

CITY OF NANAIMO
"CHECKOUT BAG REGULATION
BYLAW 2019 NO. XXXX

A BYLAW FOR THE REGULATION OF
CHECKOUT BAGS

WHEREAS, the Council may, pursuant to Section 8(6) of the *Community Charter*, regulate in relation to business,

WHEREAS, the Council, finds it desirable to reduce the creation of waste and associated Municipal costs to better steward Municipal property including sewers, streets and parks,

WHEREAS, the Council, wishes to promote responsible and sustainable business practices that are consistent with the values of the community,

NOW THEREFORE the Council of the City of Nanaimo in open meeting assembled HEREBY ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as the "Checkout Bag Regulation Bylaw" 2019 No. XXXX

2. Definitions

"Checkout Bag"	(a) means 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 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

- (1) No Business shall provide a Checkout Bag to a customer unless:
 - (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 per Reusable Bag.
- (2) No Business shall:
 - (a) sell or provide to a customer a Plastic Bag; or
 - (b) provide a Checkout Bag to a customer free of charge.
- (3) No Business shall deny or discourage the use by a customer of his or her own Reusable Bag for transporting items purchased or received by the customer from the Business.

4. Exemptions

- (1) Notwithstanding Section 3, a Business may use Small Paper Bags or bags 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) Notwithstanding Section 3, there is no limit or restriction on the sale of bags, including Plastic Bags, intended for use at the customer's home or business, if they are sold in packages of multiple bags.
- (3) Notwithstanding Section 3(1)(c) and 3(2)(b), a Business may provide a Checkout Bag free of charge if:
- (a) the Business meets the other requirements of section 3(1);
 - (b) the bag has already been used by a customer; and;
 - (c) the bag has been returned to the Business to be re-used by other customers.
- (4) Section 3 does not apply to a Checkout Bag that was purchased by a Business prior to the first reading of this Bylaw.

5. Offence

- (1) Every person who violates any of the provisions of this Bylaw, or who causes, suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who carries out or who suffers, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this Bylaw, or who fails to comply with any order, direction or notice given under this Bylaw in addition to any other penalties provided for in this Bylaw, shall be liable on summary conviction to a fine not exceeding Ten Thousand Dollars (\$10,000.00), or to imprisonment of not more than six (6) months, or both; or if an information is laid by means of a Municipal Ticket Information in accordance with the procedure set out in Part 8, Division 3 of the *Community Charter*, a fine as stipulated in Schedule "C" of this Bylaw; or if the Local Government Bylaw Notice Enforcement Act applies, and a Bylaw Notice is laid in accordance with that Act, a penalty in accordance with Bylaw Notice Enforcement Bylaw 2012 No. 7159, Schedule "A".
- (2) Each day that an offence against this bylaw continues or exists shall be deemed to be a separate and distinct offence."

6. Schedules

Council authorizes that Schedule "A" may be omitted and established by resolution where the schedule can be more conveniently contained in a resolution.

7. 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.

PASSED FIRST READING _____
PASSED SECOND READING _____
PASSED THIRD READING _____
ADOPTED _____

MAYOR

CORPORATE OFFICER

DRAFT

**“Schedule A”
Checkout Bag Regulation Bylaw
Offences and Penalty**

Section	Description of Offence	Penalty
3(1)	Provide Checkout Bag when not permitted	\$100.00
3(1)(a)	Fail to ask customer about bag requirements	\$100.00
3(1)(b)	Provide a bag that is not paper or reusable	\$100.00
3(1)(c)	Fail to charge required fees	\$100.00
3(2)(a)	Sell or provide Plastic Bag	\$100.00
3(2)(b)	Providing Checkout Bag free of charge	\$100.00
3(2)	Denying or discourage use of own bag	\$100.00