

CITY OF NANAIMO

BYLAW NO. 7283

A BYLAW TO REGULATE THE USE OF CHECKOUT BAGS

WHEREAS under Section 8(3)(j) of the *Community Charter*, the Council of the City of Nanaimo may, by bylaw, regulate, prohibit and impose requirements in relation to protection of the natural environment;

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as “Checkout Bag Regulation Bylaw 2020 No. 7283”.

PART I – GENERAL

2. 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; and (c) 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 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.

3. Checkout Bag Regulation

- 3.1 Except as provided in this Bylaw, no Business shall provide a Checkout Bag to a customer.
- 3.2 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 as set out in Schedule 'A', attached to and forming part of this bylaw.
- 3.3 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.
- 3.4 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.

4. Exemptions

- 4.1 Section 3 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.
- 4.2 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.
- 4.3 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 reused by other customers.
- 4.4 Section 3 does not apply to a Checkout Bag that was purchased by a Business prior to adoption of this Bylaw.

5. Offence

- 5.1 Any Person who causes, permits or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, commits an offence against this Bylaw and is liable upon summary conviction to pay a fine of not more than \$50,000, plus the costs of prosecution, and any other penalty or remedy available under the *Community Charter and Offence Act*.
- 5.2 Where an offence under this bylaw is of a continuing nature, each day that an offence continues, or is permitted to exist, constitutes a separate offence.
- 5.3 Section 5.1 shall not prevent the City, or an authorized Person on behalf of the City, issuing and enforcing a ticket under the City's Bylaw Notice Enforcement Bylaw.

6. Severability

If any part, section, sub-section, sentence, clause or sub-clause of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid section shall be severed and the severance shall not affect the validity of the remaining portions of this Bylaw.

7. Effective Date

This Bylaw comes into force on July 1, 2021.

PASSED FIRST READING: 2020-OCT-19

PASSED SECOND READING: 2020-OCT-19

PASSED THIRD READING: 2020-OCT-19

Approved by the Ministry of Environment and Climate Change Strategy: 2021-FEB-12

ADOPTED: 2021-FEB-22

L. E. KROG

MAYOR

K. ROBERTSON

DEPUTY CITY CLERK

SCHEDULE 'A'

CITY OF NANAIMO BYLAW TO REGULATE THE USE OF CHECK OUT BAGS

Effective July 1, 2021, checkout bag fees, pursuant to Section 3.2 shall be:

- (1) 15 cents per Paper Bag; and
- (2) \$1 dollar per Reusable Bag.

Effective January 1, 2022, checkout bag fees, pursuant to Section 3.2 shall be:

- (1) 25 cents per Paper Bag; and
- (2) \$2 dollars per Reusable Bag.