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EAA



**Nomination form**

**Nominee Information** MUNICIPAL BY-LAW 462  
Public Sector Procurement Project ELIMINATION OF SINGLE-USE PLASTIC SHOPPING  
Team Name MUNICIPAL COUNCIL OF LEAF RAPIDS Team Leader BOND RYAN  
Organization TOWN OF LEAF RAPIDS  
Team participants MAYOR + COUNCIL + CAO OF LEAF RAPIDS + 10 GROUP OF COMPANIES  
Category of public sector MUNICIPAL GOVERNMENT  
Address BOX 340, TOWN CENTRE Email TOWN@LEAFRAPIDS  
City LEAF RAPIDS Province MANITOBA Postal code R0B  
Telephone 204-473-2436 Fax 204-473-2566

**Nomination submitted by**  
Name JOAN SEDDON Title DIRECTOR  
Organization LEAF RAPID NATIONAL Email EXCENTRE@MTS.N  
Address EXHIBITION CENTRE BOX 220, TOWN CENTRE  
City LEAF RAPIDS Province MANITOBA Postal code R0B  
Telephone (204) 473-8682 Fax (204) 473-2707  
EMAIL: EXCENTRE@MTS.NET

**Certification**

To the best of my knowledge, I certify that the information provided is accurate and true.

Signature [Signature] Date June 25/18

**Structure of the submission**

The nomination form must be accompanied by an overview of the initiative that you wish to profile. We you with the following outline to help you structure your submission. You are welcome to include additional information that you feel is pertinent, but the submission should not exceed five (5) pages. If you have questions, please contact us at [award@summitconnects.com](mailto:award@summitconnects.com).

- Objectives of the initiative
- Brief description
- Contribution of the initiative to the key criteria:
  - measurable and significant benefit;
  - high degree of innovation;
  - potential for "best practice" in green procurement;
  - ability to influence the future development of the Canadian marketplace for environmentally friendly products and services.

The submission must include a letter of reference from a senior manager or procurement supervisor in the initiative – someone other than the nominator.



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## **1. INTRODUCTION**

The Leaf Rapids National Exhibition Centre (LRNEC) is proud to nominate the Town of Leaf Rapids Manitoba for the 2007 Green procurement Award for banning single-use plastic shopping bags in our community.

Leaf Rapids was the first town in North America to ban single-use plastic shopping bags by Municipal By-Law. Response to news that our Mayor and Council unanimously approved this legislation has been overwhelmingly favorable. Dozens of other towns and cities in Canada and the United States are now considering similar legislation of their own.

The full importance of what Leaf Rapids accomplished by passing Municipal By-Law 462 is difficult to capture in words. Everyone—from environmentalists on down to the person of the street—is applauding the town for this simple and effective measure to leave less of a footprint on our environment.

## **2. PROJECT OBJECTIVES**

1. To protect and preserve the environment by eradicating the negative impact that single-use plastic shopping bags have on the environment and wildlife habitat.
2. To eliminate single-use plastic shopping bags in Leaf Rapids.
3. To reduce the annual cost of cleaning up Leaf Rapids.
4. To educate young people about the dangers that single-use plastic shopping bags pose for the environment.
5. To educate young people, shoppers and retailers about the environmental and economic advantages of reusable shopping bags.
6. To enhance public awareness of the positive impact of recycling.
7. To serve as an example for other communities in Canada and the United States.

## **3. PROJECT DESCRIPTION**

Bond Ryan, the Leaf Rapids Chief Administrative Officer, was working on the 2006 budget when he noticed that the community was spending almost \$5000.00 a year to clean up discarded single-use plastic shopping bags from around the town and remove them from the trees in the forest that surrounded the community's Nuisance Grounds landfill site. The plastic bags were scattered about by the wind at the Nuisance Grounds. Hundreds of the plastic bags were clinging to the trunks and branches of the trees.

In May 2006, Bond approached the Leaf Rapids Municipal Council with a novel idea. He suggested that the Town of Leaf Rapids purchase 1000 reusable bags from the Leaf Rapids Consumers Co-Operative store for \$1.00 each and donate five of the reusable bags to every household in town. There was a condition to the donation however. After receiving the reusable bags, consumers would be charged a \$.03 levee per bag whenever they packed their purchases in single-use plastic shopping bags. In May 2006, the Leaf Rapids Municipal Council passed a resolution to this effect.

At Bond's urging, the Town of Leaf Rapids decided to take the initiative one step further and ban single-use plastic shopping bags by Municipal By-Law. Bond began an Internet search for the wording of a By-Law that banned the plastic shopping bags. He

discovered that there were no such By-Laws anywhere in North America. However, Dublin Ireland had a By-Law that suited the needs of Leaf Rapids and Bond used it to frame the Leaf Rapids By-Law.

It was around this time that Matt Wittek of *Instore Products* in Ontario contacted Bond. He explained that his company had been trying to reduce the use of plastic shopping bags since 1992. He paid a visit to Leaf Rapids and made a public presentation to our Mayor and Council and the town's two major retailers about the environmental dangers that single-use plastic shopping bags pose to our natural surroundings and about the economic and environmental advantages of reusable shopping bags. He encouraged Leaf Rapids to become the first community in North America to legislate a ban on single-use plastic shopping bags. He offered to support the town's efforts by donating 5000 reusable shopping bags to the initiative. He suggested that Mayor and Council conduct a public relations campaign prior to passing resolution 462. This would ensure community support for the legislation. Matt also agreed with the Leaf Rapids' retailers when they recommended that an educational component to raise the awareness of students in the Leaf Rapids Education Centre would be beneficial. The students could then support the initiative by encouraging their parents to use reusable shopping bags.

Finally, when Leaf Rapids became the first community in North America to ban single-use plastic shopping bags, *Instore Products* provided media management services and public relations support.

But there were other towns and cities in Canada and the United States that were hot on the heels of Leaf Rapids to become the first to ban single-use shopping bags. So at 12:01 A.M. on March 22 2007 (that's right, Mayor and Council met in the middle of the night to pass the By-Law), the Municipal Council in Leaf Rapids unanimously approved By-Law 462. The By-Law stated, "Retailers will no longer be permitted to give away or sell plastic shopping bags that are intended for single use." By passing this By-Law, Leaf Rapids became the first community in North America to ban single-use plastic shopping bags. San Francisco in the United States quickly followed suit.

Within days, Leaf Rapids was besieged with telephone calls, emails and television and newspaper reporters from all over North America. There were literally thousands of hits on the town's web site. With very few exceptions, all of these people contacted Leaf Rapids for three reasons. First, they congratulated the community for taking this bold action to reduce its footprint on the environment and to protect and preserve the world we live in for future generations. Second, they wanted to know the process that the town had gone through to enact the By-Law. They left no doubt in anyone's mind that they intended to lobby their town leaders to enact a similar By-Law of their own. Finally, they wanted to know the wording of the By-Law.

No one had to rely on Dublin Ireland anymore. They could now frame their By-Laws by following the example of a unique Canadian/North American version of a resolution to eliminate single-use plastic shopping bags in their communities.

#### 4. LEAF RAPIDS MUNICIPAL BY-LAW 462

##### TOWN OF LEAF RAPIDS By-Law No. 462

Being a By-Law of the Town of Leaf Rapids for the establishment of Single-Use Plastic Shopping Bags.

**WHEREAS** Single-Use Plastic Shopping Bags are a very visible component of litter throughout the Town of Leaf Rapids, lake side, trails, roadside and Nuisance Grounds;

**AND WHEREAS** Single-Use Plastic Shopping Bags have a negative impact on our wildlife habitat and are not environmentally friendly;

**AND WHEREAS** the Town of Leaf Rapids incurs a significant cost to clean up the Single-Use Shopping Bags each year;

**AND WHEREAS** local businesses can reduce merchandise cost by not having to purchase Single-Use Plastic Shopping Bags;

**AND WHEREAS** the Town of Leaf Rapids has provided education to shoppers and school children about the environmental advantages and reduced costs of using reusable shopping bags;

**AND WHEREAS** by using a Multi-Use Shopping Bag, residents are reminded of the positive impact of recycling;

**NOW THEREFORE** upon passing this By-Law, the Council of the Town of Leaf Rapids, enacts as follows:

1. **THAT** the Town of Leaf Rapids will be Single-Use Plastic Shopping Bag free effective April 2, 2007.
2. **THAT** retailers in the Town of Leaf Rapids will not be permitted to give away or sell plastic shopping bags that are intended for single use.
3. **THAT** a person who contravenes this By-Law of the Town of Leaf Rapids is guilty of an offence and is liable on summary conviction to a fine of not more than \$1000.00.
4. **THAT** where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues.
5. **THAT** on passing this By-Law, By-Law 457 is hereby rescinded.
6. **DONE AND PASSED** as a By-Law of the Town of Leaf Rapids at the Townsite of Leaf Rapids, in the Province of Manitoba, this 22<sup>nd</sup> day of March, 2007, A.D.

##### EXEMPTIONS TO THE BY-LAW

Small plastic bags that are used to store non-packaged goods such as:

- a) Dairy products;
- b) Fruit, vegetables or nuts;
- c) Confectionary;
- d) Cooked foods, hot or cold;
- e) Ice;
- f) Smaller bags for fresh meat, fish, candy and poultry;
- g) Bags that cost more than \$1.50.

Read first time this 21<sup>st</sup> Day of March, 2007, A.D.

Read this second time this 21<sup>st</sup> Day of March, 2007, A.D.

Read this third time this 22<sup>nd</sup> Day of March, 2007, A.D.

Mayor

Ed Charrier

## **5. IMPACT**

### **A. Measurable and Significant Benefits**

- The initiative will result in a significant savings for Leaf Rapids. The cost of cleaning up the community and the Nuisance Grounds will be drastically reduced.
- The elimination of single-use plastic shopping bags will drastically reduce the non-biodegradable footprint the town is leaving on the environment.
- The initiative has propelled Leaf Rapids to the front and centre of the public's attention. The town's leaders have appeared on television programs and radio talk shows all across Canada. This summer, Leaf Rapids had more visitors than ever before. Leaf Rapids is now nicknamed the "green community". People from all over the world are applauding the courage and farsightedness of the town's leaders.

### **B. Degree of Innovation**

- Leaf Rapids was the first community in North America to ban sin single-use shopping bags by Municipal By-Law.
- A lot of thought went into the initiative. The passing of the By-Law was preceded by a levee on single-use plastic shopping bags and an educational component for young people, shoppers and retailers. Both the economic and environmental advantages of multi-use shopping bags were highlighted in the educational component.
- Finally, after the By-Law had been passed the community celebrated its unique achievement by passing out green reusable shopping bags to shoppers. The bags had been specifically designed for Leaf Rapids. The wording on the bags read, "LEAF RAPIDS, Taking a Stand on the Reduction of Plastic Bags, April 2 2007, By-Law 462."

### **C. "Best Practices" Potential**

- The town of Leaf Rapids has been inundated with calls about the wording of the Municipal By-Law and the process that the town went through to write it. So North America now has a north American/Canadian version of the wording of a By-Law to ban single-use plastic shopping bags. The success of the By-Law suggests that the wording and the structure of the By-Law will stand the test of "Best Practices".
- In addition, the public relations and educational component that prepared people for the introduction of the By-Law has been lauded as a landmark process by which to introduce what some might consider controversial municipal legislation.

### **D. Ability to influence Other Environmentally Friendly Products and Services**

- Leaf Rapids is already talking about doing something to eliminate single-use plastic diapers.
- Leaf Rapids is encouraging more people to use their vehicles less and replace them with more environmentally friendly methods of transportation—for example, bicycles and golf carts.

- The Northwest Manitoba Resource Management Guidelines is an innovative and far-reaching document that was written about a year ago. It addresses fish and wildlife management, cabins and campsites and the protection and preservation of our environment for future generations. With the passing of Municipal By-Law 462 people are paying more attention to the document. They can see that one small environmentally friendly action can have consequences that exceed everyone's expectations.
- The fact of the matter is that once the By-Law was passed people began asking about the next initiative that the town can implement to reduce the footprint we are leaving on the environment. One positive action in this regard heightened people's awareness about the community's recycling program, for example. People now knew that they can have a positive impact on the environment by taking the time to recycle and reuse rather than discard unwanted items.

## **6. A SHORT HISTORY OF LEAF RAPIDS**

Being the first to do something is nothing new to Leaf Rapids. The community is located 1000 kilometers north of Winnipeg Manitoba. It was built in the early 1970s to provide housing for the workers at the newly discovered Ruttan Mine. But Leaf Rapids was more than just a mining town. The visionaries who designed the community saw it as an archetypical living environment and in 1974, the town was presented with the prestigious Vincent Massey Award for Excellence in Urban Design.

Leaf Rapids was situated more than twenty kilometers from the Ruttan mine site. This was a groundbreaking blueprint for a mining town. The community's location embraced the idea that there should be a meaningful separation between the place where people earned a living and the space where they actually lived. The notion of a mining town that was not dominated by a headframe was a unique concept in those days.

And then there was the architecture of the living space itself. The town was built in a semi-circle. Great care had been taken to ensure that as much as possible of the pristine wilderness that surrounded the community was left intact. No home was any further away than ten minutes walking distance from the centre of the town. Lighted bush trails led the way through the forest. But the community's most unique feature was the fact that Leaf Rapids had no main street. In its place was a town centre.

On the surface, the town centre resembled an ordinary mall. But its looks were deceiving. The usual dry goods outlets, grocery stores, banks and restaurants were located in the town centre, of course. But the town offices and Council Chambers were integrated into the building too, as was a library and a National Exhibition Centre, the most northern exhibition centre in the province. Also, the kindergarten to grade twelve school was situated in the town centre, along with a movie theatre, two gyms, a curling rink, a hockey arena, an eight bed health centre and a forty room hotel. While much of this may seem run-of-the-mill today, the notion of having all of the community's main stores and services situated under one roof was quite extraordinary in the early 1970s.

During the first ten years of its life, Leaf Rapids played host to an army of political leaders, architects and town planners from across Canada and around the world—some from as far away as Europe and Japan. These people journeyed to the community to conduct research on this prototype living environment for northern and isolated

communities. In the years to come, other communities sprang up in North America and other countries that were based on their research. Now these model towns are commonplace around the world. But Leaf Rapids was the first.





The Corporation of the  
City of North Bay  
200 McIntyre St. East  
P.O. Box 360  
North Bay, Ontario  
Canada P1B 8H8  
Tel: (705) 474-0400

OFFICE OF THE CITY CLERK  
CORPORATE SERVICES DIVISION  
Direct Line: (705) 474-0626, ext. 510  
Fax Line: (705) 495-4353  
E-mail: [cathy.conrad@cityofnorthbay.ca](mailto:cathy.conrad@cityofnorthbay.ca)

20 April 2007

Town of Leaf Rapids  
Box 340  
Unit 19, Town Centre Complex  
LEAF RAPIDS, MB R0B 1W0

ATTENTION: Mayor and Council

Dear Mayor and Council:

This is Resolution No. 2007-268a which was passed by Council at its Regular Meeting held Monday 2007.

Resolution No. 2007-268:

"WHEREAS on April 2, 2007, the Town of Leaf Rapids, Manitoba implemented By-Law 462 stating that retailers will no longer be permitted to give away or sell plastic shopping bags that are intended for single use";

AND WHEREAS the Town of Leaf Rapids, Manitoba is now the first town in Canada to make a significant announcement regarding non bio-degradable plastic waste bags;

THEREFORE BE IT RESOLVED THAT The City of North Bay congratulates the Town of Leaf Rapids on their initiative and for taking a leadership role in reducing of non biodegradable plastics from their landfill. We look forward to following their progress with this project;

AND FURTHER THAT The City of North Bay encourages everyone to use reusable grocery carts and boxes and fewer non-reusable and non biodegradable plastics whenever possible to reduce the amount of plastic on our municipal landfill and reduce potential litter."

Sincerely,

*C. Conrad*  
Catherine Conrad,  
City Clerk.

CMC/cjc

Copy to: P. Bullock  
A. Korell  
Waste Resources Liaison Committee

April 20,

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NO. 18-008

CHECKOUT BAG REGULATION BYLAW  
A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to regulate the business use of single use checkout bags to reduce the creation of waste and associated municipal costs, to better steward municipal property, including sewers, streets and parks, and to promote responsible and sustainable business practices that are consistent with the values of the community.

**Contents**

1	Title
2	Definitions
3	Checkout Bag Regulations
4	Exemptions
5	Offences
6	Penalties
7	Severability
8	Consequential Amendment to the Ticket Bylaw
9	Transition Provisions
10	Effective Date

Under its statutory powers, including sections 8(6) of the *Community Charter*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the "Checkout Bag Regulation Bylaw".

**Definitions**

- 2 In this Bylaw

"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 or the Cannabis Related Business Regulation 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.

### **Checkout Bag Regulation**

- 3 (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 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.
- (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.

### **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.
- (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.
- (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 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.

#### **Offence**

- 5 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket 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.

#### **Penalties**

- 6 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 that an offence occurs or each day that it continues.

**Severability**

7 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.

**Consequential Amendment to the Ticket Bylaw**

8 The Ticket Bylaw No. 10-071 is amended by inserting, immediately after Schedule Y, the Schedule 1 attached to this Bylaw as the new Schedule Z.

**Transition Provisions**

- 9 (1) Section 3(2)(c)(i) is amended by deleting "15 cents" and substituting "25 cents".
- (2) Section 3(2)(c)(ii) is amended by deleting "\$1" and substituting "\$2".
- (3) Section 4(4) is repealed.

**Effective Date**

10 This Bylaw comes into force on July 1, 2018 except sections 5 and 9 which come into force on January 1, 2019.

READ A FIRST TIME the	<b>14<sup>th</sup></b>	day of	<b>December</b>	2017.
READ A SECOND TIME the	<b>14<sup>th</sup></b>	day of	<b>December</b>	2017.
READ A THIRD TIME the	<b>14<sup>th</sup></b>	day of	<b>December</b>	2017.
ADOPTED on the	<b>11<sup>th</sup></b>	day of	<b>January</b>	2018.

**"CHRIS COATES"**  
CITY CLERK

**"LISA HELPS"**  
MAYOR

Schedule 1

**Schedule Z**  
**Single Use Checkout Bag Regulation Bylaw**  
**Offences and Fines**

Column 1 – Offence	Column 2 – Section	Column 3 – Set Fine	Column 4 – Fine if paid within 30 days
Providing a Checkout Bag to a Customer except as provided in the bylaw	3(1)	\$100.00	\$75.00
Providing a Checkout Bag without asking whether a customer wants one	3(2)(a)	\$100.00	\$75.00
Providing a Checkout Bag that is not a Paper Bag or Reusable Bag	3(2)(b)	\$100.00	\$75.00
Charging less than a prescribed amount for a Checkout Bag	3(2)(c)	\$100.00	\$75.00
Selling or providing a Plastic Bag	3(3)(a)	\$100.00	\$75.00
Providing Checkout Bag free of charge	3(3)(b)	\$100.00	\$75.00
Denying or discourage use of customer's own Reusable Bag	3(4)	\$100.00	\$75.00

**VILLE DE MONTRÉAL**  
**BY-LAW**  
**16-051**

**BY-LAW PROHIBITING THE DISTRIBUTION OF CERTAIN SHOPPING BAGS  
IN RETAIL STORES**

In view of sections 6 and 19 of the Municipal Powers Act (CQLR, chapter C-47.1);

In view of sections 369 and 411 of the Cities and Towns Act (CQLR, chapter C-19);

At its meeting of August 22, 2016, city council enacts:

**SECTION I**  
**PRELIMINARY PROVISIONS**

1. The object of this by-law is to ban the distribution of certain shopping bags made of traditional, oxo-degradable or biodegradable plastic in the retail stores located on the city's territory in order to encourage a change of behaviour regarding the use of these types of bags and thus reduce their environmental impact.

2. In this by-law, the following words mean:

“biodegradable bag”: bag that can be decomposed by micro-organisms, resulting in the formation of water, carbon dioxide, inorganic compounds and biomass that are non-toxic for the environment;

“oxo-degradable or oxo-fragmentable plastic bag”: bag made of petroleum-based plastic to which oxidizing agents are added to stimulate its degradation into smaller pieces that may be invisible to the naked eye, but that are not biodegradable;

“retail store”: an establishment whose main activity is the sale of merchandise at the retail level;

“shopping bag”: bag offered to clients at the check-out counter in retail stores to carry out their merchandise;

“traditional plastic bag”: bag made of petroleum-based plastic that is not biodegradable.



## **SECTION II PROHIBITIONS**

3. It is prohibited to offer clients in retail stores, against payment or free of charge, traditional plastic shopping bags less than 50 microns thick, as well as oxo-degradable, oxo-fragmentable or biodegradable plastic bags, regardless of their thickness.
4. The prohibition under article 3 does not apply to plastic bags that are used exclusively carry food products, such as fruits, vegetables, nuts, bulk snacks, ready-to-eat foods, meat, fish, bread and dairy products to the check-out counter or to protect these food products from direct contact with other items for reasons of hygiene.

## **SECTION III INSPECTION POWERS, OFFENCES AND PENALTIES**

5. Any city employee responsible for the application of this by-law may visit or inspect any retail store and request any information for the purposes of application of this by-law.
6. Any person who interferes in any way with the carrying out of interventions under article 5 of this by-law contravenes this by-law.
7. Any person who contravenes this by-law is guilty of an offence and is liable:
  - (1) in the case of an individual:
    - (a) for a first offence, to a fine of \$200 to \$1,000;
    - (b) for a subsequent offence, to a fine of \$300 to \$2,000.
  - (2) in the case of a corporation:
    - (a) for a first offence, to a fine of \$400 to \$2,000;
    - (b) for a subsequent offence, to a fine of \$500 to \$4,000.

## **CHAPITRE IV FINAL PROVISION**

8. This by-law comes into force in accordance with the law. However, articles 3 and 4 will only take effect on January 1, 2018.

The public notice relating to this by-law was posted at city hall and published in *The Gazette* on August 30, 2016.

NO. 18-008

CHECKOUT BAG REGULATION BYLAW  
A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to regulate the business use of single use checkout bags to reduce the creation of waste and associated municipal costs, to better steward municipal property, including sewers, streets and parks, and to promote responsible and sustainable business practices that are consistent with the values of the community.

**Contents**

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10	Effective Date

Under its statutory powers, including sections 8(6) of the *Community Charter*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the "Checkout Bag Regulation Bylaw".

**Definitions**

- 2 In this Bylaw

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- (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 or the Cannabis Related Business Regulation 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.

### **Checkout Bag Regulation**

- 3 (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 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.
- (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.

### **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.
- (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.
- (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 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.

#### **Offence**

- 5 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket 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.

#### **Penalties**

- 6 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 that an offence occurs or each day that it continues.

### **Severability**

7 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.

### **Consequential Amendment to the Ticket Bylaw**

8 The Ticket Bylaw No. 10-071 is amended by inserting, immediately after Schedule Y, the Schedule 1 attached to this Bylaw as the new Schedule Z.

### **Transition Provisions**

9 (1) Section 3(2)(c)(i) is amended by deleting "15 cents" and substituting "25 cents".

(2) Section 3(2)(c)(ii) is amended by deleting "\$1" and substituting "\$2".

(3) Section 4(4) is repealed.

### **Effective Date**

10 This Bylaw comes into force on July 1, 2018 except sections 5 and 9 which come into force on January 1, 2019.

READ A FIRST TIME the 14<sup>th</sup> day of December 2017.

READ A SECOND TIME the 14<sup>th</sup> day of December 2017.

READ A THIRD TIME the 14<sup>th</sup> day of December 2017.

ADOPTED on the day of 2017.

CITY CLERK

MAYOR

Schedule 1

**Schedule Z**  
**Single Use Checkout Bag Regulation Bylaw**  
**Offences and Fines**

Column 1 – Offence	Column 2 – Section	Column 3 – Set Fine	Column 4 – Fine if paid within 30 days
Providing a Checkout Bag to a Customer except as provided in the bylaw	3(1)	\$100.00	\$75.00
Providing a Checkout Bag without asking whether a customer wants one	3(2)(a)	\$100.00	\$75.00
Providing a Checkout Bag that is not a Paper Bag or Reusable Bag	3(2)(b)	\$100.00	\$75.00
Charging less than a prescribed amount for a Checkout Bag	3(2)(c)	\$100.00	\$75.00
Selling or providing a Plastic Bag	3(3)(a)	\$100.00	\$75.00
Providing Checkout Bag free of charge	3(3)(b)	\$100.00	\$75.00
Denying or discourage use of customer's own Reusable Bag	3(4)	\$100.00	\$75.00



## REDUCING SINGLE-USE PLASTICS: LOCAL GOVERNMENT ACTIONS IN CANADA

January 2018<sup>1</sup>

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### Victoria, British Columbia (2018) - Checkout Bag Regulation Bylaw.

Victoria is the first municipality in BC to ban the use of single-use plastic bags. On January 11, 2018, Victoria City Council approved the adoption of the Checkout Bag Regulation Bylaw, proposed to take effect July 1, 2018, with enforcement starting January 2019. The purpose of the bylaw is to regulate the business use of single use checkout bags to reduce the creation of waste and associated municipal costs, to better steward municipal property, including sewers, streets and parks, and to promote responsible and sustainable business practices that are consistent with the values of the community.<sup>2</sup> The bylaw applies to any bag that is intended to be used by a customer for the purpose of transporting items. It is clearly stated in the bylaw that “no business shall provide a checkout bag” to a customer except when:

- The customer is first asked whether he or she needs a bag
- The bag provided is a Paper Bag or Reusable Bag
- The customer is charged a fee not less than \$0.15/bag and \$1 per Reusable Bag

This bylaw complies with the Official Community Plan (OCP) of Victoria because it aims to reduce waste, litter and marine debris.

### Regional Municipality of Wood Buffalo, Alberta (2010)

In 2008 after watching a documentary on shopping bags in school, a student Sean Graham organized a petition that received over 1800 signatures from residents and another 400 from his school peers. The petition was presented to Council in August 2008. On September 1<sup>st</sup> 2010 the *Single-Use Shopping Bag bylaw* came into force.<sup>3</sup> This bylaw eliminates the use of single-use shopping bags in the municipality, as a means to reduce waste. The bylaw attempts to encourage the use of products that can be reused many times.

### Leaf Rapids, Manitoba (2006)

Leaf Rapids, Manitoba was the first municipality in North America to ban single-use plastic bags through a municipal bylaw.<sup>4</sup> In 2006, the Chief Administrative Officer, Bond Ryan, noticed that the community was

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<sup>1</sup> This Appendix was prepared by Claire Mcleod, Law Student.

<sup>2</sup> City of Victoria, by-law No 18-008, *Checkout Bag Regulation Bylaw*, online: <http://www.victoria.ca/EN/inain/residents/climate-change/single-use-plastic-bags.html>

<sup>3</sup> Regional Municipality of Wood Buffalo, by-law No 12/007, To Regulate the use and distribution of bags by retail establishments operating within the boundaries of the regional municipality of Wood Buffalo, online: <https://www.rmwb.ca/Assets/Departments/Legislative+and+Legal+Services/Bylaws/ShoppingBag>

<sup>4</sup> online:

[http://www.summitconnects.com/Summit\\_Magazine/LPP\\_Submissions/Leaf%20Rapids%20new%20municipal%20bylaw.PDF](http://www.summitconnects.com/Summit_Magazine/LPP_Submissions/Leaf%20Rapids%20new%20municipal%20bylaw.PDF)  
at 4.



spending almost \$5000 per year to clean up discarded single-use plastic shopping bags from the city.<sup>5</sup> Leaf Rapids municipal bylaw 462 was unanimously approved by the Council on March 22, 2007. The bylaw states, "Retailers will no longer be permitted to give away or sell plastic shopping bags that are intended for single use."<sup>6</sup>

### **Thompson, Manitoba**

The City of Thompson, Manitoba introduced a single-use plastic bag ban in 2010. The bylaw bans people from selling or providing single-use plastic bags free of charge, or allowing single-use plastic bags to be sold or provided free of charge.<sup>7</sup> However, the bylaw only bans plastic bags that are less than 2.25 mils thick. Therefore, the ban does not completely ban plastic bags as it allows thicker plastic bags. The city chairman suggested that thicker plastic bags can be used more than once.

### **QUEBEC LOCAL GOVERNMENT ACTIONS**

Quebec has more single-use plastic bans than any other province.

#### **Montreal, Quebec (2018)**

Montreal adopted a bylaw in 2016 which prohibits the distribution of single-use plastic shopping bags in retail stores.<sup>8</sup> The ban came into force January 1, 2018. The ban covers conventional plastic shopping bags (< 50µm), oxo-degradable, oxo-fragmentable, and biodegradable shopping bags regardless of their thickness.<sup>9</sup> The City recognizes that plastic bags are a visual nuisance, and can significantly harm the marine ecosystem. Authority for Montreal to enact such a bylaw is outlined in the introduction of the bylaw.

#### **Deux Montagnes, Quebec (2009)**

In 2009 Deux Montagnes introduced a regulation which bans stores from distributing single-use plastic bags.<sup>10</sup>

#### **Huntingdon, Quebec (2008)**

Passed a bylaw in 2008, that bars advertisers from distributing flyers in plastic bags.<sup>11</sup>

#### **Brossard, Quebec (2016)**

Brossard, Quebec adopted a law in 2016 prohibiting the distribution of plastic shopping bags by businesses across the city.<sup>12</sup>

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<sup>5</sup> online:

[http://www.summitconnects.com/Summit\\_Magazine/LPP\\_Submissions/Leaf%20Rapids%20new%20municipal%20bylaw.PDF](http://www.summitconnects.com/Summit_Magazine/LPP_Submissions/Leaf%20Rapids%20new%20municipal%20bylaw.PDF)

<sup>6</sup> Town of Leaf Rapids, by-law No 462, s 2.

<sup>7</sup> City of Thompson, by-law No 1839-2010, *Single-Use Plastic Bag Ban*

<sup>8</sup> City of Montreal, by-law no 16-051, *By-law Prohibiting the Distribution of Certain Shopping Bags in Retail Stores* (1 January 2018), online:< <http://ville.montreal.qc.ca/sel/sypre-consultation/afficherpdf?idDoc=27530&typeDoc=1> >.

<sup>9</sup> Online: [http://ville.montreal.qc.ca/portal/page?\\_pageid=7418,142803238&\\_dad=portal&\\_schema=PORTAL](http://ville.montreal.qc.ca/portal/page?_pageid=7418,142803238&_dad=portal&_schema=PORTAL)

<sup>10</sup> <http://www.ville.deux-montagnes.qc.ca/en/greening-the-way-we-live/>

<sup>11</sup> <http://www.cbc.ca/news/canada/montreal/anti-plastic-bag-movement-growing-as-residents-adapt-to-new-laws-1.773628>

<sup>12</sup> <http://www.ville.brossard.qc.ca/services-citoyens/Sacs-d-emplette/ouiiaimonsac.aspx?lang=en-ca>

## NATIONAL REGULATORY ACTIONS

COUNTRY	DATE OF BAN	POLICY FRAMEWORK
Denmark	1994	The Danish plastic bag tax was introduced in 1994. Legislation was passed that enforces plastic bag manufacturers to pay tax based on the weight of plastic bags. The tax covers bags that can carry at least 5 litres and can be reasonably replaced by an alternative bag (cloth, carrier etc.). <sup>13</sup>
Bangladesh	2002	Bangladesh was the first country in the world to introduce a ban on thinner plastics. Legislation passed to ban the manufacture and use of plastic bags. Although the ban is in place, it has not been strictly enforced. Momentum to introduce the ban was initiated when it was found that plastic bags were choking the drainage systems during floods. The ban applies to all “polythene shopping bags”, however bags manufactured for export are exempt from the ban. <sup>14</sup>
Ireland	2002	Ireland was one of the first countries to introduce a plastic bag levy. Legislation passed to create a levy for sale of plastic bags in retail stores. The levy was introduced at EUR 0.15 per bag, which later increased to 0.22 per bag in 2007. <sup>15</sup>

<sup>13</sup> [www.ecocouncil.dk/documents/temasider/1776-150812-tax-on-plastic-bags](http://www.ecocouncil.dk/documents/temasider/1776-150812-tax-on-plastic-bags)

<sup>14</sup> [http://news.bbc.co.uk/2/hi/south\\_asia/1737593.stm](http://news.bbc.co.uk/2/hi/south_asia/1737593.stm)

<sup>15</sup> <https://ieep.eu/uploads/articles/attachments/7f91cb97-8cb7-49c3-9cfo-d34062a9192e/IE%20Plastic%20Bag%20Levy%20conference%20draft.pdf?v=63673818840>

Australia	2003-2005	In 2002, the Environment Protection and Heritage Council (EPHC) agreed on a national approach to reduce lightweight plastic bag use. In 2003, they introduced a National Code of Practice for the management of light-weight plastic bags. The EPHC set reduction and recycling targets in the Code for major supermarkets. Retailers were warned that if they failed to meet commitments they would likely face mandatory measures. The code operated from 2003-2005. <sup>16</sup>
South Africa	2003	Legislation passed to place a ban on plastic bags < 30 µm thick, and imposed a levy on thicker bags. <sup>17</sup>
India	2002 and 2005	Legislation passed in 2002 to ban bags < 20 µm. In 2016, the state of Karnataka introduced a complete ban on plastic bags. <sup>18</sup>
Eritrea	2005	Legislation was passed to ban the use of plastic bags nationwide. <sup>19</sup>
Tanzania	2006	In 2005, an initial ban was made in Zanzibar for bags < 100 µm. Legislation was then passed, banning bags < 30 µm in the remainder of the country. <sup>20</sup>

<sup>16</sup> [http://www.cleanup.org.au/PDF/au/cua\\_plastic\\_bag\\_usage\\_around\\_world\\_august-2015.pdf](http://www.cleanup.org.au/PDF/au/cua_plastic_bag_usage_around_world_august-2015.pdf) at 6.

<sup>17</sup> UNEP, "Marine Litter Legislation: A Toolkit for Policymakers" (2016) at 24.

<sup>18</sup> Dirk Xanthos & Tony Walker, "International policies to reduce plastic marine pollution from single-use plastics (plastic bags and microbeads): A review" (2017) 118:1-2 Marine Pollution Bulletin at 20.

<sup>19</sup> Dirk Xanthos & Tony Walker, "International policies to reduce plastic marine pollution from single-use plastics (plastic bags and microbeads): A review" (2017) 118:1-2 Marine Pollution Bulletin at 20.

<sup>20</sup> Dirk Xanthos & Tony Walker, "International policies to reduce plastic marine pollution from single-use plastics (plastic bags and microbeads): A review" (2017) 118:1-2 Marine Pollution Bulletin at 20.

Uganda	2007 and 2013	In 2007, a ban to plastic bags <30 µm, and a levy was imposed on bags > 30 µm. In 2013 a ban on the manufacturing and use of most plastic bags was introduced. <sup>21</sup>
Rwanda	2008	Rwanda has by far the strictest anti-plastic bag legislation. The country has gone very far to eliminate plastic bags. Legislation was passed to introduce a complete ban the sale, manufacturing, and even importing of plastic bags (with some exceptions in specific industries like hospitals and pharmaceuticals). Anyone caught carrying illegal plastics are liable to be fined, jailed or forced to make public confessions. Anyone wanting to “manufacture, import, use or sell” polythene bags must ask the Rwanda Environment Management Authority for permission. <sup>22</sup>
China	2008	Legislation was passed to ban shops, supermarkets, and sales outlets from providing free plastic bags that are <25 µm thick. For bags > 25 µm, a levy was put in place. Plastic bag use in supermarkets in Guangzhou City in the south of China has dropped by 50 percent and 90 percent in Beijing. <sup>23</sup>

<sup>21</sup> Dirk Xanthos & Tony Walker, “International policies to reduce plastic marine pollution from single-use plastics (plastic bags and microbeads): A review” (2017) 118:1-2 Marine Pollution Bulletin at 20. <http://news.bbc.co.uk/2/hi/7268960.stm>

<sup>22</sup> UNEP, “Marine Litter Legislation: A Toolkit for Policymakers” (2016) at 24. [https://www.nytimes.com/2017/10/28/world/africa/rwanda-plastic-bags-banned.html?ref=collection%2Ftimestopic%2FPlastic%20Bags&action=click&contentCollection=timestopics&region=stream&module=stream\\_unit&version=latest&contentPlacement=1&pgtype=collection](https://www.nytimes.com/2017/10/28/world/africa/rwanda-plastic-bags-banned.html?ref=collection%2Ftimestopic%2FPlastic%20Bags&action=click&contentCollection=timestopics&region=stream&module=stream_unit&version=latest&contentPlacement=1&pgtype=collection)

<sup>23</sup> UNEP, “Marine Litter Legislation: A Toolkit for Policymakers” (2016) at 24.

U.S. (Washington D.C.)	2009 - 2010	Legislation was passed to help protect the Anacostia River, and money raised from the plastic bag levy is helping to clean up the river. <sup>24</sup>
Australia	2009, 2011, 2013	The states and territories of South Australia (2009), Tasmania (2013), Australia Capital Territory (2011), and Northern Territory (2011) all introduced bans on plastic bags. (The remaining states and territories are considering similar bans). However, without a national ban, many Australian towns have taken their own initiatives to ban plastic bags, including a number of remote Indigenous communities in the Northern Territory. <sup>25</sup>
Hong Kong	2009 and 2015	Legislation was passed to impose a levy on plastic bags. In 2009, the levy was imposed at major supermarkets and retail outlets. In 2015, the levy was widened to all retailers. <sup>26</sup>
Malaysia	2011	The state of Selangor charges a levy on plastic bags on Saturdays. The state of Penang charges a levy every day. <sup>27</sup>

<sup>24</sup> <https://ich.dc.gov/sites/default/files/dc/sites/ddoe/publication/attachments/BagLaw.pdf>

<sup>25</sup> [http://www.cleanup.org.au/PDF/au/cua\\_plastic\\_bag\\_usage\\_around\\_world\\_august-2015.pdf](http://www.cleanup.org.au/PDF/au/cua_plastic_bag_usage_around_world_august-2015.pdf)

<sup>26</sup> [http://www.epd.gov.hk/epd/english/environmentin/hk/waste/pro\\_responsibility/env\\_levy.html](http://www.epd.gov.hk/epd/english/environmentin/hk/waste/pro_responsibility/env_levy.html)

<sup>27</sup> Dirik Xanthos & Tony Walker, "International policies to reduce plastic marine pollution from single-use plastics (plastic bags and microbeads): A review" (2017) 118:1-2 Marine Pollution Bulletin at 20. <http://www.sciencedirect.com/science/article/pii/S1877042814056961?via%3Dihub>

Wales	2011	Legislation was passed to place a levy on plastic bags. <sup>28</sup>
Argentina (Buenos Aires)	2012, 2017	Buenos Aires Province implemented a plastic bag ban in supermarkets in 2012 and full ban of plastic bags in supermarkets and hypermarkets, commencing 1 January 2017. <sup>29</sup>
Mauritania	2013	A ban on manufacturing, using, and importing plastic bags. Anyone using, manufacturing or importing plastic bags could be fined or sentenced to a year in prison. More than 70% of cattle and sheep that die in the capital, are killed by eating plastic bags. <sup>30</sup>
Scotland	2014	Legislation passed to place a levy of five pence per bag. <sup>31</sup>
California	2014	In California became the first American state to introduce a statewide ban on single-use plastics. As of July 1, 2015 some large stores in California are prohibited from providing single-use plastics bags to customers, unless a retailer charges \$0.10 and other conditions are met. <sup>32</sup>

<sup>28</sup> Dirk Xanthos & Tony Walker, "International policies to reduce plastic marine pollution from single-use plastics (plastic bags and microbeads): A review" (2017) 118:1-2 Marine Pollution Bulletin at 20.

<sup>29</sup> Dirk Xanthos & Tony Walker, "International policies to reduce plastic marine pollution from single-use plastics (plastic bags and microbeads): A review" (2017) 118:1-2 Marine Pollution Bulletin at 20.

<sup>30</sup> Dirk Xanthos & Tony Walker, "International policies to reduce plastic marine pollution from single-use plastics (plastic bags and microbeads): A review" (2017) 118:1-2 Marine Pollution Bulletin at 20.

<sup>31</sup> <http://www.zerowastescotland.org.uk/litter-flytipping/carrier-bags>

<sup>32</sup> <http://www.ncsl.org/research/environment-and-natural-resources/plastic-bag-legislation.aspx>,  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140SB270](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB270)

England	2015	Legislation was passed by parliament to place a levy of 5 pence per plastic bag. The levy applies at large retail businesses (over 250 or more employees). Smaller business can also charge the levy on a voluntary basis.
U.S. (Hawaii)	2015	Legislation passed to ban non-biodegradable plastic bags. A levy is to be charged for reusable and compostable bags. <sup>33</sup>
EU	2015	In April 2015, the European Parliament agreed on the plastic bag directive. Legislation passed that is binding for EU state members. Each nation within in the EU is required to take measures to introduce a charge on plastic bags by the end of 2018 or to reduce annual average consumption of plastic bags to 90 lightweight bags per citizen by the end of 2019, and 40 per capita by the end of 2025. Alternatively, a nation needs to ensure that by the end of 2018, no more light plastic bags are handed over free of charge to shoppers. (The EU considers plastic bags to be lightweight if < 50 µm). <sup>34</sup>
Netherlands	2016	A ban on the distribution of free bags. A levy is required. <sup>35</sup>
Puerto Rico	2016	A ban on the use of plastic bags introduced in December 2016. <sup>36</sup>

<sup>33</sup> [http://www.opala.org/solid\\_waste/archive/plastic\\_bag\\_ban.html](http://www.opala.org/solid_waste/archive/plastic_bag_ban.html)

<sup>34</sup> [www.ecocouncil.dk/documents/temasider/1776-150812-tax-on-plastic-bags](http://www.ecocouncil.dk/documents/temasider/1776-150812-tax-on-plastic-bags)

<sup>35</sup> <https://www.plasticsoupfoundation.org/en/2016/01/ban-on-free-plastic-bags/>

<sup>36</sup> <http://www.swalter.com/skin/frontend/rd/default/assets/baglaws/puertorico.pdf>

Morocco	2016	A ban on the production, import, sale and distribution of plastic bags commenced on 1 July 2016. <sup>37</sup>
Papua New Guinea	2016	A nationwide ban of plastic bags commenced on 1 January 2016. The government has promoted the use of traditional and locally manufactured bilum bags to replace plastic bags. <sup>38</sup>
Kenya	2017	Kenya tried to put in place a ban on plastic bags in 2007 and 2011, but the limits were not put into place. In March 2017, the government introduced new ban on the use, manufacture and import of all plastic bags. When speaking about the Kenya's effort to discourage plastic bag use, Erik Solheim (Head of UN Environment) said, "Kenya should be commended for its environmental leadership. It's a great example that I hope will inspire others, and help to drive further commitments to the Clean Seas campaign." <sup>39</sup>

<sup>37</sup> <https://www.ecowatch.com/morocco-bans-plastic-bags-1946455924.html>

<sup>38</sup> <https://www.thenational.com.pg/plastic-bags-banned/>

<sup>39</sup> <http://www.unric.org/en/latest-un-buzz/30578-africa-leads-the-way-on-plastic>, <http://web.unep.org/newscentre/kenya-announces-breakthrough-ban-plastic-bags>



**BYLAW NO. 12/007**

**BEING A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO, IN THE PROVINCE OF ALBERTA, TO REGULATE THE USE AND DISTRIBUTION OF BAGS BY RETAIL ESTABLISHMENTS OPERATING WITHIN THE BOUNDARIES OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO**

**WHEREAS** pursuant to Section 7 of the *Municipal Government Act*, a Council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business and the enforcement of bylaws;

**AND WHEREAS** single-use bags have been determined to have detrimental effects on the environment;

**AND WHEREAS** the Council of the Regional Municipality of Wood Buffalo wishes to reduce the negative effects plastic and paper bags have on the environment;

**NOW THEREFORE**, the Council of the Regional Municipality of Wood Buffalo, in the Province of Alberta, hereby enacts as follows:

**Short Title**

1. This bylaw may be cited as the "Single-Use Shopping Bag Bylaw".

**Definitions**

2. For the purpose of this bylaw, capitalized terms shall have the same meaning as defined in Land Use Bylaw No. 99/059, unless otherwise defined here:
  - (a) "Chief Administrative Officer" or its successor, means the Chief Administrative Officer of the Regional Municipality of Wood Buffalo, or his delegate;
  - (b) "Municipality" means the Regional Municipality of Wood Buffalo;
  - (c) "Peace Officer" means a community peace officer, environmental enforcement investigator or bylaw enforcement officer employed by the Municipality and authorized to enforce this bylaw, or a police officer;
  - (d) "Person" includes an individual, a corporation and other legal entities;
  - (e) "Retail Establishment" means any location where goods are offered for sale;
  - (f) "Reusable Container" means any bag, box or other container specifically designed and manufactured to hold at least 20 pounds of weight without failure or sign of eminent failure, is resistant to cuts and tears, and is made of:
    - cloth or other machine washable fabric; and/or

- durable plastic that is at least 2.25 mils (.571 millimeters) thick; and/or
- any other durable material suitable for multiple uses; and
- only includes a cardboard box made of pressed paper pulp or pasted sheets of paper used for cartons where such cardboard box has been used previously.

(g) "Single-Use Bag" means a bag that is made of:

- less than 2.25 mils (.571 millimeter) thick polyethylene; and/or
- pulp or paper,

and, for clarity, shall include, but is not limited to:

- a door hanger bag designed to hold flyers, coupons or other advertisements and intended to be left on the doors of homes;
- a decorative paper or plastic gift bag where such bag is being used to transport goods;
- a biodegradable bag composed of, in whole or part, biodegradable plastic, oxo-biodegradable plastic, plastarch, polylactide, or any other plastic resin composite that is intended to degrade at a faster rate than non-biodegradable plastic film.

### **Application**

3. This bylaw applies to the provision, distribution, sale and use of Bags by Retail Establishments within the Municipality.

### **Exemption**

4. This bylaw does not apply to any of the following:

(a) Single-use bags containing food from a Retail Establishment that is a:

- Food Service, Drive-in or Drive-through;
- Food Service, Major Restaurant;
- Food Service, Minor Restaurant;
- Food Service, Mobile Catering; or a
- Food Service, Take out Restaurant.

(b) Single-use bags distributed by a non-profit in its normal course of business, which includes but is not limited to, a food bank, a homeless shelter or an animal shelter; and

(c) Single-use bags containing:

- loose, bulk goods such as fruit, vegetables, nuts, grains, candy, or small hardware items such as nails, screws, nuts and bolts, which goods are not prepackaged;

- fresh meats or fish, which goods may be prepackaged;
  - fresh cut flowers, or potted plants;
  - freshly prepared foods or bakery goods;
  - clothing immediately following the professional laundering or dry-cleaning of same;
  - medical prescriptions and over the counter medications;
  - paraphernalia related to the use of illegal drugs;
  - undergarments or similar products of a personal or adult nature;
  - any product or good where the purchaser must be an adult, except those related to a lottery or the sale of tobacco; and
  - dirty, greasy, or hazardous products or materials;
- (d) the sale of multiple, prepackaged single-use bags.

### **Prohibited Activities**

5. A Retail Establishment shall not:
- (a) provide, distribute, sell or use single-use bags; or
  - (b) restrict or deny the use of any Reusable Container by a Person.

### **Inspection on Demand**

6. A Peace Officer may enter any Retail Establishment and may make such examinations, investigations and inquiries as required to determine compliance with this bylaw.

### **Offence**

7. A Retail Establishment that contravenes this bylaw is guilty of an offence.

### **Fines and Penalties**

8. A Retail Establishment that is guilty of an offence is liable, upon summary conviction, to a fine in an amount of not less than that established in this bylaw and not exceeding \$10,000.
9. Without restricting the generality of Section 10, the fine amounts established for use on Violation Tickets if a voluntary payment option is offered are prescribed by Schedule "A" of this bylaw.

### **Continuing Offence**

10. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Retail Establishment guilty of such an offence is liable, upon summary conviction, to a fine in an amount not less than that established by this bylaw for each such day.

**Violation Ticket**

11. A Peace Officer may issue a Violation Ticket in accordance with the *Provincial Offences Procedure Act*, to any Retail Establishment that the Peace Officer has reasonable and probable grounds to believe has contravened this bylaw.
12. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
  - (a) specify the fine amount established by this bylaw for the offence in Schedule "A";  
or
  - (b) require a Retail Establishment to appear in court without the alternative of making a voluntary payment.

**Voluntary Payment**

13. A Retail Establishment who commits an offence may make a voluntary payment equal to the specified fine if:
  - (a) a Violation Ticket is issued in respect of the offence; and
  - (b) a Violation Ticket specifies the fine amount established by this bylaw for the offence.

**Provincial Court Clerk**

14. When a clerk records in the court records the receipt of a voluntary payment pursuant to this bylaw and the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

**Severability**

15. If any provision of this bylaw is declared invalid for any reason by a court of competent jurisdiction that provision shall be severed, and all other provisions of this bylaw shall remain valid and enforceable.

**Transitional**

16. Any Retail Establishment may request an exemption from the application of this bylaw for a period of up to twelve (12) months from the effective date of this bylaw.
17. Any request under Section 16 must be made in writing with reasons and must be submitted to the Chief Administrative Officer within thirty (30) days of the effective date of this bylaw.
18. The Chief Administrative Officer may grant an exemption, where in the sole discretion of the Chief Administrative Officer, the applicant has demonstrated that direct, and undue

hardship will result from the implementation of this bylaw. An exemption granted shall expire one year from the effective date of this bylaw and is not transferable

19. The Chief Administrative Officer shall issue a decision in writing to the applicant within thirty (30) days of receipt of a request under Section 16.

**Repeal**

20. Bylaw No. 09/033 is repealed.

**Effective Date**

21. This bylaw shall come into force six months after the date of passing.

READ a first time this 27<sup>th</sup> day of March, 2012.

READ a second time this 10<sup>th</sup> day of April, 2012.

READ a third and final time this 10<sup>th</sup> day of April, 2012.

SIGNED and PASSED 10<sup>th</sup> day of April, 2012.

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Mayor

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Chief Legislative Officer

Schedule "A"

<b>Penalties</b>	
<b>Offence Under any Section of this Bylaw, per Retail Establishment</b>	<b>Fine</b>
First Offence	\$250.00
Second Offence	\$500.00
Third Offence	\$1,000.00