

CITY OF PRINCE ALBERT BYLAW NO. 28 OF 2020

A Bylaw of The City of Prince Albert to prohibit the distribution of plastic checkout bags in order to minimize the volume of plastic waste entering our landfill, waste collection systems, and littering in our community.

WHEREAS the Council of The City of Prince Albert recognizes the detrimental effects of plastic bags on the environment and on the aesthetics of the community;

AND WHEREAS the City of Prince Albert wishes to reduce the presence of plastic bags entering the Prince Albert Regional Landfill, our waste collection systems and the environment;

NOW THEREFORE THE COUNCIL OF THE CITY OF PRINCE ALBERT IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

1. Short Title

This Bylaw may be cited as the "Plastic Checkout Bag Bylaw".

2. Definitions

In this Bylaw:

- (a) "Bylaw Enforcement Officer" shall mean any person appointed by City Council to administer and oversee bylaw enforcement for the City.
- (b) "Checkout Bag" means 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 and/or a bag used to package takeout food or food to be delivered.
- (c) "City" means the municipal corporation of the City of Prince Albert.
- (d) "City Manager" means the chief administrative officer of the City or delegate.

- (e) "Director of Public Works" means the City Engineer of the City or delegate.
- (f) "Food Service Business" means a business that sells or provides food for consumption on or off of the business premises, including restaurants, fast food restaurants, cafes, delicatessens, coffee shops, vending trucks or carts, or cafeterias.
- (g) "Landfill" means the Prince Albert Regional Landfill, being the area designated for waste disposal.
- (h) "Litter" means any and all miscellaneous waste which when discarded, dropped, placed, blown or carried onto any sidewalk, street, boulevard, lane, park, public place or private premises, contributes to untidiness and detracts from City cleanliness.
- (i) "Paper Bag" means a bag made primarily of pulp or paper, but does not include a plastic bag.
- (j) "Plastic Bag" means any bag made with any amount of plastic, including biodegradable plastic or compostable plastic but does not include a reusable bag.
- (k) "Police Officer" means any sworn member of the Prince Albert Police Service.
- (l) "Retail Business" means a business whose main activity is the sale or provision of any type of goods directly to customers.
- (m) "Reusable Bag" means a bag with handles that is designed and manufactured to have a minimum lifetime of 100 uses and is primarily made of cloth or other washable fabric.
- (n) "Waste Collection System" includes the disposal, collection, processing and recycling or disposition of waste materials.

3. Rules of Interpretation

The table of contents, marginal notes and headings in this Bylaw are for reference purposes only.

4. Regulations

Except as provided in Section 6 of this Bylaw, no Retail Business or Food Service Business shall provide or sell a Plastic Bag to a customer.

5. Prohibited Activities

A Retail Business or Food Service Business shall not:

- (a) provide, distribute, sell, or use plastic or biodegradable plastic Checkout Bags;
- (b) restrict or deny the use of any reusable container or reusable bag by a person.

6. Exemptions

Plastic Bags used for:

- (a) carrying fruits or vegetables;
- (b) containing fresh or frozen meat, poultry or fish products whether prepackaged or not;
- (c) containing bulk food items or bulk hardware items;
- (d) freshly prepared bakery items or other food items that are not prepackaged;
- (e) wrapped flowers or potted plants;
- (f) clothes immediately following professional laundering or dry cleaning;
- (g) newspapers or other printed material intended to be left at the customer's residence or place of business;
- (h) flexible, reusable, re-sealable rectangular zipper storage bags, usually mainly transparent and made of polyethylene or similar plastic and used for foodstuffs such as sandwiches and freezer storage, that are sold in packages of multiple bags;
- (i) garbage or trash bags often used in residences and places of business to contain solid waste in order to prevent the insides of waste containers from becoming coated in waste material, that are sold in packages of multiple bags;
- (j) transport of live fish.

7. Inspection on Demand

A Bylaw Enforcement Officer or Police Officer may enter any Retail Business or Food Service Business and make such examinations, investigations and inquiries as required to determine compliance with this Bylaw.

8. Offences

- (a) An individual commits an offence and is subject to the penalties imposed by this Bylaw if that individual:
 - (i) contravenes a provision of this Bylaw;
 - (ii) consents to, allows, or permits an act or thing to be done contrary to this Bylaw;
 - (iii) neglects or refrains from doing anything required to be a provision of this Bylaw;
- (b) Each instance that a contravention of a provision of this Bylaw occurs and each day that a contravention continues shall constitute as a separate offence.

9. Penalties

- (a) Except as otherwise provided herein, any person or corporation operating a Retail Business or Food Service Business who contravenes any provision of this Bylaw is guilty of an offence, and shall be liable, upon summary conviction, to the fine as set out in this Bylaw.
- (b) Notwithstanding 9(a) above where a Bylaw Enforcement Officer or Police Officer issues a summary offence ticket for a violation of this Bylaw, that Bylaw Enforcement Officer or Police Officer may enter on the ticket the amount as stated in 9(c) and/or 9(d), which if paid within the time prescribed, will be accepted as a guilty plea to that offence.
- (c) Any individual who contravenes a provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine:
 - (i) for the first offence, of not less than \$100.00;
 - (ii) for the second offence, of not less than \$200.00; and,
 - (iii) for a third or subsequent offence, of not less than \$200.00 and not more than \$500.00.

- (d) Any corporation, including one operating a Retail Business or Food Service Business, who contravenes a provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine:
 - (i) for the first offence, of not less than \$500.00;
 - (ii) for the second offence, of not less than \$1,000.00; and,
 - (iii) for a third or subsequent offence, of not less than \$1,000.00 and not more than \$10,000.00.
- (e) No Retail Business or Food Service Business shall:
 - (i) fail to comply with an order made under this Bylaw;
 - (ii) obstruct or hinder a Bylaw Enforcement Officer or Police Officer acting under this Bylaw;
 - (iii) fail to comply with any other provision of this Bylaw.

10. Notice of Violation for First and Second Offences

- (a) A Bylaw Enforcement Officer or Police Officer may issue a summary offence ticket to any individual or corporation committing a first or second offence under Section 9. Subject to section 10(b)(iv), the summary offence ticket shall require the individual or corporation to pay to the City the penalty specified in Section 9.
- (b) The penalty may be paid:
 - (i) in person, during regular office hours, to the cashier located at City Hall, 1084 Central Avenue, Prince Albert, Saskatchewan;
 - (ii) by mail addressed to the Financial Services Department, City Hall, 1084 Central Avenue, Prince Albert, Saskatchewan S6V 7P3;
 - (iii) if payment of the penalty is made prior to the date when the individual or corporation contravening the Bylaw is required to appear in court to answer a charge, the individual or corporation shall not be liable to prosecution for that offence;
 - (iv) if a Bylaw Enforcement Officer or Police Officer is of the opinion that it is in the public interest to compel an individual or corporation who has contravened a provision of this Bylaw for the first time to appear before a justice, the Bylaw Enforcement Officer or Police Officer may issue a summons that requires the individual or corporation to appear

before a justice without the alternative of paying the specified amount;

- (v) if in the opinion of a prosecutor it is appropriate, the prosecutor may, on or before the court appearance date, permit an individual or corporation charged under Section 9 to pay the specified amount to avoid prosecution.

11. Early Payment

- (a) For an individual, if the penalty imposed under a summary offence ticket is paid within fourteen (14) calendar days of the date of the summary offence ticket, the amount of the penalty shall be discounted to the sum of not less than \$75.00 for a first offence and not less than \$150.00 for a second offence.
- (b) For a corporation, if the penalty imposed under a summary offence ticket is paid within fourteen (14) calendar days of the date of the summary offence ticket, the amount of the penalty shall be discounted to the sum of not less than \$375.00 for a first offence and not less than \$750.00 for a second offence.
- (c) Upon payment, the individual or corporation contravening the Bylaw shall not be liable to prosecution for that offence.
- (d) The date of payment shall be determined as follows:
 - (i) For payment in person, the date of payment shall be the date payment is received by the City;
 - (ii) For payment by deposit, the date of payment shall be the date payment is deposited in the depository at City Hall;
 - (iii) For payment by mail, the date of payment shall be the federal post marked date on the remittance.

12. Repeal of Bylaws

Bylaw No. 33 of 2019 is hereby repealed.

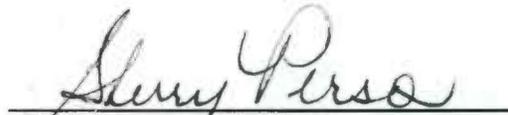
13. Coming into Force

This bylaw shall come into force and take effect on, from and after the final passing thereof.

INTRODUCED AND READ A FIRST TIME THIS 13th DAY OF October , AD 2020.
READ A SECOND TIME THIS 13th DAY OF October , AD 2020.
READ A THIRD TIME AND PASSED THIS 13th DAY OF October , AD 2020.



MAYOR


CITY CLERK