

**TOWN OF QUALICUM BEACH
BYLAW NO. 723**

A BYLAW TO REGULATE THE SALE OF SINGLE-USE PLASTIC ITEMS

WHEREAS, the Council of the Town of Qualicum Beach desires and deems it appropriate to regulate the provision of single-use plastic items to minimize the volume of plastic waste entering our landfill, waste collection systems, and littering our community;

NOW THEREFORE, the Council of the Town of Qualicum Beach, in open meeting assembled, enacts as follows:

CITATION

1. This bylaw may be cited as "Town of Qualicum Beach Single-Use Item Regulation Bylaw No. 723, 2018".

DEFINITIONS

2. In this bylaw, unless the context otherwise requires,

"Food Service Business" means a business that sells or provides food for consumption on or off of the business premises, including restaurants, fast food restaurants, cafes, delicatessens, coffee shops, vending trucks or carts, or cafeterias.

"Retail Business" means a business whose main activity is the sale or provision of any types of goods directly to customers.

"Compostable Bag" means any bag that:

- a. degrades by biological processes;
- b. leaves no visible, distinguishable or toxic residue; and
- c. displays one or more compostable mark(s) of conformity, as listed in Appendix A, attached to and forming part of this bylaw.

"Plastic Bag" means any bag made with any amount of plastic, including biodegradable plastic, but does not include a Reusable Bag.

"Paper Bag" means a bag made primarily of pulp or paper, but does not include a Plastic Bag.

"Reusable Bag" means a bag with handles that is designed and manufactured to have a minimum lifetime of 100 uses and is at least 2.25 mils (0.571 millimetres) thick, if made of plastic.

"Straw" means a tube used to transfer a beverage from a container to the mouth of the individual drinking the beverage by suction.

"Plastic Straw" means a straw made primarily of plastic, including biodegradable plastic, but is not a Reusable Straw or a Compostable Straw.

“**Reusable Straw**” means a straw made of durable materials, including metal, glass, silicone or bamboo, but is not made primarily of plastic other than silicone plastic.

“**Compostable Straw**” means a straw that:

- a. degrades by biological processes;
- b. leaves no visible, distinguishable or toxic residue; and
- c. Displays one or more compostable mark(s) of conformity, as listed in Appendix A, attached to and forming part of this bylaw.

REGULATIONS

3. Except as provided in this bylaw, no Retail Business or Food Service Business shall provide or sell a Plastic Bag to a customer.
4. Except as provided in this bylaw, no Food Service Business shall provide or sell a Plastic Straw to a customer.

EXEMPTIONS

5. This bylaw does not apply to Plastic Bags used to:
 - a. package loose bulk items that are not prepackaged, such as fruit, vegetables, nuts, grains, and candy;
 - b. small hardware items that are not prepackaged, such as nails, screws, nuts, and bolts;
 - c. contain or wrap frozen foods, meat, poultry or fish, which may be prepackaged;
 - d. wrap flowers or potted plants;
 - e. protect prepared foods or bakery goods that are not prepackaged;
 - f. contain prescription drugs and over the counter medications; or
 - g. protect clothes after professional laundering or dry cleaning.
6. This bylaw does not apply to the sale of Plastic Bags intended for use at the customer’s home or business, provided that they are prepackaged and sold in packages of multiple bags.
7. This bylaw does not apply to the sale of Plastic Straws intended for use in the customer’s home, provided they are sold in packages of multiple straws.

OFFENCE

8. A person commits an offence and is subject to the penalties imposed by this bylaw, and the *Offence Act* if that person:
 - a. contravenes a provision of this bylaw;
 - b. 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.

PENALTIES

9. A person found guilty of an offence under this bylaw is subject to a fine of not less than \$50 and not more than \$5,000.

SEVERABILITY

10. If any section, paragraph or phrase in this bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, that portion shall be severed and the remainder of this bylaw shall continue in full force and effect.

EFFECTIVE DATE

11. This bylaw comes into force on January 1, 2019.

READ A FIRST TIME the 19th day of March, 2018.

READ A SECOND TIME this 16th day of July, 2018.

NOTICE GIVEN UNDER SECTION 59(2)(A) AND (3) OF THE *COMMUNITY CHARTER*
this __ day of __, 2018.

READ A THIRD TIME this __ day of __, 2018.

ADOPTED this __ day of __, 2018.

Brian Wiese, Mayor

Heather Svensen, Corporate Administrator

APPENDIX A - Compostable Marks of Conformity

Biodegradable Products Institute (BPI) Compostable Mark of Conformity:



Bureau de Normalization du Quebec CAN/BNQ 0017-988 and CAN/BNQ 9011-911/2007
Compostable Mark of Conformity:

