

PROPOSED

???0000-000
ATTACHMENT _

CHARTER BYLAW NUMBER 1H2023

BEING A CHARTER BYLAW OF THE CITY OF CALGARY TO REGULATE SINGLE-USE ITEMS

WHEREAS Council has adopted the recommendations in Report CD2022-0985 and deems it desirable to regulate Single-Use Items in the City of Calgary;

AND WHEREAS pursuant to section 7 of the Municipal Government Act, Council may pass bylaws respecting businesses, business activities and persons engaged in business;

AND WHEREAS pursuant to section 7 of the Municipal Government Act as modified by section 4 of the City of Calgary Charter, 2018 Regulation, AR 40/2018, Council may pass bylaws respecting the well-being of the environment, including bylaws providing for the creation, implementation and management of programs respecting waste reduction, diversion, recycling and management;

AND WHEREAS pursuant to the City of Calgary Charter, 2018 Regulation, Council must, before giving second reading to a proposed bylaw under the authority provided by section 4 of the City of Calgary Charter, 2018 Regulation, hold a public hearing in respect of the proposed bylaw after giving notice of it in accordance with the Municipal Government Act;

AND WHEREAS this Bylaw has been advertised and a public hearing has been held in accordance with the Municipal Government Act;

AND WHEREAS, Council wishes to reduce the number of single-use items entering the waste stream and the environment, and to promote reusable alternatives;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

PART 1 – GENERAL PROVISIONS

Short Title

1. This *Bylaw* may be referred to as the “Single-Use Items Charter Bylaw”.

Definitions and Interpretation

2. (1) In this Bylaw, the term:

- (a) “*business*” means business licence holders, including those *businesses* defined in Part II of the Business Licence Bylaw 32M98;
- (b) “*Bylaw*” means this Bylaw as it may be amended from time to time and includes all Schedules attached to this Bylaw;

PROPOSED

BYLAW NUMBER 1H2023

- (c) “*charitable organization*” means a *business* with a valid and subsisting registration with the Province of Alberta as a charitable organization pursuant to the Charitable Fundraising Act RSA 2000, c. C-9, or with the Canada Revenue Agency as a charity;
- (d) “*charitable service*” means the provision of food, prepared food, clothing, or personal items for free or at low cost by a *charitable organization*;
- (e) “*customer*” means any person who purchases or receives food, drinks, or items from a *business* or other vendor and includes a person who orders these foods or items through an *ordering platform*;
- (f) “*foodware accessories*” includes, but is not limited to, items used for or related to the consumption of food or drink that are intended to be used only once, including:
 - i. spoons;
 - ii. forks;
 - iii. knives;
 - iv. chopsticks;
 - v. utensils;
 - vi. straws;
 - vii. stir sticks;
 - viii. splash sticks;
 - ix. cocktail sticks;
 - x. toothpicks;
 - xi. pre-packaged condiments; and
 - xii. napkins;
- (g) “*Officer*” means an officer appointed under the Bylaw Enforcement Officers Appointment Bylaw 60M96, or an officer appointed under the Peace Officer Act, S.A. 2006, c. P-3.5 or under the Police Act, R.S.A. 2000, c. P-17;
- (h) “*ordering platform*” means any platform that allows *customers* to order food or items for pickup or delivery from a *business*, and includes orders made by phone, on the *business* website, or on a third-party website, any of which may also include delivery by a third-party;

PROPOSED

BYLAW NUMBER 1H2023

- (i) “*paper shopping bag*” means a shopping bag made out of paper but does not include a *small paper bag*;
 - (j) “*person*” means an individual human being or a corporation and includes a partnership, an association or a group of persons acting in concert unless the context explicitly or by necessary implication otherwise requires;
 - (k) “*reusable shopping bag*” means a shopping bag made of any type of material, excluding film plastic and paper, and is designed and manufactured to be durable enough for multiple uses, and is capable of being washed or disinfected;
 - (l) “*shopping bag*” means a bag used for the purpose of transporting items sold or otherwise provided to a *customer* by a *business*, including but not limited to take-out and delivery of food and items ordered by *ordering platform*;
 - (m) “*small paper bag*” means any bag made of paper and is less than 400 square centimeters when flat.
- (2) Nothing in this Bylaw relieves a person from complying with any Federal or Provincial law or regulation, other bylaw or any requirement of any lawful permit, order or licence.
 - (3) Any headings or subheadings in this Bylaw are included for guidance purposes and convenience only and shall not form part of this Bylaw.
 - (4) Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
 - (5) All Schedules attached to this Bylaw shall form part of this Bylaw.
 - (6) Any reference in this Bylaw to a Part or Section, unless otherwise specified, is a reference to a Part or Section in this Bylaw.
 - (7) Specific references to laws in this Bylaw are meant to refer to the current laws applicable within the Province of Alberta as at the time this Bylaw was enacted and as they are amended from time to time, including successor legislation.

Paper and Reusable Shopping Bags

- 3. (1) A *business* must not provide or permit to be provided a new *shopping bag* to a *customer* unless the *shopping bag* is:
 - (a) *paper shopping bag* containing at least 40% recycled content as indicated in print on the bag; or
 - (b) a *reusable shopping bag*.

PROPOSED

BYLAW NUMBER 1H2023

- (2) A *business* must not provide or permit to be provided a new *shopping bag* to a *customer* unless the *customer* requests the *paper shopping bag* or *reusable shopping bag* in one of the following ways:
 - (a) the *customer* initiates the request;
 - (b) the *business* asks the *customer* if they need a *shopping bag*;
 - (c) the *customer* takes a *shopping bag* themselves; or
 - (d) the *customer* answers a prompt on an *ordering platform*.
- (3) A *business* must not provide or permit to be provided a new *shopping bag* to a *customer* unless the *customer* is charged a fee not less than:
 - (a) \$0.15 per *paper shopping bag* before 2024 January 16;
 - (b) \$0.25 per *paper shopping bag* on 2025 January 16;
 - (c) \$1.00 per *reusable shopping bag* before 2024 January 16; or
 - (d) \$2.00 per *reusable shopping bag* on 2025 January 16.
- (4) For greater certainty, a *shopping bag* that is previously used, and is being reused by the *customer*, is not considered a new *shopping bag* under this section.
4. (1) A *business* that provides a new *shopping bag* to a *customer* must prominently display information about the minimum fees charged in a location visible to a *customer* at the time and place of purchase.
- (2) A *business* that provides a new *shopping bag* and charges a fee under subsection 3(3) must indicate that fee as a separate line item on any receipt given to the *customer*.

Exemptions

5. Sections 3 and 4 do not apply to the following *shopping bags*:
 - (a) *small paper bags*;
 - (b) *shopping bags* used to protect items from becoming dirty or unusable due to exposure, such as newspapers intended to be left at a *customer's* residence, or clothes after professional laundering or dry cleaning;
 - (c) *shopping bags* used to package loose bulk items such as hardware or fasteners;
 - (d) *shopping bags* used to package loose bulk items such as fruit, vegetables, nuts, dry goods or candy;

PROPOSED

BYLAW NUMBER 1H2023

- (e) *shopping bags* used to contain or wrap frozen foods, meat, poultry or fish, whether pre-packaged or not;
 - (f) *shopping bags* used to wrap flowers or potted plants;
 - (g) *shopping bags* used to transport live fish;
 - (h) *shopping bags* used to protect bakery goods that are not pre-packaged;
 - (i) *shopping bags* used to transport prescription drugs received from a pharmacy;
 - (j) *shopping bags* used in the course of providing or receiving a *charitable service*; or
 - (k) *shopping bags* that have already been used by a *customer* and returned to a *business* for the purpose of being re-used by other *customers*.
6. A *business* must not deny the reasonable use by a *customer* of the *customer's* own *reusable shopping bag*.
7. In the absence of markings on a *paper shopping bag* designating that the bag is made of a minimum of 40% recycled content, an *officer* may request any information or documentation to be produced that shows that a *paper shopping bag* meets the recycled content threshold.

Single-Use Foodware Accessories

8. (1) A *business* must not provide or permit to be provided *any foodware accessory* to a *customer* unless the *customer* requests *foodware accessories* in one of the following ways:
- (a) the *customer* initiates the request;
 - (b) the *business* asks the *customer* if they need *foodware accessories*;
 - (c) the *customer* takes *foodware accessories* themselves; or
 - (d) the *customer* answers a prompt on an *ordering platform*.
- (2) Subsection (1) does not apply to *charitable organizations* in the course of providing or receiving a *charitable service*.

PART 2 – ENFORCEMENT

Offences

9. Any *person* who contravenes any provision of this *Bylaw* by doing any act or thing which

PROPOSED

BYLAW NUMBER 1H2023

the *person* is prohibited from doing, or by failing to do any act or thing the *person* is required to do, is guilty of an offence, and any offence created pursuant to this *Bylaw* shall be considered to be a strict liability offence.

Enforcement

10. (1) Where an *officer* believes that a *person* has contravened any provision of this *Bylaw*, the *officer* may commence proceedings against the *person* by issuing a violation ticket in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34.
- (2) This section shall not prevent an *officer* from issuing a violation ticket requiring a court appearance of the defendant pursuant to the *Provincial Offences Procedure Act* or from laying an information instead of issuing a violation ticket.
11. (1) Any *person* who is convicted of an offence pursuant to this *Bylaw* is liable on summary conviction to the specified penalty payable in respect of a contravention of a provision of this *Bylaw* as shown in Schedule "A" of this *Bylaw* in respect of that provision.
12. Despite section 11:
 - (1) if a person is convicted of the same provision of this *Bylaw* twice within one TWENTY FOUR (24) MONTH period, the specified penalty payable in respect of the second violation is double the amount shown in Schedule "A" of this *Bylaw* in respect of that provision, and
 - (2) if a person is convicted of the same provision of this *Bylaw* three or more times within one TWENTY FOUR (24) MONTH period, the specified penalty that may be imposed in respect of the third or subsequent violation is triple the amount shown in Schedule "A" of this *Bylaw* in respect of that provision.

PROPOSED

BYLAW NUMBER 1H2023

13. This Bylaw comes into force on 16 January 2024.

READ A FIRST TIME ON _____

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

CITY CLERK

SIGNED ON _____

PUBLISHED ON THE CITY'S WEBSITE THIS _____ DAY OF _____, 2023.

PROPOSED

BYLAW NUMBER 1H2023

SCHEDULE "A"

OFFENCE PENALTIES

Section	Offence	Specified Penalty
3(1)	Providing a <i>shopping bag</i> to a <i>customer</i> that is not a <i>paper shopping bag</i> or a <i>new reusable shopping bag</i> .	\$ 250.00
3(2)	Providing a <i>shopping bag</i> to a <i>customer</i> when the <i>customer</i> has not requested one	\$ 250.00
3(3)	Providing a shopping bag to a customer without charging a fee	\$ 250.00
4(1)	Failure to prominently display information about fees charged in a location visible to a <i>customer</i>	\$ 250.00
4(2)	Failure to indicate a fee as a separate line item on a receipt	\$ 250.00
7	Failure to produce information or documentation on request of an <i>officer</i>	\$ 250.00
8(1)	Providing any <i>foodware accessory</i> to a <i>customer</i> when the <i>customer</i> has not requested one.	\$ 250.00