



# City of Port Moody

## Bylaw No. 3301

A Bylaw to Regulate Single-Use Plastic and Foam Items.

WHEREAS the *Community Charter* authorizes a council to regulate in relation to the protection of the natural environment and to regulate business;

AND WHEREAS Port Moody City Council wishes to establish a Bylaw to reduce the creation or waste from single-use items and the associated municipal costs to better steward municipal property, including sewers, streets, parks, beaches, and waterways;

AND WHEREAS Port Moody City Council wishes to promote responsible and sustainable environmental practices that are consistent with community values;

NOW THEREFORE, the Council of the City of Port Moody enacts as follows:

### 1. Citation

- 1.1 This Bylaw may be cited as "City of Port Moody Single-Use Plastic Bylaw, 2021, No. 3301".

### 2. Definitions

- 2.1 In this Bylaw:

"Business Operator" includes the owner of a business, a person having responsibility for its management and operation, and any person who is employed by or acts on behalf of the business in dealing with its customers and patrons;

"City" means the City of Port Moody;

"Foam Container" means any container for food service or food transporting including cups, plates, and bowls made primarily of polystyrene foam;

"Paper Checkout Bag" means a bag made out of paper and contains at least 40% recycled paper content, that displays the words "recyclable" and "made of 40% recycled content" or "made of 40% post-consumer recycled content" or other applicable amount on the outside of the bag, and is intended to be used by a customer for the purpose of transporting items or Prepared Food purchased or received by the customer from the business providing the bag.

“Plastic Checkout Bag” means any bag that is produced from plastic, including biodegradable or compostable plastic, that is intended to be used by a customer for the purpose of transporting items or Prepared Food purchased or received by the customer from the business providing the bag;

“Plastic Drinking Straw” means a tube made primarily of plastic, including biodegradable or compostable plastic, and used to transfer a beverage from a container to the mouth of the individual drinking a beverage by suction;

“Plastic Stir Stick” means a stick made primarily of plastic, including biodegradable or compostable plastic, primarily used to stir beverages;

“Prepared Food” means any food or beverage prepared for consumption by a business at that licensed premise or location, using any cooking or food preparation technique;

“Reusable Checkout Bag” means a bag that is designed and manufactured to be used and machine-washed at least 100 times and is intended to be used by a customer for the purpose of transporting items or Prepared Food purchased or received by the customer;

“Small Paper Bag” means a paper bag that is smaller than 15cm by 20cm when flat; and

“Used Bag” means a checkout bag or a reusable bag that has been previously used and is being reused.

### 3. Regulation

- 3.1 Unless exempted under section 4.1, a Business Operator must not sell or otherwise provide a Plastic Checkout Bag to a customer except in accordance with section 3.2.
- 3.2 A business may provide a Paper Checkout Bag or a Reusable Checkout Bag to a customer only if:
  - a) the customer is first asked whether they need a bag;
  - b) the bag provided is a Paper Checkout Bag or a Reusable Checkout Bag, for which the customer is charged a fee not less than:
    - i) \$0.25 per Paper Checkout Bag; and
    - ii) \$2 per Reusable Checkout Bag,
 with the fee to be collected by the Business Operator.
- 3.3 Unless exempted under section 4.1, a Business Operator must not sell or otherwise provide Prepared Food to a customer in a Foam Container.
- 3.4 Unless exempted under section 4.1, a Business Operator must not sell or otherwise provide a customer with a Plastic Drinking Straw or Plastic Stir Stick.

- 3.5 A Business Operator must not prohibit or discourage a customer from using their own Reusable Checkout or Plastic Bags or Plastic Drinking Straws.

#### 4. Exemptions

4.1 This Bylaw shall not apply to:

- a) a hospital or any facility licensed as a community care facility under the *Community Care and Assisted Living Act*;
- b) organizations in good standing under the *Societies Act*, or registered as a charitable society or organization under the *Income Tax Act* (Canada);
- c) Foam Containers that have been filled and sealed outside of the City prior to delivery at the premises or location where the holder of a Business Licence operates;
- d) providing a Plastic Drinking Straw to a person with a disability or other accessibility need who requests a Plastic Drinking Straw;
- e) the sale of Plastic Checkout Bags, Plastic Drinking Straws, or other single-use related items intended for use at the customer's home or business, provided that they are sold in packages of multiple units;
- f) Plastic Checkout Bags used to:
  - i) package loose bulk items that are not prepackaged, such as fruit, vegetables, nuts, grains, and candy;
  - ii) contain small hardware items that are not prepackaged, such as nails, screws, nuts, and bolts;
  - iii) contain or wrap frozen foods, meat, poultry, or fish, which may be prepackaged;
  - iv) wrap flowers or potted plants;
  - v) protect Prepared Foods or baked goods that are not prepackaged;
  - vi) contain prescription drugs and over the counter medications; or
  - vii) protect clothes after professional laundering or dry cleaning;
- g) Small Paper Bags;
- h) Paper Checkout Bags used in the case of prescribed pharmaceutical drugs or devices; and
- i) Used Bags.

## 5. Offence and Penalty

5.1 Every person who:

- a) contravenes this Bylaw;
- b) permits, suffers, or allows any act or thing to be done in contravention of this Bylaw; or
- c) neglects to do or refrains from doing anything required to be done under this Bylaw,

commits an offence, and every day that the offence continues amounts to a new and separate offence.

5.2 A person found guilty of contravening this Bylaw shall be liable to pay:

- a) a fine of up to \$10,000, and the costs of prosecution, if proceedings are brought under the *Offence Act*; or
- b) a fine of up to \$1,000 if a ticket is issued under the City of Port Moody Municipal Ticket Information Authorization Bylaw.

## 6. Severability

6.1 If a portion of this Bylaw is found invalid by a court, it will be severed, and the remainder of the Bylaw will remain in effect.

## 7. Effective Date

7.1 This Bylaw is to come into force and take effect on Earth Day, April 22, 2022.

**Read a first time** this 23<sup>rd</sup> day of March, 2021.

**Read a second time** this 23<sup>rd</sup> day of March, 2021.

**Read a third time** this 27<sup>th</sup> day of April, 2021.

**Third reading rescinded** this 28<sup>th</sup> day of September, 2021.

**Read a third time as amended** this 28<sup>th</sup> day of September, 2021.

**Adopted** this 12<sup>th</sup> day of October, 2021.



R. Vagramov  
Mayor



D. Shermer  
Corporate Officer