



**VILLAGE OF HARRISON HOT SPRINGS
BYLAW NO. 1178, 2022**

A bylaw for to regulate the use of single use plastic items

WHEREAS the Village of Harrison Hot Springs has deemed it advisable to establish a bylaw to regulate the use of single-use plastic items;

NOW THEREFORE in open meeting assembled, the Mayor and Council of the Village of Harrison Hot Springs enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as “Single-Use Plastic Items Bylaw No. 1178, 2022”.

2. DEFINITIONS

1) In this Part:

“Accessible Straw” means a drinking straw 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 Business Licence and Regulation Bylaw;

“Checkout Bag” means a paper or plastic single-use supplementary bag;

“Introductory Period” means a period that may be set by a municipality during which there is a reduced minimum charge for the provision of a recycled paper bag or a reusable bag;

“Item” means the applicable of the following:

- (a) a bag;
- (b) a service ware container;
- (c) a utensil;
- (d) a drinking straw;

“Plastic” includes compostable and biodegradable plastic;

“Polystyrene Foam”, when used in reference to an item, means an item made primarily of polystyrene foam;

“Recycled Paper Bag” means a paper checkout bag that meets the criteria described in subsection (2);

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

“Service Ware Container” means a container that is ordinarily provided for service of prepared food or beverages and includes a cup, plate, bowl, tray, carton or lidded container;

“Single-Use”, when used in reference to an item, means the item is provided for a single use or a short-term purpose;

“Small Paper Bag” means a paper bag that is less than 15 cm by 20 cm when flat;

“Stir Stick” means an item that is designed and manufactured to stir beverages;

“Supplementary”, when used in reference to an item, means an item that is provided to a customer by a business to facilitate the transport of a purchase from the business, or consumption of a product, including prepared food that is purchased for take-out or delivery;

“Used Bag” means a checkout bag or a reusable bag that has been previously used and is being reused;

“Utensil” includes a spoon, fork, knife, chopstick or stir stick.

- 2) In order to be considered recycled for the purposes of this Part, a paper checkout bag must contain at least 40% recycled paper content, and have a reference printed on the outside of the bag to the applicable amount of recycled content with the word “recyclable”.

3. REGULATION

- 1) Except as provided in this bylaw, a business shall not provide a customer with any of the following items:
 - a) checkout bags other than
 - i. recycled paper bags, or
 - ii. used bags;
 - b) polystyrene foam service ware containers;
 - c) plastic utensils; or

- d) plastic drinking straws.
- 2) A business shall not deny or discourage a customer from using their own reusable items:
- a) checkout bags other than
 - i) recycled paper bags, or
 - ii) used bags;
 - b) polystyrene foam service ware containers;
 - c) plastic utensils; or
 - d) plastic drinking straws.
- 3) Notwithstanding section 3.1, a business may provide:
- a) a checkout bag only if:
 - i) the customer is first asked whether they need a bag;
 - ii) the bag provided is a Paper Bag or Reusable bag; and
 - iii) the customer is charged a fee not less than:
 - (1) Introductory Period
 - (a) \$0.15 per Paper Bag; and
 - (b) \$1.00 per Reusable Bag.
 - (2) After the Introductory Period
 - (a) \$0.25 per Paper Bag; and
 - (b) \$2.00 per Reusable Bag; or
 - b) a non-plastic utensil, only if the customer is first asked whether they need a utensil.
 - c) subject to the exemption under section (4), a non-plastic straw, only if the customer is first asked whether they need a utensil.
- 4) All proceeds from the sale of Paper Bags and Reusable Bags will be retained by the business.

4. EXEMPTIONS

- 1) This bylaw shall not apply to bags used for:
 - a) health care and community care facilities
 - b) the sale of items listed in section 3, provided that they are sold in packages of multiples (e.g. garbage bags, sandwich bags, pet waste bags);
 - c) Accessible straws;
 - d) the distribution of single-use plastic items needed for medical use or accessibility needs;

- e) prescribed pharmaceutical drugs or devices;
- f) recycled paper bags;
- g) small paper bags;
- h) plastic bags to:
 - i) package loose bulk items such as fruit, vegetables, nuts, grains, or candy;
 - ii) package loose small hardware items such as nails and 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) transport live fish; or
 - vii) protect linens, bedding, or other similar large items that cannot easily fit in a reusable bag; or
- f) plastic bags
 - i) already used by a customer;
 - ii) returned to a business for the purpose of being reused by other customers; or
 - iii) that are a reusable bag.

5. SEVERABILITY

If any provision of this bylaw is found to be invalid by a court of competent jurisdiction, that provision may be severed from the bylaw without affecting the validity of the remainder of the bylaw.

6. ENFORCEMENT AND PENALTY

- 1) This Bylaw is designated under the provisions of Section 260 of the Community Charter as a Bylaw that may be enforced by means of a ticket issued under the provisions of the Bylaw Notice Enforcement Bylaw.
- 2) Any person who violates any provision of this bylaw or who suffers or permits any act or thing to be done in contravention of or in violation of any of the provisions of this bylaw, or who neglects to do, or refrains from doing anything required to be done by any of the provisions of this bylaw commits an offence is subject to enforcement penalties under the Bylaw Notice Enforcement Bylaw.
- 3) Each day that a contravention or violation of or failure to perform any provision of this Bylaw continues to exist will be deemed to be a separate offence.

7. EFFECTIVE DATE

This Bylaw comes into force January 1, 2023.

8. INTRODUCTORY PERIOD

The Introductory Period is from January 1, 2023 to December 31, 2023.

READINGS AND ADOPTION

READ A FIRST TIME THIS 22 DAY OF FEBRUARY, 2022

READ A SECOND TIME THIS 22 DAY OF FEBRUARY, 2022

READ A THIRD TIME THIS 22 DAY OF FEBRUARY, 2022

ADOPTED THIS 7th DAY OF MARCH, 2022



Mayor



Corporate Officer