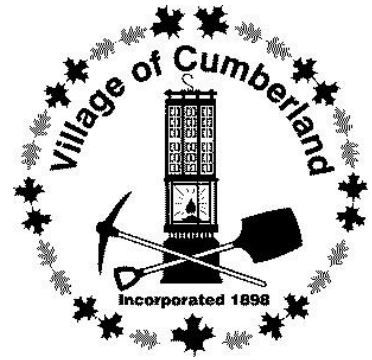


COUNCIL REPORT



REPORT DATE: March 14, 2019
MEETING DATE: March 25, 2019

File No. 4300-03

TO: Mayor and Council
FROM: Kaelin Chambers, Economic Development Coordinator
Rachel Parker, Corporate Officer
SUBJECT: Single-Use Item Regulation Bylaw

RECOMMENDATION

- i. THAT Council receive the Single-Use Item Regulation Bylaw Report;
- ii. THAT Council give first and second reading to the Single-Use Item Regulation Bylaw No. 1098, 2019.
- iii. THAT Council direct that enforcement of the Single-Use Item Regulation Bylaw No. 1098, 2019 not commence until January 1, 2020.

SUMMARY

On July 9, 2018 Council endorsed Member of Parliament (MP) Gord Johns' private members motion (M-151), National strategy to combat plastic pollution. As part of this endorsement, Council also directed Village Staff to report on a ban of single use plastics in the Village of Cumberland.

On November 13th, 2018 staff provided council with the Single Use Plastic Ban Report which provided information pertaining to:

- The current capacity and practices of recycling single use plastics in the Comox-Strathcona Waste Management service area;
- Existing single-use plastic bans in Canada, including the experiences of communities currently implementing a plastics ban (or bylaw); and,
- Outcomes of direct engagement with the local business community regarding the potential economic implications of a single use plastic ban.

In response to the Single Use Plastic Ban Report, Council directed staff to draft the Single-Use Item Regulation Bylaw as described within this Report.

BACKGROUND

Staff has prepared the Single-Use Item Regulation Bylaw (the Bylaw) for Council approval, based on Council's November 13th, 2018 direction for a bylaw to regulate single-use plastics, inclusive of the following considerations:

- An implementation schedule of no earlier than July 1, 2019 with a minimum period of six months between implementation and bylaw enforcement;
- A phased approach to removing the use of all single use plastics, starting with single use plastic grocery bags and drinking straws; and
- Further business outreach and support for the local business community by participating in a public education/advisory campaign as part of the bylaw implementation.

The purpose of this Bylaw is to regulate the business use of single-use checkout bags and plastic drinking straws in order to reduce the creation of waste and associated costs, to better steward Village property, including sewers, streets and parks, and to promote responsible and sustainable business practices that are consistent with the values of the community.

In the bylaw, a single use plastic checkout bag is defined as a bag made with plastic, including biodegradable plastic or compostable plastic,

- intended to be used for the purpose of transporting items purchased or received by a customer from the business providing the bag, or
- intended to be used to package take-out or delivery of food

The Bylaw is based on regulations established in the City of Victoria and the Village of Tofino (bylaw is at first reading). Victoria's bylaw was successfully defended as a legitimate regulation of business under a municipality's fundamental powers in the Community Charter. The Bylaw also permits the provision of non-plastic straws and bags (other than checkout bags) for certain uses, such as vegetable/fruit plastic bags.

The proposed Bylaw also allows for the reuse of used single use checkout bags and permits businesses to provide paper and/or reusable bags to customers.

A reusable bag is defined within the Bylaw as a bag with handles that is for the purpose of transporting items purchased by the customer from a business and is:

- Designed and manufactured to be capable of at least 100 uses; and
- Primarily made of cloth or other washable fabric.

Enforcement of this Bylaw will be based on citizen complaints consistent with the general policy of the Village and this report includes direction to staff to not commence enforcement of the bylaw until January 1, 2020. Village staff have also recommended that the Bylaw be included within the Municipal Ticket Information (MTI) system. This will allow Village bylaw enforcement to issue tickets and apply fines, should such measures be required.

The legislative authority for this Bylaw falls under the Village's fundamental power to regulate in relation to business. On request, the Village will make available to the public a statement respecting the council's reasons for adopting this Bylaw.

In terms of next steps, once Council has confirmed the direction of the Bylaw through initial readings, staff will then begin further business outreach, including the creation and distribution of public education materials to local businesses.

FINANCIAL IMPLICATIONS

All costs, including the Village’s participation in, and support of, a public education/advisory campaign will be covered under the Village’s 2019 operating budget. The total amount budgeted for the campaign is \$1000.

OPERATIONAL IMPLICATIONS

There are operational implications for bylaw enforcement of this bylaw, however enforcement will on a complaint basis unless Council directs otherwise.

STRATEGIC OBJECTIVE

This report relates to Council’s 2018 Strategic Priority 2 (Comprehensive Community Planning), to move towards environmental sustainability through a broad range of means including waste reduction and protection of natural resources.

ATTACHMENTS

- 1. Single-Use Item Regulation Bylaw No. 1098, 2019.
- 2. Single Use Plastic Ban Report, November 2018

CONCURRENCE

Michelle Mason, Financial Officer MM

OPTIONS

- 1. THAT Council give first and second reading to the Single-Use Item Regulation Bylaw No. 1098, 2019.
- 2. THAT Council direct that enforcement of the Single-Use Item Regulation Bylaw No. 1098, 2019 not commence until January 1, 2020.
- 3. Any other direction deemed appropriate by Council.

Respectfully submitted,

Kaelin Chambers

Kaelin Chambers
Economic Development Coordinator

Rachel Parker

Rachel Parker
Corporate Officer

Sundance Topham

Sundance Topham
Chief Administrative Officer