

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1098

A bylaw to regulate the business use of single-use items.

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as “Single-Use Item Regulation Bylaw No. 1098, 2019.”

2. In this bylaw,

“plastic checkout bag” means a bag made with plastic, including biodegradable plastic or compostable plastic

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

“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 Bylaw and includes a person employed by, or operating on behalf of, a business;

“plastic drinking straw” means a tube made with plastic, including biodegradable plastic or compostable plastic, used to transfer a beverage from a container to the mouth of an individual drinking the beverage by suction;

“reusable bag” means a bag with handles that is for the purpose of transporting items purchased by the customer from a business and is

- (a) designed and manufactured to be capable of at least 100 uses, and
- (b) primarily made of cloth or other washable fabric.

Exemptions

3. This bylaw does not apply to bags used to

- (a) package loose bulk items such as fruit, vegetables, nuts, grains, or candy,
- (b) package loose small hardware items such as nails and bolts,
- (c) contain or wrap frozen foods, meat, poultry, or fish, whether pre-packaged or not,
- (d) wrap flowers or potted plants,
- (e) protect prepared foods or bakery goods that are not pre-packaged,
- (f) contain prescription drugs received from a pharmacy,
- (g) transport live fish,

- (h) protect linens, bedding, or other similar large items that cannot easily fit in a reusable bag,
 - (i) protect newspapers or other printed material intended to be left at the customer's residence or place of business, and
 - (j) protect clothes after professional laundering or dry cleaning.
4. This bylaw does not apply to
- (a) a plastic checkout bag
 - (i) already used by a customer, and
 - (ii) returned to a business for the purpose of being reused by other customers; and
 - (b) a reusable bag.
5. This bylaw does not limit or restrict the sale of items listed in section 6 intended for use at a customer's home or business, provided that they are sold in packages of multiple items.

Regulation

6. Except as provided in this bylaw, no business shall provide a customer with any of the following items:
- (a) plastic checkout bag;
 - (b) plastic drinking straw.
7. No business shall deny or discourage a customer from using their own
- (a) checkout bag, or
 - (b) drinking straw.

Offence

8. A person commits an offence and is subject to the penalties imposed by this bylaw and the *Offence Act* if that person
- (a) contravenes a provision of this bylaw,
 - (b) consents to, allows, or permits an act or thing to be done contrary to this bylaw, or
 - (c) neglects or refrains from doing anything required by a provision of this bylaw.
9. Each instance that a contravention of a provision of this bylaw occurs and each day that a contravention continues shall constitute a separate offence.

Penalties

10. A person found guilty of an offence under this Bylaw is subject to a fine
- (a) if a corporation, of not less than \$100 and not more than \$10,000, or

- (b) if an individual, of not less than \$50 and not more than \$500 for every instance that an offence occurs or each day that it continues.

Severability

11. 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.

Effective Date

12. This Bylaw comes into force on July 1, 2019.

READ A FIRST TIME THIS	25TH	DAY OF	MARCH	2019.
READ A SECOND TIME THIS	25TH	DAY OF	MARCH	2019.
READ A THIRD TIME THIS	25TH	DAY OF	MARCH	2019.
ADOPTED THIS	8TH	DAY OF	APRIL	2019.

Mayor

Corporate Officer