

CITY OF SURREY

BYLAW NO. 20250

A Bylaw to regulate the provision and distribution of plastic bags and other single-use items

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WHEREAS the *Community Charter*, S.B.C. 2003, c. 26 authorizes the City to regulate, prohibit, and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to refuse, garbage or other material that is noxious, offensive or unwholesome;

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

AND FURTHER that bans, fees and terms and conditions must be established in respect of the exercise of authority to regulate, prohibit or impose those requirements;

NOW THEREFORE, the Council of the City of Surrey ENACTS AS FOLLOWS:

**PART 1 – CITATION**

1. This Bylaw shall be cited for all purposes as "Plastic Bags and Single-Use Items Bylaw, 2020, No. 20250".

**PART 2 - DEFINITIONS**

2. 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 License By-law, 1999, No. 13680* and includes a person employed by, or operating on behalf of, a Business.

“**CITY**” means the City of Surrey.

“**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.

“**GENERAL MANAGER, ENGINEERING**” means the General Manager, Engineering for the City and shall include his or her duly appointed assistants and representatives.

“**LICENCE**” means a business license issued by the City pursuant to the *City's Business License By-law, 1999, No. 13680*.

**“PAPER CHECKOUT BAG”** means a shopping bag made out of paper and contains at least 40% recycled paper content, that displays the words “recyclable” and “made of 40% recycled content” or other applicable amount on the outside of the bag.

**“PLASTIC CHECKOUT BAG”** means any bag made wholly or partially with plastic, including biodegradable plastic or compostable plastic, but does not include a “Reusable Checkout 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; or (b) intended to be used to package take-out or delivery food.

**“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.

**“REUSABLE CHECKOUT BAG”** means a shopping bag designed and manufactured to be capable of at least 100 uses, and primarily made of fabric.

**“SMALL PAPER BAG”** means any bag made out of paper that is less than 15 centimetres by 20 centimetres when flat.

### **PART 3 – POLYSTYRENE FOAM CONTAINERS AND CUPS**

3. No Business shall sell or otherwise provide Prepared Food in any Food Service Ware that contains Polystyrene Foam.
4. Section 3 shall not apply to:
  - a) a hospital, or any facility licensed as a community care facility under the *Community Care and Assisted Living Act*; or
  - b) 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 4 - PLASTIC CHECKOUT BAGS**

5. Except as provided in Section 6 of this Bylaw, no Business shall sell or otherwise provide a Plastic Checkout Bag to a customer.
6. 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 to:
    - 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.
7. Part 4 of this Bylaw 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 5 – PAPER CHECKOUT BAGS AND REUSABLE CHECKOUT BAGS**

8. Except as provided in Section 9 of this Bylaw, no Business shall sell or otherwise provide a Paper Checkout Bag or Reusable Checkout Bag to a customer.
9. A Business may provide a Paper Checkout Bag or Reusable Checkout Bag to a customer only if:
  - a) The customer is first asked if they need a checkout bag;
  - b) The customer is charged a fee not less than \$0.25 for every Paper Checkout Bag;
  - c) The customer is charged a fee not less than \$2.00 for every Reusable Checkout Bag;
  - d) The amount charged for any Paper Checkout Bags or Reusable Checkout Bags provided to a customer is shown as a separate line item on any receipt provided to the customer;
  - e) The fees shall not apply to Paper Checkout Bags or Reusable Checkout Bags that have already been used by a customer and returned to a Business for the purpose of being re-used by other customers;

- f) The paper bag is a Small Paper Bag containing prescription drugs received from a pharmacy; and
  - g) The paper bag is made at minimum of 40% recycled content.
- 10. The fees in Section 9 shall not apply to Paper Checkout Bags or Reusable Checkout Bags that have already been used by a customer and are being returned to a Business for the purpose of being re-used by other customers.
  - 11. The Business must report, at the request of the General Manager, Engineering, the number of Paper Checkout Bags and Reusable Checkout Bags it distributed during the previous 12 months.

#### **PART 6 – OFFENCES, PENALTIES AND ENFORCEMENT**

- 12. Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out, or perform any duty or obligation imposed by this Bylaw is liable, on summary conviction, to a fine of not less than five hundred dollars (\$500.00) and not more than ten thousand dollars (\$10,000.00).
- 13. Where there is an offence that continues for more than one day, separate fines may be issued for each day or part thereof in respect of which the offence occurs or continues.
- 14. Any person who contravenes any provision of this Bylaw is liable to the City for and must indemnify the City from all costs, expenses, damages and injuries resulting from the contravention. This does not in any way limit any other provision or any other remedy the City may have under this Bylaw or otherwise at law.
- 15. Nothing in this Bylaw limits the City from utilizing any other remedy that is otherwise available to the City at law.

#### **PART 7 - GENERAL**

- 16. If any 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 positions of this Bylaw.

#### **PART 8 – TEMPORARY EXEMPTION**

- 17. Section 3 of this Bylaw shall not apply to organizations incorporated and in good standing under the *Society Act* or registered as a charitable society or organization under the federal *Income Tax Act* for a period of one year after the effective date of this Bylaw.

PASSED FIRST READING on the 21st day of December, 2020.

PASSED SECOND READING on the 21st day of December, 2020.

PASSED THIRD READING on the 21st day of December, 2020.

APPROVED BY THE MINISTER OF ENVIRONMENT AND CLIMATE CHANGE on the 12th day of February, 2021.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 18th day of October, 2021.

\_\_\_\_\_MAYOR

\_\_\_\_\_CLERK