



CORPORATION OF THE DISTRICT OF TOFINO

District of Tofino Single-Use Item Regulation Bylaw No. 1277, 2020

Consolidated for Convenience Only

This is a consolidated version of the parent bylaw that incorporates changes made pursuant to the following amendment bylaws:

Amendment Bylaw	Effective Date
Bylaw No. 1277.01, 2022	February 22, 2022
Bylaw No. 1277.01, 2024	April 22, 2026

This consolidation is for convenience and reference purposes only. Persons making use of this consolidated version of Bylaw No. 1277 are advised that it is not a legal document. For the purposes of interpreting and applying the law, the original Bylaw No. 1277 and all amending bylaws must be consulted.

Bylaw numbers appearing in the margin of this consolidated version refer to the applicable amendment bylaw.

DISTRICT OF TOFINO

BYLAW NO. 1277, 2020

A bylaw to regulate single-use items.

WHEREAS the *Community Charter* authorizes a council to regulate in relation to protection of the natural the environment with approval from the minister responsible;

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

AND WHEREAS the Council of the District of Tofino wishes to promote responsible and sustainable environmental practices that are consistent with the values of the community;

NOW THEREFORE the Council of the District of Tofino, in open meeting, enacts as follows:

1. Name

The name of this Bylaw for citation purposes is “District of Tofino Single-Use Item Regulation Bylaw No. 1277, 2020.”

2. Definitions

In this Bylaw:

“Checkout Bag” means:

- (a) any bag that is intended for the purpose of transporting items received by a customer from a Business;
- (b) and includes Paper Bags, Plastic Bags, or Reusable Bags.

“Business” means any person, organization, or group engaged in a trade, profession, occupation, employment or purpose that is regulated under the Business Licence Regulation Bylaw and, for the purposes of section 3, includes a person employed by, or operating on behalf of, a Business. For clarity, a Business does not include hospitals or community care facilities under the *Community Care and Assisted Living Act*.

“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.

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“Plastic” includes compostable and biodegradable plastic.

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

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1277.02 →

“Plastic Water Bottle 1 Litre and Less” means a sealed rigid plastic bottle serving as the original container for still drinking water with a volume containing 1 litre or less.

“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 of polymer spheres (expandable bead form), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene).

“Prepared Food” means any food or beverage prepared for consumption by a Business at a licenced premises or location, using any cooking or preparation technique. Prepared Food does not include any raw or uncooked food, including meat, poultry, fish, seafood, or vegetables, unless provided for consumption without further preparation.

“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.

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1277.01

“Single-Use Plastic Drinking Straw” means a straw made primarily of plastic, including biodegradable or compostable plastic.

Bylaw No.
1277.01

“Single-Use Plastic Utensils” includes a spoon, fork, knife, chopstick or stir stick.

“Small Paper Bag” means any bag made out of plastic that is less than 15 centimetres by 30 centimetres when flat.

“Small Plastic Bag” means any bag made out of plastic that is less than 15 centimetres by 30 centimetres when flat.

3. Regulation

(1) Except as provided in this Bylaw, no Business may provide a customer with any of the following items:

- (a) Checkout Bag
- (b) Plastic Drinking Straw
- (c) Polystyrene Foam Food Service Ware for Prepared Foods
- (d) Single-Use Plastic Utensils
- (e) Plastic Water Bottle 1 Litre and Less

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(2) 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; and
- (c) the customer is charged a fee not less than:
 - (i) \$0.25 per Paper Bag; and
 - (ii) \$2.00 per Reusable Bag.

(3) For certainty, no Business may:

- (a) sell or provide to a customer any of the items listed in section (1) except as provided or exempted by this Bylaw; or
- (b) provide a Checkout Bag to a customer free of charge.

(4) No Business shall deny or discourage a customer from using their own Checkout Bag or Drinking Straw.

4. Exemptions

(1) Section 3 does not apply to Small Paper Bags or Small Plastic Bags used to:

- (a) package loose bulk items such as fruit, vegetables, nuts, grains, and candy;
- (b) package loose small hardware items such as nails and bolts;
- (c) contain or wrap frozen foods, meat, poultry, or fish, whether pre-packaged or not;
- (d) wrap flowers or potted plants;
- (e) protect prepared foods or bakery goods that are not pre-packaged;
- (f) contain prescription drugs received from a pharmacy.

(2) Section 3 does not apply to Plastic Bags used to protect linens, bedding, or other similar large items that cannot easily fit in a Reusable Bag.

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(3) Section 3 does not apply to Plastic Drinking Straws or Plastic Water Bottles 1 Litre and less 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) 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.

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(5) This Bylaw does not apply to the sale of Single-Use Plastic Drinking Straws, Single-Use Plastic Utensils, or Plastic Water Bottles 1 Litre and Less intended for the use in the customer's home, provided they are sold in packages of multiples.

(6) Notwithstanding sections 3(2) and 3(3), 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:

- (a) the bag has already been used by a customer; or
- (b) in the case of a Reusable Bag, the bag is made from 100% recycled materials.

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(7) Section 3(1)(e) does not apply when notice has been given for, and for the duration of, any of the following events:

- (a) a declaration of a state of local, provincial or federal emergency;
- (b) an activation of the Emergency Operations Centre; or
- (c) Stage 3 and 4 Water Conservation within the District of Tofino.

5. Offence

(1) A person commits an offence and is subject to the penalties imposed by this Bylaw, and the *Offence Act* if that person:

- (a) contravenes a provision of this Bylaw;
- (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw; or
- (c) neglects or refrains from doing anything required by a provision of this Bylaw.

(2) Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.

6. Enforcement

(1) Bylaw Enforcement Officers of the District of Tofino are responsible for the enforcement and administration of this Bylaw.

(2) No person shall unreasonably obstruct or prevent a Bylaw Enforcement Officer from carrying out his or her 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.

(3) Every person who contravenes any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, 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 and:

- (a) shall be liable to a fine set out in the "District of Tofino Municipal Ticket Information System Bylaw No. 1088, 2009" as amended from time to time; or
- (b) shall be liable to a penalty set out in the "District of Tofino Bylaw Notice Enforcement and Dispute Adjudication System Bylaw No. 1107, 2009" as amended from time to time; or
- (c) shall be liable, upon summary conviction, to the penalties provided under the "Offence Act" and amendments thereto; or
- (d) any combination of 6(3) (a), (b), and (c).

(4) The intent of this Bylaw is to set standards of general public interest, and not to impose a duty on the District of Tofino or its employees to enforce its provisions and:

- (a) 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
- (b) 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 a 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. Repeal

“District of Tofino Single-Use Item Regulation Bylaw No. 1263, 2019” is hereby repealed.

9. Effective Date

This Bylaw comes into force upon adoption, except section 3(1)(c) which comes into force six months thereafter.

READ A FIRST TIME on February 11, 2020

READ A SECOND TIME on February 11, 2020

READ A THIRD TIME AS AMENDED on March 10, 2020

APPROVED BY THE MINISTRY OF ENVIRONMENT AND CLIMATE CHANGE STRATEGY on September 10, 2020

NOTICE GIVEN UNDER SECTION 59(2)(A) AND (3) OF THE COMMUNITY CHARTER on October 8, 2020

OPPORTUNITY TO MAKE REPRESENTATIONS TO COUNCIL UNDER SECTION 59(2)(B) OF THE COMMUNITY CHARTER PROVIDED on October 13, 2020

ADOPTED on October 13, 2020

Acting Mayor: Dan Law

Robert MacPherson, Corporate Officer