

## City of Chilliwack

### Bylaw No. 5062

#### A bylaw to regulate single-use items in Chilliwack

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The Council of the City of Chilliwack in open meeting assembled, enacts as follows:

#### CITATION

1. This Bylaw shall be known and may be cited for all purposes as the “**Single-Use Item Reduction Bylaw 2021, No. 5062**”.
2. The purpose of this Bylaw is to regulate single-use items in Chilliwack.

#### DEFINITIONS

3. 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 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, as amended, and includes a person employed by, or operating on behalf of, a Business;

“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);

“City” means the City of Chilliwack;

“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;

“Introductory Period” means the period of time from April 1, 2022 until December 31, 2022;

“Paper Shopping Bag” means a Shopping Bag made out of paper and containing 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, but does not include a Small Paper Bag;

“Plastic Shopping Bag” means a Shopping Bag made with plastic, including biodegradable plastic or compostable plastic, but does not include a Reusable Shopping Bag;

“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);

“Reusable Shopping Bag” means a Shopping Bag designed and manufactured to be used and machine-washed at least 100 times;

“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:

- (1) contain loose bulk items such as fruit, vegetables, nuts, grains, or candy;
- (2) contain loose small hardware items such as nails and bolts;
- (3) protect bakery goods that are not pre-packaged prior to the point of sale;
- (4) contain or wrap frozen foods, meat, poultry, or fish, whether pre-packaged prior to the point of sale or not;
- (5) wrap flowers or potted plants;
- (6) transport live fish;
- (7) protect newspapers or other printed material intended to be left at the customer’s residence or place of business;
- (8) protect clothes after professional laundering or dry cleaning;
- (9) transport prescription drugs received from a pharmacy; or,
- (10) transport linens, bedding, or other similar large items that cannot easily fit in a Paper Shopping Bag or Reusable Shopping Bag;

“Single-Use Beverage Straw” means a tube made from any materials used to transfer a beverage from a container to the mouth of the person drinking the beverage and ordinarily or customarily used for its intended purpose only once before being disposed as Solid Waste, but does not include Single-Use Plastic Beverage Straws;

“Single-Use Plastic Beverage Straw” means a tube made wholly or partially from plastic, including biodegradable plastic or compostable plastic, used to transfer a beverage from a container to the mouth of the person drinking the beverage and ordinarily or customarily used for its intended purpose only once before being disposed as Solid Waste;

“Single-Use Plastic Utensil” includes a spoon, fork, knife or chopstick made with plastic, including biodegradable plastic or compostable plastic and ordinarily or customarily used for its intended purpose only once before being disposed as Solid Waste;

“Single-Use Utensil” includes a spoon, fork, knife or chopstick made from any materials and ordinarily or customarily used for its intended purpose only once before being disposed as Solid Waste, but does not include Single-Use Plastic Utensils;

“Small Paper Bag” means any bag made out of paper that is less than 15 centimetres by 20 centimetres when flat;

“Solid Waste” means garbage, recyclables or compostable waste, as defined in the City’s Solid Waste Management Bylaw, as amended.

#### **SHOPPING BAGS**

4. No Business may sell or otherwise provide a Plastic Shopping Bag to a customer.
5. No Business may provide a Shopping Bag to a customer, except as provided by Section 6.
6. A Business may provide a Shopping Bag to a customer only if:
  - (1) the Business first asks a customer if they need a Shopping Bag and the customer responds that they do;
  - (2) the Shopping Bag is a Paper Shopping Bag or a Reusable Shopping Bag;
  - (3) the customer is charged a fee not less than 15 cents for every Paper Shopping Bag; during the Introductory Period,
  - (4) the customer is charged a fee not less than \$1 for every Reusable Shopping Bag during the Introductory Period; and,
  - (5) information about how much the Business charges for a Shopping Bag is displayed on media such as menus, internet-based ordering platforms and/or menu boards, and verbally provided to customers placing orders via telephone call.
7. Every Business must include the amount charged for any Shopping Bags provided to a customer as a separate line item on any receipt provided to the customer.

8. Sections 6(3), 6(4), 6(5) and 7 shall not apply to Shopping Bags:
  - (1) used in the course of providing Charitable Food Services; or,
  - (2) that have already been used by a customer and returned to a Business for the purpose of being re-used by other customers.
9. 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.
10. Sections 4 through 7 of this Bylaw do 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.

#### **FOAM CUPS AND CONTAINERS**

11. No Business may sell or otherwise provide prepared food or beverages in any Food Service Ware that contains Polystyrene Foam.
12. Section 11 shall not apply to:
  - (1) a hospital, or any facility licensed as a community care facility under the *Community Care and Assisted Living Act*; or,
  - (2) 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.
13. Section 11 of this Bylaw does not limit or restrict the sale of Food Service Ware containing Polystyrene Foam intended for use at the customer's home or business, provided that they are sold in packages of multiple containers.

#### **STRAWS**

14. No Business may sell or otherwise provide Single-Use Plastic Beverage Straws, except as provided by Section 15.
15. Section 14 shall not apply in instances where a Business sells or otherwise provides an Accessible Beverage Straw to persons with a disability and/or other accessibility needs who request a plastic straw. Customers shall not be required to provide any medical information in order to receive an Accessible Beverage Straw.
16. No Business may sell or otherwise provide a Single-Use Beverage Straw to a customer unless:
  - (1) the Business first asks a customer if they want a Single-Use Beverage Straw and the customer responds that they do, including responses given by telephone or using internet-based ordering platforms; or,

- (2) a customer requests a Single-Use Beverage Straw, including requests made by telephone or using internet-based ordering platforms.

**17.** Sections 14 and 16 shall not apply to:

- (1) a hospital or any facility licensed as a community care facility under the *Community Care and Assisted Living Act*; or,
- (2) Single-Use Plastic Beverage Straws packaged together with drinks packaged and sealed in a carton or flexible plastic pouch at a different location than the licensed premises where the drinks will be distributed for consumption.

**18.** Sections 14 and 16 of this Bylaw do not limit or restrict the sale of straws, including Single-Use Plastic Beverage Straws or Single-Use Beverage Straws, intended for use at the customer's home or business, provided that they are sold in packages of multiple straws.

**UTENSILS**

**19.** No Business may sell or otherwise provide Single-Use Plastic Utensils.

**20.** No Business may sell or otherwise provide a Single-Use Utensil to a customer unless:

- (1) the Business first asks a customer if they want a Single-Use Utensil and the customer responds that they do, including responses given by telephone or using internet-based ordering platforms; or,
- (2) a customer requests a Single-Use Utensil, including requests made by telephone or using internet-based ordering platforms.

**21.** Sections 19 and 20 shall not apply to:

- (1) a hospital or any facility licensed as a community care facility under the *Community Care and Assisted Living Act*.
- (2) Single-Use Utensils and Single-Use Plastic Utensils used in the course of providing Charitable Food Services.

**22.** Sections 19 and 20 of this Bylaw do not limit or restrict the sale of utensils, including Single-Use Plastic Utensils or Single-Use Utensils, intended for use at the customer's home or business, provided that they are sold in packages of multiple utensils.

**OFFENCES AND PENALTY**

**23.** Every person who commits an offence contrary to the provisions of this Bylaw is liable on summary conviction to a penalty of not more than \$2,000.00 in addition to the costs of the prosecution.

**24.** A separate offence shall be deemed to occur on each day that the offence occurs or continues.

25. Every person who violates any provision of this Bylaw, or who allows or permits any act or thing to be done in violation of any provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this Bylaw is guilty of an offence against this Bylaw.

**SEVERABILITY**

26. If any portion of this Bylaw is held invalid by a court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been adopted without the severed portion.

**FORCE AND EFFECT**

27. This bylaw is to come into force and take effect on April 1, 2022.

Received first and second reading on the 16<sup>th</sup> day of March, 2021.

Received third reading on the 16<sup>th</sup> day of March, 2021.

Rescind third reading on the 7<sup>th</sup> day of September, 2021.

Received third reading, as amended, on the 7<sup>th</sup> day of September, 2021.

Received adoption on the 21<sup>st</sup> day of September, 2021.

“Ken Popove”

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Mayor

“Jacqueline Morgan”

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Corporate Officer