



SINGLE-USE PLASTIC AND OTHER ITEMS BYLAW NO. 10000

WHEREAS Part 2, Division 1, Section 8(3)(j) of the *Community Charter* confers upon the City authority to, by bylaw, regulate, prohibit and impose requirements in relation to the protection of the natural environment;

AND WHEREAS Council deems it desirable to regulate, prohibit and impose requirements in relation the use of single-use plastic and other items;

NOW THEREFORE, the Council enacts as follows:

PART ONE: FOAM CONTAINERS

- 1.1 No Business shall sell or otherwise provide Prepared Food in any Food Service Ware that contains Polystyrene Foam.
- 1.2 Section 1.1 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) subject to Section 6.3 of this Bylaw, organizations incorporated and in good standing under the *Society Act*, or registered as a charitable society or organization under the federal *Income Tax Act*; or
 - c) prepared food containers that have been filled and sealed outside the City prior to arrival at the premises or location where the holder of a Licence operates.

PART TWO: PLASTIC STRAWS

- 2.1 No Business shall sell or otherwise provide any Plastic Straws.
- 2.2 Section 2.1 shall not apply in instances where a Business sells or otherwise provides a Plastic Straw to persons with a disability and/or other accessibility needs who request a Plastic Straw.
- 2.3 Part Two does not limit or restrict the sale of straws, including Plastic Straws, intended for use at the customer's home or business, provided that they are sold in packages of multiple straws.

PART THREE: PLASTIC CHECKOUT BAGS

- 3.1 Except as provided in this Bylaw, no Business shall sell or otherwise provide a Plastic Checkout Bag to a customer.
- 3.2 A Business may sell or otherwise provide a Plastic Checkout Bag to a customer only if:
- a) the Plastic Checkout Bag has been returned to the Business for the purpose of being reused by other customers;
 - b) the Plastic Checkout Bag is used for any of the following:
 - i. package loose bulk items such as fruit, vegetables, nuts, grains or candy;
 - ii. package loose small hardware items such as nails or bolts;
 - iii. contain or wrap frozen foods, meat, poultry or fish, whether pre-packaged or not;
 - iv. wrap flowers or potted plants;
 - v. protect prepared foods or bakery goods that are not pre-packaged;
 - vi. contain prescription drugs received from a pharmacy;
 - vii. transport live fish;
 - viii. protect linens, bedding or other similar large items;
 - ix. protect newspapers or other printed material intended to be left at the customer's residence or place of business; or
 - x. protect clothes after professional laundering or dry cleaning.
- 3.3 Part Three 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.

PART FOUR: OFFENCES AND PENALTIES

- 4.1 Any person who:
- a) violates or contravenes any provision of this Bylaw, or who causes or allows any provision of this Bylaw to be violated or contravened;
 - b) fails to comply with any of the provisions of this Bylaw;

- c) neglects or refrains from doing anything required under the provisions of this Bylaw;
or
- d) obstructs, or seeks or attempts to prevent or obstruct a person who is involved in the execution of duties under this Bylaw,

commits an offence and upon conviction shall be liable to a fine of not less than One Thousand Dollars (\$1,000.00) and not more than Ten Thousand Dollars (\$10,000.00), in addition to the costs of the prosecution, and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

- 4.2 A violation of any of the provisions identified in this Bylaw shall result in liability for penalties and late payment amounts established in Schedule A of the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122*, as amended or replaced from time to time.
- 4.3 A violation of any of the provisions identified in this Bylaw shall be subject to the procedures, restrictions, limits, obligations and rights established in the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122* in accordance with the *Local Government Bylaw Notice Enforcement Act, SBC 2003, c. 60*, as they may be amended or replaced from time to time.
- 4.4 Any person who gives false information required under this Bylaw is deemed to have committed an infraction of, or an offence against, this Bylaw, and is liable on summary conviction to a penalty of not more than \$2,000 in addition to the costs of the prosecution, and each day that such violation is caused or allowed to continue constitutes a separate offence.

PART FIVE: INTERPRETATION

- 5.1 In this Bylaw, unless the context requires otherwise:

BUSINESS means any person, organization, or group engaged in a trade, business, profession, occupation, calling, employment or purpose that is regulated under the City's Business Licence Bylaw No. 7360 and includes a person employed by, or operating on behalf of, a Business.

CITY means the City of Richmond.

FOOD SERVICE WARE means products used for serving or transporting prepared food or beverages including, but not limited to, plates, cups, bowls, trays, cartons and hinged or lidded containers.

LICENCE means a business licence issued by the City pursuant to the City's Business Licence Bylaw No. 7360.

- PLASTIC CHECKOUT BAG** means any bag made with plastic, including biodegradable plastic or compostable plastic 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; or
 - (b) intended to be used to package take-out or delivery food.
- PLASTIC STRAW** means any drinking straw made with plastic, including biodegradable plastic or compostable plastic.
- 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, and extrusion-blown molding (extruded foam polystyrene).
- PREPARED FOOD** means any food or beverage prepared for consumption by a Business at that person's licensed premises or location, using any cooking or food preparation technique. Prepared food does not include any raw uncooked food, including meat, poultry, fish, seafood, eggs or vegetables unless provided for consumption without further food preparation.

PART SIX: GENERAL

- 6.1 If any section, section, paragraph, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Bylaw.
- 6.2 This Bylaw will come into force and effect six months after adoption, except Part 4 which will come into force and effect 12 months after adoption.
- 6.3 Section 1.2(b) will cease to be of force and effect 18 months after adoption of the Bylaw.

6.4 This Bylaw is cited as "Single-Use Plastic and Other Items Bylaw 10000".

FIRST READING

JUL 22 2019

SECOND READING

JUL 22 2019


THIRD READING

JUL 22 2019

MINISTRY OF ENVIRONMENT AND CLIMATE
CHANGE STRATEGY APPROVAL

MAR 11 2020

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.

APPROVED for legality by Solicitor
LB

MAYOR

CORPORATE OFFICER