

**DISTRICT OF FORT ST. JAMES**  
**SINGLE USE PLASTICS REGULATION**  
**BYLAW NO. 1050, 2022**

A bylaw to regulate single use plastics in Fort St. James.

**WHEREAS** pursuant to the *Community Charter*, S.B.C. 2003, c. 26 Council may, by bylaw regulate, prohibit, and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to nuisances, disturbances and other objectionable situations, including refuse, garbage or other material that is noxious, offensive or unwholesome, and protection of the natural environment; AND;

**WHEREAS** pursuant to the *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation B.C. Reg. 144/2004*, as amended by the Minister of the Environment and Climate Change Strategy Ministerial Order No. M309/2021, the District may, by bylaw, regulate, prohibit and impose requirements in relation to certain single-use supplementary items including checkout bags, polystyrene foam service ware containers and plastic utensils and drinking straws in relation to the protection of the natural environment;

**AND WHEREAS** the Council of the District of Fort St. James wishes to establish a bylaw to reduce the creation of waste from single use plastic items and the associated municipal costs to better steward municipal property, including sewers, streets, parks, beaches, and waterways;

**NOW THEREFORE** the Council of the District of Fort St. James, in an open meeting, enacts as follows:

**1. Citation**

This bylaw may be cited for all purposes as the “District of Fort St. James Single Use Plastics Regulation Bylaw 1050, 2022.

**2. Definitions**

In this Bylaw:

“*Business*” means any person, organization, or group engaged in a trade, business, profession, occupation, calling, employment or purpose that is regulated under the District of Fort St. James Business Licencing Bylaw, including any person operating on behalf of a business;

*“Checkout Bag”* means: any bag that is intended for the purposes of transporting items received by a customer from a business; and includes Paper Bags, Plastic Bags, or Reusable Bags;

*“Drinking Straw”* means a tube used to transfer a beverage from a container to the mouth of the individual drinking the beverage by suction;

*“Food Service Ware”* means products used for serving or transporting prepared food or beverages including, but not limited to, plates, cups, bowls, trays, and hinged or lidded containers;

*“Paper Bag”* means a bag made out of paper, but does not include a Small Paper Bag;

*“Plastic Bag”* means and bag made of plastic, including biodegradable plastic or compostable plastic, but does not include a reusable Bag or Small Plastic Bag;

*“Plastic Drinking Straw”* means a straw primarily made of plastic, including biodegradable or compostable plastic;

*“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 or polymer spheres (expanded bead foam), injection moulding, foam moulding, and extrusion blown moulding (extruded foam polystyrene);

*“Reusable Bag”* means a bag with handles that is for the purpose of transporting items purchased by the customer from a Business and is designed and manufactured to be capable of at least 100 uses;

*“Small Paper Bag”* means and bag made out of paper that is less than 15 centimetres by 30 centimetres when flat;

*“Plastic Bag”* means any small bag that is less than 15 centimetres by 30 centimetres when flat;

### **3. Regulation**

3.1 Except as provided in the Bylaw, no Business may provide a customer with any of the following items:

- 3.1.1 Checkout Bag
- 3.1.2 Plastic Drinking Straw
- 3.1.3 Plastic Utensils
- 3.1.4 Plastic Stir sticks
- 3.1.5 Polystyrene Foam Food Service Ware for Prepared Foods

3.2 A Business may provide a Checkout Bag to a customer only if:

- 3.2.1 The customer is first asked whether they need a bag;
- 3.2.2 The bag provided is a Paper Bag or a Reusable Bag; and
- 3.2.3 The customer is charged a fee not less than \$0.25 per Paper Bag; and \$2.00 Per Reusable Bag.

3.3 For Certainty, No Business may;

- 3.3.1 Sell or provide to a customer any of the items listed in section 3.1 except as provided by this Bylaw; or
- 3.3.2 Provide a Checkout Bag to a customer free of charge.
- 3.3.3 No Business shall deny or discourage a customer from using their own Checkout Bag or drinking straw.

### **4. Exemptions**

4.1 Section 3 does not apply to Small Paper Bags or Small Plastic Bags used to

- 4.1.1 package loose bulk items such as fruits, vegetables, nuts, grains and candy;
- 4.1.2 Package loose small hardware items such as nails and bolts;
- 4.1.3 Contain or wrap frozen foods, meat poultry, or fish, whether pre-packaged or not;
- 4.1.4 Wrap flowers or potted plants;
- 4.1.5 Protect prepared foods or bakery goods that are not pre-packaged; or
- 4.1.6 Contain prescription drugs received from a pharmacy;

4.2 Section 3 does not apply to Plastic Bags used to protect linens, bedding, construction materials or other similarly large items that cannot be easily fit in a reusable bag.

- 4.3 Section 3 does not apply to Plastic Drinking Straws provided by request to customers with an accessibility need, and customers shall not be required to provide any medical information to prove their need.
- 4.4 This Bylaw does not apply to the sale of plastic bags intended for use at the customer's home or business, provided they are prepackaged and sold in packages of multiple bags.
- 4.5 This bylaw does not apply to the sale of Plastic Drinking Straws intended for use in the customer's home, provided they are sold in packages of multiple straws.
- 4.6 Notwithstanding section 3.1.1 a Business may provide a Checkout Bag without asking and free of charge if the bag has been donated to the Business for the purpose of being reused by other customers, and:
- 4.7 The bag has already been used by a customer; or
- 4.8 In the case of a Reusable Bag, the bag is made from 100% recycled materials.

## **5. Offence**

- 5.1 A person commits an offence and is subject to the penalties imposed by this Bylaw, and the Offence Act if that person:
  - 5.1.1 Contravenes a provision of this Bylaw;
  - 5.1.2 Consents to, allows, or permits an act or thing to be done contrary to this Bylaw; or;
  - 5.1.3 Neglects or refrains from doing anything required by a provision of this Bylaw.
  - 5.1.4 Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.
  - 5.1.5 A fine of \$100 will be imposed after the first warning by the Bylaw enforcement officer.

## **6. Enforcement**

- 6.1 Bylaw Enforcement Officers of the District of Fort St. James are responsible for the enforcement and administration of this Bylaw.
- 6.2 For the purposes of this Bylaw, the designated Bylaw Enforcement Officer means the following:
  - 6.2.1 Chief Administrative Officer of their designate;
  - 6.2.2 Bylaw Enforcement Officer or Their designate.

- 6.3 No Person shall unreasonably obstruct or prevent a Bylaw Enforcement Officer from carrying out their duties as prescribed in this Bylaw. The Bylaw Enforcement Officer is authorized and empowered to inspect, compel and require that all the regulations and provisions in this Bylaw are carried out.
- 6.4 Every person who contravenes any provision of this Bylaw, or who suffers or permits any act of thing to be done in contravention of this Bylaw, or who suffers or refused, omits, or neglects to fulfil, observe, carry out, or perform a duty or obligation imposed by this Bylaw, shall be deemed to have committed an offence against this Bylaw.
- 6.5 The intent of this Bylaw is to set standards of general public interest, and not to impose a duty on the District of Fort St. James or its employees to enforce its provisions and:
- 6.6 A failure to administer or enforce its provisions or the incomplete or inadequate administration or enforcement of its provisions is not to give rise to a cause of action in favour of any person; and
- 6.7 The grant of any approval or permission or issuance of any permit is not a representation, warranty or statement of compliance with the Bylaw and the issuance thereof in error is not to give rise to cause of action.

**7. Severability**

If any provision of this Bylaw is held to be invalid by any court of competent jurisdiction, that provision shall be severed and its severance shall not affect the validity of the remainder of the Bylaw.

**8. Effective Date**

This Bylaw comes into force upon adoption, except section 3.1.5 which comes into force six months thereafter.

READ A SECOND AND THIRD TIME THIS 26th DAY OF July, 2022.

ADOPTED THIS 13th DAY OF September, 2022.

[Original Signed]

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Bob Motion, Mayor

[Original Signed]

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John Simcock, Chief Administrative Officer