



DISTRICT OF SOOKE CHECKOUT BAG REGULATION BYLAW No. 831

CONSOLIDATED FOR REFERENCE SEPTEMBER 26, 2022

BYLAW No. 831, CHECKOUT BAG REGULATION BYLAW, 2021
BYLAW No. 851 (831-01), CHECKOUT BAG REGULATION AMENDMENT BYLAW, 2022
BYLAW No. 866 (831-02), CHECKOUT BAG REGULATION AMENDMENT BYLAW, 2022

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AMENDMENTS MAY BE VIEWED AT THE DISTRICT OF SOOKE MUNICIPAL HALL.

A bylaw to regulate the provision of checkout bags.

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

CITATION

1. This Bylaw is cited as "Checkout Bag Regulation Bylaw No. 831, 2021".

DEFINITIONS

2. In this bylaw:

Checkout bag means

- (a) a bag 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;
 - (b) bags used to package take-out or delivery of food
- and includes Paper Bags, Plastic Bags, or Reusable Bags.

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, for the purposes of section 3, includes a person employed by, or operating on behalf of, a Business.

Paper Bag means a bag that is

- (a) made of paper;

- (b) contains at least 40% post-consumer recycled paper content; and
- (c) displays, on the outside of the bag, the words “Recyclable” and “made from 40% post-consumer recycled content” (or such greater proportion as is applicable),

but does not include a small paper bag.

Plastic Bag means any bag made with plastic, including biodegradable plastic or compostable plastic, but does not include a Reusable Bag.

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;

Small Paper Bag means any bag made out of paper that is less than 15 centimetres by 20 centimetres when flat.

CHECKOUT BAG REGULATION

3. Except as provided in this Bylaw, no Business shall provide a Checkout Bag to a customer.
4. A Business may provide a Checkout Bag to a customer only if:
 - (a) the customer is first asked whether he or she needs a bag;
 - (b) the bag provided is a Paper Bag or a Reusable Bag; and
 - (c) the customer is charged a fee not less than
 - (i) 25 cents per Paper Bag; and
 - (ii) \$2.00 per Reusable Bag.
5. For certainty, no Business may:
 - (a) sell or provide to a customer a Plastic Bag; or
 - (b) provide a Checkout Bag to a customer free of charge
6. No Business shall deny or discourage the use by a customer of his or her own Reusable Bag for the purpose of transporting items purchased or received by the customer from the Business.

EXEMPTIONS

7. Section 3 does not apply to Small Paper Bags or Plastic 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 materials; or
 - (j) protect clothes after professional laundering or dry cleaning.
8. Notwithstanding section 4, a business may provide a paper bag to a customer free of charge if it is provided as part of a drive-thru, takeout, or delivery restaurant service.
9. Section 3 does not limit or restrict the sale of bags, including Plastic Bags, intended for the use at the customer's home or business, provided that they are sold in packages of multiple bags (ie: household garbage, leaf, compost, and recycling bags, etc.).
10. Notwithstanding section 4(c) and section 5, a Business may provide a Checkout Bag free of charge if;
 - (a) the Business meets the other requirements of section 4;
 - (b) the bag has already been used by a customer; and,
 - (c) the bag has been returned to the Business for the purpose of being reused by other customers.

OFFENCES AND PENALTIES

10. Enforcement Officers, offences, and fines are as designated by the Municipal Ticketing Information Bylaw.
11. This bylaw may be enforced by means of a ticket in the form prescribed for the purpose of s. 264 of the *Community Charter*.
12. Any person who contravenes this bylaw commits an offence and on summary conviction by a court of competent jurisdiction, is subject to a fine:
 - a) if a corporation, of not less more than \$50,000.00, or
 - b) if an individual, not more than \$500.00

in addition to the costs of prosecution. Each day during which a violation, contravention, or breach of this bylaw continues is deemed to be a separate offence.

SEVERABILITY

13. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the valid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

EFFECTIVE DATE

14. This bylaw shall come into force and effect on the date that is six (6) months following the date of its adoption.

REPEAL

15. Checkout Bag Regulation Bylaw No. 734, 2019 is hereby repealed.

SCHEDULES

Schedule A – Offences and Fines [DELETED BY BYLAW NO. 851 (831-01), 2022]

READ A FIRST and SECOND TIME on the 12 day of October, 2021.

PUBLIC INPUT opportunity provided the 8 day of November, 2021.

READ A THIRD TIME on the 8 day of November, 2021.

ADOPTED on the 22 day of November, 2021.

“original signed by”

Maja Tait
Mayor

“original signed by”

Carolyn Mushata
Corporate Officer

SCHEDULE A

**Single Use Checkout Bag Regulation Bylaw
Offences and Fines**

[DELETED BY BYLAW NO. 851 (831-01), 2022]