

BYLAW NO. 12/007

BEING A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO, IN THE PROVINCE OF ALBERTA, TO REGULATE THE USE AND DISTRIBUTION OF BAGS BY RETAIL ESTABLISHMENTS OPERATING WITHIN THE BOUNDARIES OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO

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;

AND WHEREAS single-use bags have been determined to have detrimental effects on the environment;

AND WHEREAS the Council of the Regional Municipality of Wood Buffalo wishes to reduce the negative effects plastic and paper bags have on the environment;

NOW THEREFORE, the Council of the Regional Municipality of Wood Buffalo, in the Province of Alberta, hereby enacts as follows:

Short Title

1. This bylaw may be cited as the “Single-Use Shopping Bag Bylaw”.

Definitions

2. For the purpose of this bylaw, capitalized terms shall have the same meaning as defined in Land Use Bylaw No. 99/059, unless otherwise defined here:
 - (a) “Chief Administrative Officer” or its successor, means the Chief Administrative Officer of the Regional Municipality of Wood Buffalo, or his delegate;
 - (b) “Municipality” means the Regional Municipality of Wood Buffalo;
 - (c) “Peace Officer” means a community peace officer, environmental enforcement investigator or bylaw enforcement officer employed by the Municipality and authorized to enforce this bylaw, or a police officer;
 - (d) “Person” includes an individual, a corporation and other legal entities;
 - (e) “Retail Establishment” means any location where goods are offered for sale;
 - (f) “Reusable Container” means any bag, box or other container specifically designed and manufactured to hold at least 20 pounds of weight without failure or sign of eminent failure, is resistant to cuts and tears, and is made of:
 - cloth or other machine washable fabric; and/or

- durable plastic that is at least 2.25 mils (.571 millimeters) thick; and/or
- any other durable material suitable for multiple uses; and
- only includes a cardboard box made of pressed paper pulp or pasted sheets of paper used for cartons where such cardboard box has been used previously.

(g) “Single-Use Bag” means a bag that is made of:

- less than 2.25 mils (.571 millimeter) thick polyethylene; and/or
- pulp or paper,

and, for clarity, shall include, but is not limited to:

- a door hanger bag designed to hold flyers, coupons or other advertisements and intended to be left on the doors of homes;
- a decorative paper or plastic gift bag where such bag is being used to transport goods;
- a biodegradable bag composed of, in whole or part, biodegradable plastic, oxo-biodegradable plastic, plastarch, polylactide, or any other plastic resin composite that is intended to degrade at a faster rate than non-biodegradable plastic film.

Application

3. This bylaw applies to the provision, distribution, sale and use of Bags by Retail Establishments within the Municipality.

Exemption

4. This bylaw does not apply to any of the following:

(a) Single-use bags containing food from a Retail Establishment that is a:

- Food Service, Drive-in or Drive-through;
- Food Service, Major Restaurant;
- Food Service, Minor Restaurant;
- Food Service, Mobile Catering; or a
- Food Service, Take out Restaurant.

(b) Single-use bags distributed by a non-profit in its normal course of business, which includes but is not limited to, a food bank, a homeless shelter or an animal shelter; and

(c) Single-use bags containing:

- loose, bulk goods such as fruit, vegetables, nuts, grains, candy, or small hardware items such as nails, screws, nuts and bolts, which goods are not prepackaged;

- fresh meats or fish, which goods may be prepackaged;
 - fresh cut flowers, or potted plants;
 - freshly prepared foods or bakery goods;
 - clothing immediately following the professional laundering or dry-cleaning of same;
 - medical prescriptions and over the counter medications;
 - paraphernalia related to the use of illegal drugs;
 - undergarments or similar products of a personal or adult nature;
 - any product or good where the purchaser must be an adult, except those related to a lottery or the sale of tobacco; and
 - dirty, greasy, or hazardous products or materials;
- (d) the sale of multiple, prepackaged single-use bags.

Prohibited Activities

5. A Retail Establishment shall not:
- (a) provide, distribute, sell or use single-use bags; or
 - (b) restrict or deny the use of any Reusable Container by a Person.

Inspection on Demand

6. A Peace Officer may enter any Retail Establishment and may make such examinations, investigations and inquiries as required to determine compliance with this bylaw.

Offence

7. A Retail Establishment that contravenes this bylaw is guilty of an offence.

Fines and Penalties

8. A Retail Establishment that is guilty of an offence is liable, upon summary conviction, to a fine in an amount of not less than that established in this bylaw and not exceeding \$10,000.
9. Without restricting the generality of Section 10, the fine amounts established for use on Violation Tickets if a voluntary payment option is offered are prescribed by Schedule “A” of this bylaw.

Continuing Offence

10. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Retail Establishment guilty of such an offence is liable, upon summary conviction, to a fine in an amount not less than that established by this bylaw for each such day.

Violation Ticket

11. A Peace Officer may issue a Violation Ticket in accordance with the *Provincial Offences Procedure Act*, to any Retail Establishment that the Peace Officer has reasonable and probable grounds to believe has contravened this bylaw.
12. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
 - (a) specify the fine amount established by this bylaw for the offence in Schedule “A”;
or
 - (b) require a Retail Establishment to appear in court without the alternative of making a voluntary payment.

Voluntary Payment

13. A Retail Establishment who commits an offence may make a voluntary payment equal to the specified fine if:
 - (a) a Violation Ticket is issued in respect of the offence; and
 - (b) a Violation Ticket specifies the fine amount established by this bylaw for the offence.

Provincial Court Clerk

14. When a clerk records in the court records the receipt of a voluntary payment pursuant to this bylaw and the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

Severability

15. If any provision of this bylaw is declared invalid for any reason by a court of competent jurisdiction that provision shall be severed, and all other provisions of this bylaw shall remain valid and enforceable.

Transitional

16. Any Retail Establishment may request an exemption from the application of this bylaw for a period of up to twelve (12) months from the effective date of this bylaw.
17. Any request under Section 16 must be made in writing with reasons and must be submitted to the Chief Administrative Officer within thirty (30) days of the effective date of this bylaw.
18. The Chief Administrative Officer may grant an exemption, where in the sole discretion of the Chief Administrative Officer, the applicant has demonstrated that direct, and undue

hardship will result from the implementation of this bylaw. An exemption granted shall expire one year from the effective date of this bylaw and is not transferable

19. The Chief Administrative Officer shall issue a decision in writing to the applicant within thirty (30) days of receipt of a request under Section 16.

Repeal

20. Bylaw No. 09/033 is repealed.

Effective Date

21. This bylaw shall come into force six months after the date of passing.

READ a first time this 27th day of March, 2012.

READ a second time this 10th day of April, 2012.

READ a third and final time this 10th day of April, 2012.

SIGNED and PASSED 10th day of April, 2012.

Mayor

Chief Legislative Officer

Schedule "A"

Penalties	
Offence Under any Section of this Bylaw, per Retail Establishment	Fine
First Offence	\$250.00
Second Offence	\$500.00
Third Offence	\$1,000.00