

BYLAW 1913-18

A BYLAW IN THE CITY OF WETASKIWIN, IN THE PROVINCE OF ALBERTA, BEING A BYLAW PROHIBITING THE DISTRIBUTION OF PLASTIC CHECKOUT BAGS FOR THE PURPOSE OF REDUCING THE PRESENCE OF PLASTIC BAGS IN THE COMMUNITY.

WHEREAS the City of Wetaskiwin recognizes the detrimental effects of plastic bags on the environment and on the aesthetics of the community;

WHEREAS the City of Wetaskiwin wishes to reduce the presence of plastic bags entering the waste stream and the environment;

WHEREAS pursuant to Section 3 of the *Municipal Government Act* a purpose of a municipality is to foster the well-being of the environment;

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;

NOW THEREFORE the City of Wetaskiwin duly enacts:

1. Title: This bylaw may be referred to as the "Plastic Checkout Bag Bylaw".
2. Definitions:
 - a. Peace Officer: means a community peace officer employed by the City of Wetaskiwin authorized to enforce this bylaw;
 - b. Checkout Bag: means a single-use bag provided to a customer to hold their purchases from Retail Establishment, and includes plastic, biodegradable plastic bags, and paper bags;
 - c. Reusable Container: means any bag, box, or other container specifically designed and manufactured to hold at least 20 lbs (9.07kg) of weight without failure or sign of eminent failure, is resistant to cuts and tears and is made of:
 - i. Cloth or other machine washable fabric;
 - ii. Durable plastic at least 2 mils (0.05 millimeters) thick; and or
 - iii. Any other durable material suitable for multiple uses; and
 - iv. Cardboard boxes that have been previously used made of pressed paper pulp or pasted sheets of paper.
 - d. Retail Establishment: means any location where goods are offered for sale;
 - e. Violation Tag: means a tag or similar document issued by the City pursuant to the *Municipal Government Act*;

- f. Violation Ticket: means a notice issued under Part two (2) or Part three (3) of the *Provincial Offences Procedure Act* as amended, replaced or repealed;
 - g. City Manager: means the person appointed by Council to be the Chief Administrative Officer of the City in accordance with Council Bylaw;
3. Purpose:
- a. To prohibit the distribution or sale of single-use plastic and biodegradable plastic (polyethylene) checkout bags less than 2 mils (0.05 millimeters) thick.
 - b. To reduce the use of single-use paper checkout bags.
4. Exemptions:
- a. Single-use plastic bags used for:
 - i. carrying fruits or vegetables;
 - ii. containing fresh meat or fish products;
 - iii. containing bulk food items or bulk hardware items;
 - iv. freshly prepared bakery items or other food items;
 - v. wrapping flowers or potted plants;
 - vi. clothes immediately following professional laundering or dry-cleaning;
 - vii. dirty, greasy, or hazardous products or materials.
 - b. Single-use plastic bags distributed by a non-profit, being a food bank, a homeless shelter or an animal shelter, in its normal course of business.
 - c. Single-use paper bags used to contain food from a Retail Establishment that is a:
 - i. Food service, drive-in or drive-through;
 - ii. Restaurant;
 - iii. Mobile Catering;
 - iv. Take-Out Restaurant.
 - d. The sale of multiple, prepackaged single-use plastic bags.
5. Permitted Activities:
- a. A Retail Establishment may provide a paper checkout bag to a customer at the customer's request.
6. Prohibited Activities:
- a. A Retail Establishment shall not:
 - i. Provide, distribute, sell, or use plastic or biodegradable plastic Checkout Bags;
 - ii. Provide a paper bag without first being asked by the customer for the bag;
 - iii. Restrict or deny the use of any reusable container by a person.
7. Inspection on Demand:
- a. A Peace Officer may enter any Retail Establishment and may make such examinations, investigations and inquiries as required to determine compliance with this bylaw.

8. Offences:
- a. Except as otherwise provided herein, any Retail Establishment who contravenes any provision of this Bylaw is guilty of an offence, and shall be liable, upon summary conviction, to the fine as set out in Schedule "A" of this Bylaw.
 - b. Each instance that a contravention of a provision of this Bylaw occurs and each day that a contravention continues shall constitute a separate offence.
 - c. A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any Retail Establishment, whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
 - d. A Violation Tag may be issued to such Retail Establishment:
 - i. in person;
 - ii. by registered mail sent to the postal address of the Retail Establishment, as shown on the Tax Assessment Roll or on the Certificate of Title for the property;
or
 - iii. by leaving it with a person apparently over eighteen (18) years of age at the place of business of the Retail Establishment to whom the Violation Tag is addressed.
 - e. Any Violation Tag shall conform to a format approved by the City Manager and shall include all required content.
 - f. Subject to the provisions of section 8c. and 8d., upon issuance and service of a Violation Tag under section 8a. the amount the City will accept for the alleged offences shall be the amount of the specified penalty, and upon payment to a Retail Establishment authorized by the City Manager to receive such payment there shall be issued an official receipt therefor and such payment shall be accepted in lieu of prosecution for the alleged offence.
 - g. In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Peace Officer may issue a Violation Ticket to the Retail Establishment to whom the Violation Tag was issued.
 - h. A Violation Ticket issued with respect to a violation of this Bylaw shall be served upon the Retail Establishment responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
 - i. The Retail Establishment to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided within Schedule "A" of this Bylaw.
 - j. When Court records the receipt of a voluntary payment pursuant to *Provincial Offences Procedure Act*, the act of recording the receipt of that payment constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.
 - k. Subject to section 8f., where payment is tendered within seven (7) days from the date of service of a Violation Tag issued and served under section 8d. for and alleged offence

listed in Schedule "A", to a Retail Establishment authorized by the City Manager to received such payment set out in section 8f. shall be reduced by 50% of the specified penalty and such payment shall be accepted in lieu of prosecution.

9. Transition:

- a. Section 5a. is replaced with:
 - i. A Retail Establishment may provide a paper checkout bag to a customer at the customer’s request, for a minimum fee of \$0.15 per paper checkout bag.

10. Date of Effect:

- a. This bylaw shall come into full force nine months from the date of passing, except for Section 3b. and Section 9, which shall come into force on June 1, 2020.

READ a first time in Council this 24 day of September, 2018.

READ a second time in Council this 9 day of October, 2018.

READ a third time in Council this 9 day of October, 2018

ORIGINAL SIGNED

 Mayor

ORIGINAL SIGNED

 City Manager

"SCHEDULE A"

	Set fine	If paid within 7 days:
First Offence	Verbal Warning	-
Second Offence	\$250.00	\$125.00
Third Offence	\$500.00	\$250.00
Subsequent Offences	\$1,000.00	\$500.00