

TOWN OF SIDNEY

BYLAW NO. 2231

A BYLAW TO REGULATE THE DISTRIBUTION OF SINGLE USE PLASTICS AND FOAM CONTAINERS

WHEREAS the *Community Charter* authorizes a council to regulate single-use plastic items, and to regulate business;

AND WHEREAS Sidney Town Council wishes to establish a Bylaw to reduce the creation of waste from single-use items and the associated municipal costs to better steward municipal property, including sewers, streets, parks, beaches, and waterways;

AND WHEREAS Sidney Town Council wishes to promote responsible and sustainable environmental practices that are consistent with community values;

NOW THEREFORE, the Council of the Town of Sidney enacts as follows:

1. Citation

1.1. This Bylaw may be cited as “**Single Use Plastics Bylaw No. 2231**”.

2. Definitions

2.1. In this Bylaw:

“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.

“Town” means the Town of Sidney.

“Foam Container” means any container for food service or food transporting including cups, plates, and bowls made from or containing expanded polystyrene foam.

“Paper Checkout Bag” means a bag that is:

- a) 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;
- b) Made out of paper;
- c) Contains at least 40% post-consumer recycled paper content; and
- d) 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;

but does not include a small paper bag.

“Plastic Checkout Bag” means any bag that is produced from Plastic that is 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.

“Plastic Drinking Straw” means a tube made primarily of Plastic and used to transfer a beverage from a container to the mouth of the individual drinking a beverage by suction.

“Plastic Stir Stick” means a stick made primarily of Plastic, primarily used to stir beverages.

“Plastic Utensil” means a fork, knife, spoon or other utensil made primarily of Plastic.

“Plastic” means any plastic material, including plastic labelled biodegradable or compostable.

“Prepared Food” means any food or beverage prepared for consumption by a business at that licensed premise or location, using any cooking or food preparation technique.

“Reusable Checkout Bag” means a bag that is:

- a) 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;
- b) Equipped with handles;
- c) Designed and manufactured to be capable of at least 100 uses; and
- d) Made primarily of cloth or other washable fabric.

3. Regulation

- 3.1. Unless exempted under section 4.1, a Business Operator must not sell or otherwise provide a Plastic Checkout Bag to a customer.
- 3.2. A business may provide a Paper Checkout Bag or a Reusable Checkout Bag to a customer only if:
 - a) The customer is first asked whether they need a bag;
 - b) The bag provided is a Paper Checkout Bag or Reusable Checkout Bag; and
 - c) The customer is charged a fee not less than:
 - i. \$0.25 per Paper Checkout Bag; and
 - ii. \$2 per Reusable Checkout Bag
- 3.3. Unless exempted under 4.1, a Business Operator must not sell or otherwise provide Prepared Food to a customer in a Foam Container.
- 3.4. Unless exempted under 4.1, a Business Operator must not sell or otherwise provide a customer with a Plastic Drinking Straw or Plastic Stir Stick.
- 3.5. A Business Operator must not prohibit or discourage a customer from using their own Reusable or Plastic Checkout Bags or Plastic Drinking Straws.
- 3.6. Unless exempted under 4.1, a Business Operator must not sell or otherwise provide to a customer single use Plastic Utensils.

4. Exemptions

- 4.1. This bylaw shall not apply to:
 - a) A hospital or any facility licensed as a community care facility under the *Community Care and Assisted Living Act*;
 - b) Foam Containers that have been filled and sealed outside of the Town prior to delivery at the premises or location where the holder of a Business Licence operates;

- c) Providing a Plastic Drinking Straw to a person with a disability or other accessibility need who requests a Plastic Drinking Straw;
- d) The sale of Plastic Checkout Bags, Plastic Drinking Straws, or other single-use related items intended for use at the customer's home or business, provided that they are sold in packages of multiple units; and
- e) Plastic Checkout Bags used to:
 - i. Package loose bulk items that are not prepackaged, such as fruit, vegetables, nuts, grains, and candy;
 - ii. Contain small hardware items that are not prepackaged, such as nails, screws, nuts, and bolts;
 - iii. Contain or wrap meat, poultry, fish, or frozen foods which may be prepackaged;
 - iv. Wrap flowers or potted plants;
 - v. Protect Prepared Foods or baked goods that are not prepackaged;
 - vi. Contain prescription drugs and over the counter medications;
 - vii. Protect clothes after professional laundering or dry cleaning;
 - viii. Plastic checkout bags for transport of live fish;
 - ix. Linens, bedding, or similar large items that would not easily fit in a reusable bag;
 - x. Newspapers or other printed material intended to be left at residences or businesses.

- 4.2. Notwithstanding section 3.2(c), 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.

5. Offence and Penalty

- 5.1. 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.
- 5.2. A person found guilty of contravening this Bylaw is subject to prosecution under the Offence Act with a fine of not less than \$100.00 and not more than \$10,000.00 for every instance that an offence occurs or each day that it continues.
- 5.3. This Bylaw may be enforced by the issuing of a ticket for contravention in accordance with the Municipal Ticket Information Bylaw or the Bylaw Notice Enforcement Bylaw, as may be amended or replaced from time to time.

6. Severability

6.1. 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. Effective Date

7.1. This Bylaw is to come into force and take effect on January 1, 2023.

Read a first time the	9 th	day of	May, 2022.
Read a second time the	9 th	day of	May, 2022.
Read a third time the	9 th	day of	May, 2022.
Adopted the	24 th	day of	May, 2022.

MAYOR

CORPORATE OFFICER