

# CITY OF PLEASANTVILLE

## Bylaw No. XX, 2022

### A Bylaw to Regulate Single Use Plastics and Foam Items

The Council of the City of Pleasantville enacts as follows:

#### Citation

1. This Bylaw may be cited as “Single Use Plastic Bylaw No. XX, 2022.”

#### Definitions

2. In this Bylaw

“Accessible Beverage Straw” means a tube made wholly of plastic that is not compostable or biodegradable, has a corrugated section that allows the straw to bend and maintain its position, and is individually wrapped in paper;

“Business” means a person, organization, or group engaged in a trade, business, profession, occupation, calling, employment or purpose that is regulated under the City’s Business Regulation Bylaw, as amended, and includes a Business Operator or a person employed by or operating on behalf of a Business;

“Business Operator” includes the owner of a business, a person having responsibility for its management and operation, and any person who is employed by or acts on behalf of the business in dealing with its customers and patrons;

“Charitable Food Services” means the provision of food or prepared food for free or at low cost by an organization incorporated and in good standing under the British Columbia *Societies Act* or registered as a charitable organization under the *Income Tax Act* (Canada);

“Food Service Ware” means a product used for serving or transporting prepared food or beverages including, but not limited to, plates, cups, bowls, trays, cartons and hinged or lidded containers;

“Paper Shopping Bag” means a bag made out of paper and contains at least 40% recycled paper content, that displays the words “recyclable” and “made of 40% recycled content” or “made of 40% post-consumer recycled content” or other applicable amount on the outside of the bag, and is intended to be used by a customer for the purpose of transporting items or Prepared Food purchased or received by the customer from the Business providing the bag;

“Plastic Shopping Bag” means a Shopping Bag that is produced from plastic, including biodegradable or compostable plastic, that is intended to be used by a customer for the purpose of transporting items or Prepared Food purchased or received by the customer from the Business that is providing the bag;

“Plastic Drinking Straw” means a tube made primarily of plastic, including biodegradable or compostable plastic, and used to transfer a beverage from a container to the mouth of the individual drinking a beverage by suction;

“Plastic Utensil” means a utensil made primarily of plastic, including biodegradable or compostable plastic, primarily used to stir, eat or prepare food or a beverage;

“Polystyrene Foam” means blown polystyrene and expanded and extruded foams composed of thermoplastic petrochemical materials containing a styrene monomer and processed by any technique including, but not limited to, fusion of polymer spheres (expandable bead foam), injection molding, foam molding, or extrusion blown molding (extruded foam polystyrene);

“Prepared Food” means any food or beverage prepared for consumption by a Business at that licensed premises or location, using any cooking or food preparation technique;

“Reusable Shopping Bag” means a bag that is designed and manufactured, and represented by the manufacturer, to be capable of use at least 100 times, and is intended to be used by a customer for the purpose of transporting items or Prepared Food purchased or received by the customer;

“Small Paper Bag” means a paper bag that is less than 15 cm by 20 cm when flat;

"Shopping Bag" means a bag used for the purpose of transporting items sold or otherwise provided to a customer by a Business, including but not limited to take-out and to-go food, delivery of food, and leftovers from a meal, and customarily provided by a Business at the point of sale or when items ordered by telephone or internet-based ordering platforms are retrieved from the Business by the customer or a delivery service, but does not include bags used to

- (a) contain loose bulk items such as fruit, vegetables, nuts, grains, or candy;
- (b) contain loose small hardware items such as nails and bolts;
- (c) protect bakery goods that are not pre-packaged prior to the point of sale;
- (d) contain or wrap frozen foods, meat, poultry, or fish, whether pre-packaged prior to the point of sale or not;
- (e) wrap flowers or potted plants;
- (f) transport live fish;
- (g) protect newspapers or other printed material intended to be left at the customer's residence or place of business;
- (h) protect clothes after professional laundering or dry cleaning;

- (i) transport prescription drugs received from a pharmacy; or
- (j) transport linens, bedding, or other similar large items that cannot easily fit in a Paper Shopping Bag or Reusable Shopping Bag.

### **Shopping Bags**

3. A Business must not sell or otherwise provide a Plastic Shopping Bag to a customer.
4. A Business must not sell or otherwise provide a Shopping Bag to a customer, except in accordance with Section 5.
5. A Business may provide a Shopping Bag to a customer only if it is not a Plastic Shopping Bag and
  - (a) the Business first asks a customer if they need a Shopping Bag and the customer responds that they do;
  - (b) the Shopping Bag is a Paper Shopping Bag or Reusable Shopping Bag;
  - (c) the customer is charged a fee not less than 15 cents for every Paper Shopping Bag,
  - (d) the customer is charged a fee not less than \$1 for every Reusable Shopping Bag; and
  - (e) information about how much the Business charges for a Shopping Bag is displayed on media such as menus, internet-based ordering platforms, signs or menu boards, and verbally provided to customers placing orders by telephone call.
6. Every Business must include the amount charged for a Shopping Bag provided to a customer as a separate line item on any receipt provided to the customer.
7. Sections 4 through 6 do not apply to Shopping Bags used in the course of providing Charitable Food Services.
8. No Business shall deny or discourage the use by a customer of their own Shopping Bag for the purpose of transporting items purchased or received by the customer from the Business.
9. Sections 3 through 8 of this Bylaw do not limit or restrict the sale of bags, including plastic bags, intended for use at an individual person's home, if they are sold in a package of multiple bags and not sold to be used as Shopping Bags.

## **Foam Cups and Containers**

10. No Business may sell or otherwise provide prepared food or beverages in any Food Service Ware that contains Polystyrene Foam.
11. Section 10 does not apply to
  - (a) a hospital, or any facility licensed as a community care facility under the *Community Care and Assisted Living Act*; or
  - (b) prepared food or beverage containers that have been filled and sealed outside the City prior to arrival at the premises or location where the Business operates.
12. Section 10 of this Bylaw does not limit or restrict the sale of Food Service Ware containing Polystyrene Foam intended for use at an individual person's home, if the ware is sold in a package of multiple containers and not sold to be used for holding food at or transporting food from a Business.

## **Straws**

13. No Business may sell or otherwise provide Single Use Plastic Beverage Straws, except as provided by Section 14.
14. Section 13 does not apply if a Business sells or otherwise provides an Accessible Beverage Straw to a person with a disability or other accessibility needs who requests an Accessible Beverage Straw. A customer must not be required to provide any medical information to receive an Accessible Beverage Straw.
15. Section 13 does not apply to
  - (a) a hospital or any facility licensed as a community care facility under the *Community Care and Assisted Living Act*; or
  - (b) a Single Use Plastic Beverage Straw packaged and sealed in a carton or flexible plastic pouch together with a drink, at a different location than the licensed premises where the drink is distributed for consumption.
16. Section 13 of this Bylaw does not limit or restrict the sale of straws, including Single Use Plastic Beverage Straws or Single Use Beverage Straws, intended for use at an individual person's home if they are sold in a package of multiple straws.

## Utensils

17. No Business may sell or otherwise provide Plastic Utensils.
18. Section 17 does not apply to
  - (a) a hospital or any facility licensed as a community care facility under the *Community Care and Assisted Living Act*, or
  - (b) Plastic Utensils used in the course of providing Charitable Food Services.
19. Section 17 of this Bylaw does not limit or restrict the sale of Plastic Utensils intended for use at an individual person's home if they are sold in a package of multiple utensils.

## Offence and Penalty

20. Every person who
  - (a) contravenes this Bylaw;
  - (b) permits, suffers or allows any act or thing to be done in contravention of this Bylaw; or
  - (c) neglects to do or refrains from doing anything required to be done under this Bylaw,commits an offence, and every day that the offence continues amounts to a new and separate offence.
21. A person found guilty of contravening this Bylaw shall be liable to pay a fine of up to:
  - (a) \$10,000, and the costs of prosecution, if proceedings are brought under the *Offence Act*; or
  - (b) \$1,000 if a ticket is issued under the *Municipal Ticket Information Authorization Bylaw* [Citation].

## Severability

22. 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.

## Effective Date

24. This Bylaw comes into force and effect on [Insert later date if not on adoption].

**Read a first time** this \_\_\_ day of \_\_\_\_\_, 2022.

**Read a second time** this \_\_\_ day of \_\_\_\_\_, 2022.

**Read a third time** this \_\_\_ day of \_\_\_\_\_, 2022.

**Adopted** this \_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

I hereby certify that the above is a true copy of Bylaw No. XX, 2022 of the City of Pleasantville.

\_\_\_\_\_  
Corporate Officer