



# THE CITY OF DAWSON

## Single Use Plastics Bylaw

Bylaw No. 2019-10

**WHEREAS** section 265 of the *Municipal Act*, RSY 2002, c. 154, and amendments thereto, provides that a council may pass bylaws for municipal purposes respecting

- (a) Nuisance, unsightly property, noise and pollution and waste in or on public or private property;
- (b) Businesses, business activities and persons engage in business and the enforcement of bylaws

**THEREFORE**, pursuant to the provisions of the *Municipal Act* of the Yukon, the council of the City of Dawson, in open meeting assembled, **ENACT AS FOLLOWS:**

### PART I - INTERPRETATION

#### 1.00 Short Title

1.01 This bylaw may be cited as the *Single Use Plastics Bylaw*.

#### 2.00 Purpose

2.01 The purpose of this bylaw is

- (a) to regulate the business use of single use plastics to reduce the creation of waste and associated municipal costs,
- (b) to better steward municipal property, including sewers, streets and parks, and
- (c) to promote responsible and sustainable business practices that are consistent with the values of the community.



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### 3.00 Definitions

#### 3.01 In this bylaw:

- (a) Unless expressly provided for elsewhere within this bylaw the provisions of the *Interpretations Act*, RSY 2002, c. 125, shall apply;
- (b) " Bylaw Enforcement Officer" means a person employed by the City of Dawson to enforce bylaws;
- (c) "business" means
  - I. any commercial, merchandising, or industrial activity or undertaking, or
  - II. any profession, trade, occupation, calling or employment, or
  - III. any activity providing goods or services for the purpose of gain or profit.
- (d) "checkout bag" means:
  - I. 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; or
  - II. bags used to package take-out or delivery of food and includes paper bags, plastic bags, or reusable bags;
- (e) "CAO" means the Chief Administrative Officer for the City of Dawson;
- (f) "city" means the City of Dawson;
- (g) "council" means the Council of the City of Dawson.
- (h) "paper bag" means a bag made out of paper and containing at least 40% 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 but does not include a Small Paper Bag;
- (i) "plastic drinking straw" means a tube made of plastic, including biodegradable or compostable plastics, used to transfer a beverage from a container to the mouth of the individual drinking the beverage by suction;
- (j) "plastic utensils" means cutlery made of plastic provided with the intention of a single use to consume food;



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- (k) “plastic bag” means any bag made with plastic, including biodegradable plastic or compostable plastic, but does not include a reusable bag;
- (l) “plastic take-out container” means any container made out of plastic, including biodegradable plastic or compostable plastic intended to transport prepared food and beverages as a takeout container;
- (m) “polystyrene foam containers” means single use containers intended to transport prepared food and beverages as a takeout container;
- (n) “reusable bag” means a bag with handles that is for the purpose of transporting items purchased by the customer from a business and is
  - I. designed and manufactured to be capable of at least 100 uses; and
  - II. primarily made of cloth or other washable fabric;
- (o) “small paper bag” means any bag made out of paper that is less than 15 centimetres by 20 centimetres when flat.

## PART II – APPLICATION

### 4.00 Checkout Bag and Take-out Container Regulation

- 4.01 Except as provided in the bylaw, no business shall provide a customer with any of the following items;
  - (a) plastic bag
  - (b) plastic drinking straw
  - (c) plastic utensils
  - (d) plastic or polystyrene foam take out containers or cups
- 4.02 A business may provide a 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 bag or a reusable bag.
- 4.03 For certainty, no business may;
  - (a) sell or provide to a customer a plastic bag.
- 4.04 No business shall deny or discourage the use by a customer of their own checkout bag for the purpose of transporting items purchased or received by the customer from the business or discourage the use of the customer’s own plastic drinking straw.



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- 4.05 A business may provide a plastic drinking straw if:
- (a) For accessibility reasons, the customer requires a straw to consume a beverage and would not be able to if they were not provided a straw.

### 5.00 Exemptions

- 5.01 Section 4.00 does not apply to small paper bags used to:
- (a) package loose bulk items such as fruit, vegetables, nuts, grains, or candy;
  - (b) package loose small hardware items such as nails and bolts;
  - (c) wrap flowers or potted plants;
  - (d) protect prepared foods or bakery goods that are not pre-packaged;
  - (e) contain prescription drugs received from a pharmacy.
- 5.02 Section 4.00 does not apply to plastic bags or plastic take-out containers required to:
- (a) contain or wrap frozen foods, meat, poultry, or fish, whether pre-packaged or not;
  - (b) contain foods as required for general food safe packaging.
- 5.03 Section 4.00 does not limit or restrict the:
- (a) sale of bags, including plastic bags, intended for use at the customer's home or business, provided that they are sold in packages or multiple bags.
  - (b) sale of biodegradable or compostable plastic straws intended for multiple uses by the customer making the purchase.
- 5.04 Section 4.00 does not limit or restrict the sale of plastic drinking straws intended for use in the customer's home, provided they are sold in packages of multiple straws.

### 6.00 Offence

- 6.01 A person who commits an offence and is subject to the penalties imposed by this bylaw if that person,
- (a) contravenes a provision of the bylaw, or;
  - (b) consents to, allows, or permits an act or thing to be done contrary to this bylaw.
- 6.02 Each instance that a contravention of a provision of the bylaw occurs and each day that a contravention continues shall constitute a separate offence.



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### 7.00 Penalties

- 7.01 Any person who fails to comply with the requirements of this bylaw commits an offence and is liable, upon summary conviction, to:
- (a) a voluntary fine under section 20 of the Summary Convictions Act, issued in respect of an offence specified in Appendix “A” attached hereto and forming part of this bylaw;
  - (b) a fine not less than five hundred dollars (\$500.00) where proceedings are commenced pursuant to the *Summary Convictions Act* of the Yukon.

### PART III – FORCE AND EFFECT

### 8.00 Severability

- 8.01 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder unless the court makes an order to the contrary.

### 9.00 Enactment

- 9.01 This bylaw shall come into force April 22, 2020.

### 10.00 Bylaw Readings

Readings	Date of Reading
FIRST	<b>October 7, 2019</b>
SECOND	<b>January 22, 2020</b>
THIRD and FINAL	<b>February 12, 2020</b>

**Original signed by**

\_\_\_\_\_  
 Wayne Potoroka  
 Presiding Officer

\_\_\_\_\_  
 Cory Bellmore, CAO  
 Chief Administrative Officer



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### PART IV – APPENDIX (APPENDICES)

#### Appendix A – Voluntary Fines

Authority	Ticket Description	Fine – 1 <sup>st</sup> Offence	Fine – 2 <sup>nd</sup> and each subsequent offence
4.01	Providing a checkout bag, plastic drinking straw, plastic utensils or plastic or polystyrene take-out container to a customer except as provided in this bylaw	\$75	\$150
4.02 (b)	Providing a checkout bag that is not a paper bag or reusable bag	\$75	\$150
4.03	Discouraging the use of a customer's own reusable bag or plastic drinking straw or utensils	\$75	\$150