

**MUNICIPALITY OF JASPER
BYLAW #215**

**BEING A BYLAW OF THE MUNICIPALITY OF JASPER IN THE PROVINCE OF ALBERTA TO
REGULATE THE BUSINESS USE OF SINGLE-USE ITEMS TO REDUCE THE CREATION OF
WASTE AND ASSOCIATED MUNICIPAL COSTS.**

WHEREAS pursuant to Section 7 of the *Municipal Government Act* (RSA 2000, cM-26), a Council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business;

AND WHEREAS the Council of the Municipality of Jasper wishes to reduce the quantity of single-use items entering the municipal waste stream;

AND WHEREAS the Council of the Municipality of Jasper wishes to promote responsible and sustainable business practices that are consistent with the values of the community;

NOW THEREFORE the Council of the Municipality of Jasper, in the Province of Alberta, duly assembled, enacts:

1. CITATION

1.1. This Bylaw may be cited as the "Waste Reduction Regulation Bylaw".

2. DEFINITIONS

2.1. In this Bylaw:

2.1.1. "Bylaw Enforcement Officer" means a person appointed by the Chief Administrative Officer as a Bylaw Enforcement Officer pursuant to the provisions of the *Jasper Municipal Enforcement Officer Bylaw #045*;

2.1.2. "Checkout Bag" means:

2.1.2.1 any bag that is intended for the purpose of transporting items received by a customer from a Business;

2.1.2.2 any bag that is used to package take-out food or food to be delivered; and

2.1.2.3 includes Paper Bags, Plastic Bags, and Reusable Bags.

2.1.3 "Business" means any person, organization, or group engaged in a trade, business, profession, occupation, calling, employment or purpose that is regulated under the *Business Licensing Bylaw* (#110) and, for the purposes of section 3, includes a person employed by, or operating on behalf of, a Business;

2.1.4 "Paper Bag" means a bag made out of paper and containing at least 40% of post consumer recycled paper content, and displays the words "Recyclable" and "made from 40% post-consumer recycled content" or other applicable amount on the outside of the bag;

2.1.5 "Plastic Bag" means any bag made with plastic, including biodegradable plastic or compostable plastic, but does not include a Reusable Bag;

- 2.1.6 "Reusable Bag" means a bag with handles that is:
 - 2.1.6.1 intended to be used for transporting items purchased or received by a customer from a Business;
 - 2.1.6.2 designed and manufactured to be capable of at least 100 uses; and
 - 2.1.6.3 primarily made of cloth or other washable fabric.

3. REGULATION

- 3.1. Except as provided in this Bylaw, no Business may provide a customer with any of the following items:
 - 3.1.1. Plastic Bag.
- 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; and
 - 3.2.2. the bag provided is a Paper Bag or a Reusable Bag.
- 3.3. A Business may charge a fee for a Paper Bag or Reusable Bag.
- 3.4. No Business shall deny or discourage a customer from using their own Checkout Bag.
- 3.5. A Business may provide incentives to customers for using their own Checkout Bag.

4. EXEMPTIONS

- 4.1. Section 3 does not apply to Plastic Bags used to:
 - 4.1.1. package loose bulk items;
 - 4.1.2. package loose small items;
 - 4.1.3. contain or wrap produce, frozen foods, meat, poultry, fish or produce, 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;
 - 4.1.6. contain prescription drugs received from a pharmacy; or
 - 4.1.7. protect linens, bedding, large items of clothing or other similar large items that cannot easily fit in a Reusable Bag.
- 4.2. This bylaw does not apply to the sale of Plastic Bags intended for use at the customer's home or business, provided that they are prepackaged and sold in packages of multiple bags.
- 4.3. A Business that purchased plastic Checkout Bags in bulk prior to the passing of this bylaw may

continue to provide the bags until the stock is depleted, provided that the customer is first asked whether they need a bag.

5. PENALTIES

- 5.1. Any Business that contravenes this Bylaw is guilty of an offence.
- 5.2. Any Business contravening provisions of this Bylaw shall be liable for penalties set out in Schedule "A" of this Bylaw.
- 5.3. A notice or form commonly called an Offence Ticket having printed wording approved by the Chief Administrative Officer may be issued by a Bylaw Enforcement Officer to any Business alleged to have breached any provision of this Bylaw, and the said notice shall require the payment to the Municipality of Jasper in the amount specified in this Bylaw or the regulations pursuant to the *Provincial Offences Procedure Act* (RSA 2000, cP-34), as amended.
- 5.4. An Offence Ticket shall be deemed to be sufficiently served:
 - 5.4.1. if delivered personally to the manager or the person apparently in charge of the Business premises or branch; or
 - 5.4.2. if sent by single registered mail to the registered office of the Business.
- 5.5. In lieu of prosecution, the Business named in the Offence Ticket may elect to voluntarily make payment to the Municipality of Jasper in the amount of the specified penalty.
- 5.6. If the payment specified in the Municipality of Jasper Offence Ticket is not paid in accordance with the terms and in the timeframe required by the ticket, a prosecution may be commenced for the alleged contravention of this Bylaw.

6. SEVERANCE

- 6.1. If any provision herein is adjudged by a Court of competent jurisdiction to be invalid for any reason, then that provision shall be severed from the remainder of this Bylaw and all other provisions of this Bylaw shall remain valid and enforceable.

7. COMING INTO EFFECT

- 7.1. This bylaw shall come into force and effect on July 1, 2019 with the exception of Section 5, which will come into force and effect on a date to be proclaimed by the Council of the Municipality of Jasper.

READ a first time this 2nd day of April, 2019

READ a second time this 21st day of May, 2019

READ a third and finally passed this _____ day of _____, 2019

Mayor

Chief Administrative Officer

SCHEDULE A

Single-Use Item Regulation Bylaw Offences and Fines

Offence	Section	Fine	Fine if paid within 30 days
Selling or providing a Plastic Bag	3.1	\$100.00	\$75.00