



Bylaw No. 2020-49

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BYLAW NO. 2020-49

THE PLASTIC CHECKOUT BAG BAN BYLAW, 2020

THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

Purpose

1 The purpose of this Bylaw is to prohibit the distribution of plastic checkout bags.

Statutory Authority

2 The authority for this Bylaw is section 8 of *The Cities Act*.

Definitions

3 In this Bylaw:

“Bylaw Enforcement Officer” means any person employed by the City in one of the following positions:

- (i) Manager of Bylaw Enforcement;
- (ii) Senior Bylaw Enforcement Officer;
- (iii) Bylaw Standards Officer; or
- (iv) Bylaw Enforcement Officer;

“City Manager” means the City Manager or his or her designate;

“food service business” means a business that is an active land use as defined under the “Food & Beverage” land use class in *The Regina Zoning Bylaw 2019*, Bylaw No. 2019-19 including but not limited to restaurants, fast food restaurants, cafes, delicatessens, coffee shops, vending trucks or carts, or cafeterias;

“owner” means owner, lessee or operator;

“plastic bag” means any bag made with any amount of plastic, including biodegradable plastic or compostable plastic but does not include a reusable container;

“plastic checkout bag” means any plastic bag that is intended to be used by a customer for the purpose of transporting items purchased or received by the customer from a retail business, food service business or service business but does not include a reusable container;

Approved as to form this _____ day of _____, 20_____.

City Solicitor

“retail business” means a business that is an active land use as defined under the “Retail Trade” land use class in *The Regina Zoning Bylaw 2019*, Bylaw No. 2019-19 where the activity involves the sale or provision of any type of goods or services directly to customers;

“service business” means a business that is an active land use as defined under the “Service Trade” land use class in *The Regina Zoning Bylaw 2019*, Bylaw No. 2019-19 where the activity involves the sale or provision of any type of services directly to customers.

Plastic Checkout Bags

- 4(1) Except as provided in section 4(3) of this Bylaw, no owner of a retail business, food service business or service business shall provide, distribute or sell or cause, allow or permit the provision, distribution or sale of plastic checkout bags to any person.
- (2) A retail business, food service business or service business shall not restrict or deny the use of any reusable container by a person for the purpose of transporting items purchased or received by the person from the business.
- (3) Plastic bags are permitted for:
 - (a) carrying fruits or vegetables;
 - (b) carrying freshly prepared bakery items or other food items that are not pre-packaged;
 - (c) transporting wrapped flowers or potted plants;
 - (d) containing bulk food items or bulk hardware items;
 - (e) transporting live fish;
 - (f) covering clothes immediately following professional laundering or dry cleaning;
 - (g) covering newspapers or other printed materials intended to be left at the customer’s residence or place of business;
 - (h) carrying prescription drugs received from a pharmacy;

- (i) carrying fresh or frozen meat, poultry, fish or frozen foods whether pre-packaged or not;
- (j) protecting linens, bedding or other similar large items that cannot easily fit in a reusable container;
- (k) protecting tires that cannot easily fit in a reusable bag; or
- (l) using at the customer’s residence or place of business, provided such plastic bags are pre-packaged and sold in packages of multiple bags.

Inspection

5 The City Manager or a Bylaw Enforcement Officer may enter any retail business, food service business or service business to make such examinations, investigations and inquiries as required to determine compliance with this Bylaw in accordance with the requirements of *The Cities Act*.

Offences

6 A person commits an offence and is subject to the penalties imposed by this Bylaw if a person contravenes or fails to comply with a provision of this Bylaw.

7 Each instance that a contravention of a provision of this Bylaw occurs and continues shall constitute a separate offence.

Notices of Violation

8(1) When the City Manager or a Bylaw Enforcement Officer has reason to believe that a person has contravened any provision of this Bylaw, the City Manager or a Bylaw Enforcement Officer may issue a Notice of Violation to the person in contravention.

(2) A Notice of Violation issued pursuant to subsection (1) shall contain a voluntary payment amount, determined by the nature of the contravention and the number of times a Notice of Violation has been issued for a contravention as follows:

	First Offence	Second Offence
For an Individual	\$75.00	\$150.00
For a Corporation	\$375.00	\$750.00

(3) Where a Notice of Violation is issued, a person may make voluntary payment of the amount shown on the Notice of Violation, if the person does so before the date specified as the payment date set out in the Notice of Violation.

(4) A Notice of Violation shall be served by any method available to the City pursuant to section 347 of *The Cities Act*.

- (5) Where the City receives a voluntary payment of the prescribed amount in section 8(2) before a court summons is issued, the person receiving the Notice of Violation shall not be liable to prosecution for the contravention.
- (6) Payment of a voluntary payment amount specified in a Notice of Violation does not relieve the owner of the property from compliance with this Bylaw.

General Penalty Provision

- 9 Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine in the amount set out in sections 10 or 11.
- 10 In the case of an Individual:
 - (a) for the first offence, of not less than \$100.00;
 - (b) for the second offence, of not less than \$200.00; and
 - (c) for a third or subsequent offence, of not less than \$200.00 and not more than \$500.00 to be determined by a court upon conviction.
- 11 In the case of a Corporation:
 - (a) for the first offence, of not less than \$500.00;
 - (b) for the second offence, of not less than \$1,000.00; and
 - (c) for the third or subsequent offence, of not less than \$1,000.00 and not more than \$10,000.00 to be determined by a court upon conviction.
- 12 For the purpose of determining the applicable fine required by this Bylaw, the number of offences shall be determined by the number of Notices of Violation, that are not the subject of an appeal, imposed in relation to that particular individual or corporation.
- 13 Nothing in this Bylaw relieves a person from complying with any federal or provincial law or regulation, other bylaw or any requirements of any lawful permit, order, consent or other direction.

14 This Bylaw comes into force August 1, 2021.

READ A FIRST TIME THIS 29th DAY OF July 2020.

READ A SECOND TIME THIS 29th DAY OF July 2020.

READ A THIRD TIME AND PASSED THIS 29th DAY OF July 2020.

M. FOUGERE

Mayor

J. NICOL

City Clerk (SEAL)

CERTIFIED A TRUE COPY

City Clerk

ABSTRACT

BYLAW NO. 2020-49

THE PLASTIC CHECKOUT BAG BAN BYLAW, 2020

PURPOSE: The purpose of the Bylaw is to prohibit retail business, food service business or service business from providing, distributing, selling plastic bags or plastic checkout bags for the purpose of transporting items purchased or received by the customer from the business except in the limited circumstances identified in the Bylaw.

ABSTRACT: The purpose of the Bylaw is to prohibit retail business, food service business or service business from providing, distributing, selling or using plastic bags or plastic checkout bags, except in the limited circumstances identified in the Bylaw. The Bylaw permits plastic bags in limited circumstances such as for certain foods, items that do not easily fit in a reusable container, covering clothes immediately following professional laundering or dry cleaning, carrying prescription drugs received from a pharmacy and plastic bags for use at the customer's residence or place of business, provided such plastic bags are prepackaged and sold in packages of multiple bags

**STATUTORY
AUTHORITY:** *The Cities Act*

MINISTER'S APPROVAL: N/A

PUBLIC HEARING: N/A

PUBLIC NOTICE: N/A

REFERENCE: Motion May 27, 2020, MN20-3, Motion, May 27, 2019, MN19-6 and Motion October 28, 2019, MN19-18

AMENDS/REPEALS: New Bylaw

CLASSIFICATION: Regulatory

INITIATING DIVISION: Citizen Services

INITIATING DEPARTMENT: Water, Waste & Environment