; and
 - (c) the customer is charged a fee not less than:
 - (i) \$0.15 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 their own Reusable Bag for the purpose of transporting items purchased or received by the customer from the business.
- (5) Every Business shall include the amount charged for a Paper Bag or Reusable Bag provided to a customer as a separate line item on any receipt provided to the customer.

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 prior to the point of sale or not;
 - (d) wrap flowers or potted plants;
 - (e) protect prepared foods or bakery goods that are not pre-packaged prior to the point of sale;

- (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. 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 a portion of this bylaw is found invalid by a Court, it will be severed and the remainder of the Bylaw will remain in effect.

7. Consequential Amendments

(1) The *Ticket Information Utilization Bylaw No. 3952, 1997* is amended as follows:

(a) by adding the following to the end of Schedule 1:

<u>Designated Bylaws</u>	<u>Designated Bylaw Enforcement Officers</u>
Bylaw No. 4806, <i>Checkout Bag Regulation Bylaw, 2022</i>	Bylaw Compliance Officer Director of Community Building and Planning

(b) by adding a new Schedule 22 as follows:

SCHEDULE 22

Bylaw No. 4806, *Checkout Bag Regulation Bylaw, 2022*

<u>Offence</u>	<u>Section</u>	<u>Fine</u>
Providing a prohibited Checkout Bag	2(1)	\$100.00
Providing a Checkout Bag without asking customer	2(2)(a)	\$100.00
Providing a Checkout Bag that is not a Paper or Reusable Bag	2(2)(b)	\$100.00
Charging less than the 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 Reusable Bag	2(4)	\$100.00

8. Effective Date

This Bylaw comes into force on the date that is six (6) months following the date of its adoption except for Section 9 (Transitional Provisions), which come into force on the date that is twelve (12) months following the date of adoption.

9. Transitional Provisions

- (1) Section 2(2)(c)(i) is amended by deleting \$0.15 and replacing it with \$0.25.
- (2) Section 2(2)(c)(ii) is amended by deleting \$1.00 and replacing it with \$2.00.

10. Citation

This Bylaw may be cited as *Checkout Bag Regulation Bylaw No. 4806, 2022*.

READ a first time on	April 25, 2022
READ a second time on	April 25, 2022
READ a third time on	April 25, 2022
ADOPTED on	May 24, 2022

Mayor

Director of Corporate Services

