

THE CITY OF SPRUCE GROVE

BYLAW C-1109-20

SINGLE-USE ITEMS REDUCTION BYLAW

WHEREAS, pursuant to the *Municipal Government Act*, RSA 2000 cM-26, a council may pass bylaws for municipal purposes respecting Businesses, Business activities and persons engaged in Business and the enforcement of bylaws;

AND WHEREAS, pursuant to the *Municipal Government Act*, RSA 2000 cM-26, a purpose of a municipality is to foster the well-being of the environment;

AND WHEREAS, the City of Spruce Grove recognizes the detrimental effects of Single-Use Items on human and environmental health, as well as the aesthetics of the community;

AND WHEREAS, the City of Spruce Grove recognizes waste reduction as the first priority for the collection, handling and management of solid waste;

AND WHEREAS, the City of Spruce Grove wishes to regulate and reduce the presence of Single-Use Items entering the waste stream and the environment;

NOW THEREFORE, the Council for the City of Spruce Grove, duly assembled, hereby enacts as follows:

1. BYLAW TITLE

1.1 This bylaw is called “the Single-Use Items Reduction Bylaw”.

2. DEFINITIONS

2.1 “Accessible Plastic Straw” means a flexible Plastic Straw, individually wrapped in paper.

2.2 “Accessibility Purposes” means the use of a straw that an individual determines is necessary in the circumstances to accommodate any physical or mental need, including as a result of any “mental disability” or “physical disability” as defined in the Alberta Human Rights Act, RSA 2000 cA-25.5.

2.3 “Act” means the *Municipal Government Act*, RSA 2000 cM-26 and amendments thereto.

2.4 “Business” means:

- (a) a commercial, merchandising or industrial activity or undertaking;
- (b) a profession, trade, occupation, calling or employment; or
- (c) an activity providing goods and services;

whether or not for profit and however organized or formed, including a co-operative, individual or association of Persons. This includes, but is not limited to:

- (i) restaurants, bars, lounges and fast food stores;
- (ii) convenience stores;
- (iii) concession stands;
- (iv) grocery stores;
- (v) hardware stores;
- (vi) beauty and personal care stores;
- (vii) clothing stores; and
- (viii) all other permanent or mobile/temporary retail stores.

For clarity, a reference to a Business in this bylaw shall also be a reference to the corporation, individual or other Person operating the Business.

2.5 “Checkout Bag” means:

- (a) any 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) a bag used to package take-out food or food to be delivered; and

- (c) a Paper Bag, Plastic Bag or Reusable Bag.
- 2.6 “City” means the municipal corporation of the City of Spruce Grove in the Province of Alberta.
- 2.7 “City Manager” means the administrative head of the City of Spruce Grove.
- 2.8 “Continuing Care Facility” means a facility that is for supportive living, long-term care, hospice and end-of-life care.
- 2.9 “Council” means the Council of the City of Spruce Grove elected pursuant to the *Local Authorities Election Act*, RSA 2000 cL-21 and amendments thereto.
- 2.10 “Day Program Sites” means any kind of day programming that services people with disabilities, seniors or children.
- 2.11 “Food Service Ware” means products used for serving or transporting Prepared Food or beverages including, but not limited to plates, cups, bowls, trays, cartons and hinged or lidded containers.
- 2.12 “Paper Bag” means a bag made out of paper that is recyclable.
- 2.13 “Peace Officer” means a member of the Royal Canadian Mounted Police, a Peace Officer appointed under the *Peace Officer Act*, SA 2006 cP-3.5, and amendments thereto, or a Bylaw Officer appointed under the Act.
- 2.14 “Person” means any individual, corporation, society, association, partnership, firm or other legal entity or legal representative.
- 2.15 “Plastic Bag” means any bag made with plastic, including bio-plastic, biodegradable plastic, oxo-degradable plastic, photodegradable plastic, PLA (polylactic acid) plastic, compostable plastic or plastic mixed with plant fibers. This does not include a Reusable Bag.
- 2.16 “Plastic Straw” means a straw that is made with plastic, including bio-plastic, biodegradable plastic, oxo-degradable plastic, photodegradable plastic, PLA (polylactic acid) plastic, compostable plastic, plastic mixed with plant fibers or paper straws lined with plastic.

- 2.17 “Polystyrene Foam” means blown polystyrene and expanded and extruded foams composed of thermoplastic petrochemical materials containing a styrene monomer and processed by any technique including, but not limited to, fusion of polymer spheres, injection molding, foam molding and extrusion-blown molding. It is commonly referred to as Styrofoam®.
- 2.18 “Pre-Packaged Food” means foods, produce or bakery goods that are completely enclosed by wrapping or a container.
- 2.19 “Prepared Food” means any food or beverage prepared for consumption on or off the Business’s premises, using any cooking or food preparation technique. Prepared Food does not include any raw uncooked food, including but not limited to meat, poultry, fish, seafood, eggs or vegetables unless provided for consumption without further food preparation.
- 2.20 “Reusable Bag” means a bag that is:
- (a) intended to be used for transporting items purchased or received by the customer from a Business;
 - (b) designed and manufactured to be capable of at least 100 uses; and
 - (c) primarily made of cloth or other washable fabric.
- 2.21 “Reusable Straw” means a straw that is:
- (a) intended to be used for consuming beverages purchased or received by the customer;
 - (b) designed and manufactured to be capable of at least 100 uses; and
 - (c) primarily made of stainless steel or other washable material.
- 2.22 “Single Use Items” means Checkout Bags, Plastic Straws and Polystyrene Foam Food Service Ware.
- 2.23 “Small Paper Bags” means any bag made out of paper that is less than 660 square centimetres when flat.
- 2.24 “Violation Tag” means a tag or similar document issued by the City pursuant to the Act for the purpose of notifying a Person that an offence has been committed for which a prosecution may follow.

2.25 “Violation Ticket” means a ticket issued under Part II or Part III of the *Provincial Offences Procedure Act*, RSA 2000 cP-34 and amendments thereto.

3. CHECKOUT BAG PROHIBITION

- 3.1 Except as provided in this bylaw, no Business shall sell or provide to a customer a Plastic Bag.
- 3.2 A Business may provide a Checkout Bag to a customer only if:
- (a) the customer is first asked whether, and confirms that, the customer needs a Checkout Bag;
 - (b) the Checkout Bag provided is a Paper Bag or a Reusable Bag.
- 3.3 To encourage customers to bring their own Reusable Bags, Businesses may charge the customer a fee of not less than:
- (a) 15 cents for a Paper Bag, and
 - (b) \$1 for a Reusable Bag.
- 3.4 No Business shall deny or discourage the use by a customer of the customer’s own Reusable Bag for the purpose of transporting items purchased or received by the customer from the Business.

4. CHECKOUT BAG EXCEPTIONS

- 4.1 Section 3 does not apply to:
- (a) Small Paper Bags;
 - (b) bags used 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 meat, poultry, fish or frozen foods, whether pre-packaged or not;
 - (iv) wrap flowers or potted plants;
 - (v) protect Prepared Foods that are ready for immediate consumption or bakery goods that are not pre-packaged;
 - (vi) contain prescription drugs received from a pharmacy;
 - (vii) transport live fish;
 - (viii) protect linens, bedding or other similar large items that cannot easily fit in a Reusable Bag;
 - (ix) protect newspapers or other printed material intended to be left at the customer's residence or place of business;
 - (x) protect clothes after professional laundering or dry cleaning;
 - (xi) package medical supplies and items used in the provision of health services that are supplied by a member as defined in the *Pharmacy and Drug Act*, RSA 2000 cP.13 and amendments thereto;
 - (xii) protect tires that cannot easily fit in a Reusable Bag;
- (c) transparent Plastic Bags used to package foods containing liquids that may reasonably be expected to leak during transport;
- (d) bags distributed by an organization incorporated under the *Societies Act*, RSA 2000 cS-14 and amendments thereto, or registered as a charity under the *Income Tax Act*, RSC 1985 c1, in its normal course of business.

4.2 Section 3 does not limit or restrict the sale of bags, including Plastic Bags, intended for use at the customer's home or Business, that are sold in packages of multiple bags.

4.3 Notwithstanding sections 3.2 and 3.3, a Business may also provide a Checkout Bag free of charge if:

- (a) the customer is first asked whether, and confirms that, the customer needs a Checkout Bag;
- (b) the Checkout Bag provided is a Paper Bag or a Reusable Bag;
- (c) the bag has already been used by a customer; and
- (d) the bag is suitable for, and has been returned to the Business for, the purpose of being re-used by other customers.

5. PLASTIC STRAW PROHIBITION

- 5.1 Except as provided in this bylaw, no Business shall provide a Plastic Straw to a customer.
- 5.2 A Business must provide an Accessible Plastic Straw to a customer only if:
 - (a) the Business or its employees ask a customer if they need an Accessible Plastic Straw and the customer responds that they do; or
 - (b) the customer requests an Accessible Plastic Straw.
- 5.3 No Business shall deny or discourage the use by a customer of the customer's own Reusable Straw for the purpose of consuming beverages purchased or received by the customer from the Business.

6. PLASTIC STRAW EXCEPTIONS

- 6.1 Section 5 does not apply to:
 - (a) hospitals, Day Program Sites or any Continuing Care Facilities; or
 - (b) Plastic Straws attached to drink boxes or drink pouches.
- 6.2 Section 5 does not limit or restrict the sale of straws, including Plastic Straws, intended for use at the customer's home or Business, that are sold in packages of at least 20 straws.

7. POLYSTYRENE FOAM FOOD SERVICE WARE PROHIBITION

7.1 Except as provided in this bylaw, no Business shall sell or provide Polystyrene Foam Food Service Ware to a customer.

8. POLYSTYRENE FOAM FOOD SERVICE WARE EXCEPTIONS

8.1 Section 7 does not apply to:

- (a) hospitals, Day Program Sites or any Continuing Care Facilities;
- (b) Prepared Food containers that have been filled and sealed outside the city of Spruce Grove prior to arrival at the premises or location of the Business.

8.2 Section 7 does not limit or restrict the sale of Polystyrene Foam intended for use at the customer's home or Business, that are sold in packages of multiple Polystyrene Foam items.

9. INSPECTION ON DEMAND

9.1 A Peace Officer may enter any Business and may make such examinations, investigations and inquiries as required to determine compliance with this bylaw, and no Person shall interfere or impede with a Peace Officer making or attempting to make such examinations, investigations or inquiries.

10. OFFENCES

10.1 Any Business who contravenes any provision of this bylaw is guilty of an offence and is liable upon summary conviction, to a specified penalty for that offence as set out in Schedule "A" of this bylaw, provided that a Business shall be issued a verbal or written warning before receiving its first Violation Tag or Violation Ticket under this bylaw.

10.2 Each instance that a contravention of a provision of this bylaw occurs and each day that a contravention continues shall constitute a separate offence.

- 10.3 Any Business who commits a second or subsequent offence under this bylaw in (1) year of committing a first offence under this bylaw, shall be subject to progressively increased penalties for second and subsequent offences.
- 10.4 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any Business, whom the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 10.5 A Violation Tag may be issued to such Business:
- (a) either personally; or
 - (b) by registered mail sent to the postal address of the Business, as shown on the Tax Assessment Roll or on the Certificate of Title for the property; or
 - (c) by leaving it with a Person apparently over eighteen (18) years of age who is employed by the Business.
- 10.6 A Violation Tag shall be in a form approved by the City Manager and shall state:
- (a) the name of the Business,
 - (b) the offence,
 - (c) the appropriate penalty for the offence as specified in Schedule "A" of this bylaw
 - (d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and
 - (e) any other information as may be required by the City.
- 10.7 Where a Violation Tag is issued pursuant to this bylaw, the Business to whom the Violation Tag is issued may in lieu of prosecution of the offence, pay the City the specified penalty set out on the Violation Tag.
- 10.8 In those cases where a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket.

- 10.9 Notwithstanding section 10.4 the Peace Officer is authorized and empowered to immediately issue a Violation Ticket to any Business who the Peace Officer has reasonable and probable grounds to believe is responsible for a contravention of this bylaw.
- 10.10 A Violation Ticket issued with respect to a contravention of this bylaw shall be served upon the Business responsible for the contravention in accordance with the *Provincial Offences Procedure Act*, RSA 2000 cP34 and amendments thereto.
- 10.11 When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to this bylaw and the *Provincial Offences Procedure Act*, RSA 2000 cP-34 and amendments thereto, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

11. SEVERABILITY

- 11.1 Every provision of this bylaw is independent of all other provisions and if any provision is declared invalid by a Court, then the invalid provisions shall be severed and the remainder provisions shall remain valid and enforceable.

12. EFFECTIVE DATE

- 12.1 This bylaw shall come into force and effect on January 1, 2022.

First Reading Carried 25 January 2021

Second Reading Carried 8 February 2021

Third Reading Carried 22 February 2021

Date Signed 26 February 2021

Mayor

City Clerk

Schedule "A"

	Fine
First Offence	\$250.00
Second Offence	\$500.00
Subsequent Offences	\$1000.00

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