

THE CITY OF EDMONTON
REVISED CHARTER BYLAW 20117
SINGLE-USE ITEM REDUCTION BYLAW

WHEREAS, pursuant to section 7 of the Municipal Government Act, as amended by the *City of Edmonton Charter, 2018 Regulation*, AR 39/2018 a Council may pass bylaws for municipal purposes respecting the well-being of the environment, including bylaws providing for the creation, implementation and management of programs respecting waste reduction, diversion, recycling and management;

AND WHEREAS, pursuant to section 7 of the Municipal Government Act, a Council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business, and the enforcement of bylaws;

AND WHEREAS, the City of Edmonton recognizes the detrimental effects of single-use items on human and environmental health, as well as the aesthetics of the community;

AND WHEREAS, the City of Edmonton has adopted both a 25-year Waste Strategy and the first in a series of Waste Reduction Roadmaps, which set targets related to reducing the production of waste in the City of Edmonton and decreasing the portion of waste that is landfilled;

AND WHEREAS, the City of Edmonton wishes to reduce the number of single-use items entering the waste stream and the environment, reduce or eliminate non-recyclable single-use items used by businesses, and promote reusable alternatives;

Edmonton City Council enacts:

PART I - PURPOSE, DEFINITIONS & RULES FOR INTERPRETATION

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| PURPOSE | 1 | The purpose of this bylaw is to regulate single-use items to reduce waste and litter, increase recycling and other responsible management of waste, and encourage the use of reusable alternatives. |
| DEFINITIONS | 2 | (1) Unless otherwise specified, words used in this bylaw have the same meaning as defined in the <i>Municipal Government Act</i> , RSA 2000, c M-26.

(2) In this bylaw: |

- (a) **“business”** means any person who holds or is required to hold a business licence under the Business Licence Bylaw 20002;
- (b) **“business category”** has the same meaning as defined in the Business Licence Bylaw 20002;
- (c) **“charitable organization”** means a business with a valid and subsisting registration with the Province of Alberta as a charitable organization, or with the Canada Revenue Agency as a charity;
- (d) **“City Manager”** means the City’s chief administrative officer or delegate;
- (e) **“customer”** means any person who purchases or receives food, drinks, or items from a business, event organizer, or other vendor and includes a person who orders these foods or items through an ordering platform;
- (f) **“event organizer”** means any person who holds a permit or licence through the City of Edmonton for an event expecting over 1,500 attendees;
- (g) **“food handling permit”** means a food handling permit as defined in the *Food Regulation* AR31/2006 of the *Alberta Public Health Act*, RSA 2000, c. P-37, as amended;
- (h) **“foodware accessories”** means items including, but not limited, to single-use spoons, forks, knives, chopsticks, utensils, straws, stir sticks, splash sticks, cocktail sticks, toothpicks, pre-packaged condiments and napkins;
- (i) **“ordering platform”** means any platform that allows customers to order food or items for pickup or delivery from a business, and includes orders made by phone, on the business website, or on a third-party site, any of which may also include delivery by a third-party;
- (j) **“paper shopping bag”** means a shopping bag made out of paper, and containing at least 40 per cent recycled content as indicated in print on the bag;
- (k) **“person”** has the same meaning as defined in the *Interpretation Act*, RSA 2000, c I-9;

- (l) **“plastic shopping bag”** means a shopping bag made out of any type of film plastic, which may include compostable, biodegradable, oxo-degradable, recycled, bio-plastic, or conventional plastics, but does not include reusable shopping bags;
- (m) **“polystyrene foam serviceware”** means products used for serving or transporting foods or drinks including, but not limited to, plates, cups, bowls, trays, cartons and hinged or lidded containers that are made from or contain polystyrene foam materials, which may be expanded, extruded or blown, sometimes marked with SPI Code #6 or PS;
- (n) **“premises”** has the same meaning as defined in the Business Licence Bylaw 20002;
- (o) **“reusable shopping bag”** means a shopping bag made of any type of material, excluding film plastic, and is designed and manufactured to be durable enough for multiple uses, and is capable of being washed or disinfected;
- (p) **“reusable drink cup”** means a cup that is made from durable materials that is able to withstand repeated washing, sanitizing, rinsing, and use;
- (q) **“shopping bag”** means any bag provided by a business to transport items purchased or received from the business, but does not include bags used to:
 - (i) package bulk items such as hardware or fasteners;
 - (ii) serve as primary packaging for food items, including, but not limited to, baked goods, produce, or bulk food items such as nuts, dry goods, or candy;
 - (iii) package goods received from a pharmacist; or
 - (iv) protect items from becoming dirty or unusable due to exposure, such as newspapers intended to be left at a customer’s residence, or clothes after professional laundering or dry cleaning;
- (r) **“single-use drink cup”** means a cup made from any material, used to serve a drink of any temperature, and ordinarily or customarily used for its intended purpose

only once before being disposed of.

**RULES FOR
INTERPRETATION**

- 3 The following interpretation rules apply to this bylaw:
- (a) marginal notes and headings in this bylaw are for ease of reference only;
 - (b) any reference to an enactment of the Province, or of Canada is a citation of or reference to the other enactment as amended; and
 - (c) all fees are in Canadian currency.

PART II - SHOPPING BAGS

PLASTIC BAG BAN

- 4 (1) A business or event organizer must not provide or permit to be provided a new plastic shopping bag to a customer.
- (2) Despite subsections 4(1) and 6(1), a business or event organizer may provide a plastic shopping bag to a customer if:
- (a) the plastic shopping bag has previously been used and is now being reused;~~or~~
 - ~~(b) the business or event organizer is a charitable organization.~~
- 5 In a prosecution for a contravention of this Part:
- (a) it is not necessary that a witness testify to the precise description, kind, brand, or name of the plastic shopping bag;
 - (b) the court may, in the absence of evidence to the contrary, infer that the shopping bag was a plastic shopping bag from the fact that a witness describes it by characteristics commonly used to describe film plastic; and
 - (c) evidence that a shopping bag looked, felt, or behaved like film plastic;

is, in the absence of evidence to the contrary, sufficient to establish that the shopping bag was a plastic shopping bag.

**PAPER AND
REUSABLE
SHOPPING BAGS**

- 6 (1) Except as otherwise provided under subsections 4(2)(b), or 6(2), a business must not provide or permit to be provided a new shopping bag to a customer.
- (2) A business may provide or permit to be provided a new shopping bag to a customer if:
- (a) the shopping bag is a paper shopping bag or reusable shopping bag;
 - (b) the customer requests the paper shopping bag or reusable shopping bag in accordance with section 7; and
 - (c) the business charges a minimum fee of:
 - (i) \$0.15 per paper shopping bag until July 1, 2024;
 - (ii) \$0.25 per paper shopping bag after July 1, 2024;
 - (iii) \$1.00 per reusable shopping bag until July 1, 2024; or
 - (iv) \$2.00 per reusable shopping bag after July 1, 2024.
- (3) Any fees charged under subsection 6(2)(c) must be indicated as a separate line item on any receipt given to the customer.
- (4) Every business who does provide paper shopping bags or reusable shopping bags under subsection 6(2) must display information about the minimum fees charged on media visible to the customer at the time and place of purchase.
- (5) For clarity, a shopping bag that has previously been used and is now being reused is not considered a new shopping bag under section 6(1).
- 7 The customer request as required by section 6(2)(b) is deemed to be valid if the:
- (a) customer initiates the request;
 - (b) business prompts the customer for a response;
 - (c) customer takes the shopping bag themselves; or
 - (d) customer answers a prompt on an ordering platform.

CUSTOMER'S OWN REUSABLE SHOPPING BAGS	8	No business or event organizer shall deny the reasonable use by a customer of the customer's own reusable shopping bag.
MARKINGS ON PAPER SHOPPING BAGS	9	In the absence of markings on a paper shopping bag designating that the bag is made of a minimum of 40 per cent recycled content, the business may show that the bag meets the recycled content threshold through other evidence.
EXEMPTIONS	10	A charitable organization is exempt from the requirement under subsection 6(2)(c): <ul style="list-style-type: none"> (a) when they are the customer, to pay a fee to a business; or (b) when they are the business, to charge a fee to a customer.

PART III - SINGLE-USE FOODWARE ACCESSORIES

FOODWARE ACCESSORY REQUEST	11	A business or event organizer must not provide or permit to be provided any foodware accessory to a customer unless the customer requests the foodware accessory.
	12	The customer request as required by section 11 is deemed to be valid if the: <ul style="list-style-type: none"> (a) customer initiates the request; (b) business prompts the customer for a response; (c) customer takes the foodware accessory themselves; or (d) customer answers a prompt on an ordering platform.
EXEMPTION	13	A charitable organization is exempt from the requirement to obtain a foodware accessory request under section 11.

PART IV - POLYSTYRENE FOAM SERVICEWARE

POLYSTYRENE FOAM SERVICEWARE BAN	14	A business or event organizer must not provide or permit to be provided any polystyrene foam serviceware to a customer.
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EXEMPTIONS

- 15 (1) Despite section 14, a business or event organizer may provide polystyrene foam serviceware to a customer when it is:
- (a) ~~trays or other food containers~~ used as primary packaging for food safety or sanitation purposes, which includes packaging for uncooked meat, poultry, seafood, or eggs; or
 - (b) ~~a business with a premises in a provincially designated or licensed health care facility, when serving food and drinks to patients or residents of the facility;~~
 - (c) ~~a business licensed with the business category of Residential Rental Accommodation (Long-Term) or a business operating on the premises of a Residential Rental Accommodation (Long-Term), but only when serving food and drinks to patients or residents of the facility; or~~
 - (b) a business or event organizer selling items packaged in prepared food containers that have been filled and sealed by an external supplier prior to arrival at the business premises or the location of an event operated by an event organizer.
- (2) However, the exemption in subsection (1) does not apply to the provision of any polystyrene foam serviceware that is otherwise prohibited by the *Single-use Plastics Prohibition Regulations*, SOR/2022-138

~~BYLAW EXEMPTION FOR CHARITABLE ORGANIZATIONS~~

~~16 A charitable organization is exempt from the polystyrene foam serviceware ban under section 14.~~

PART V - CUPS

CONSUMPTION ON PREMISES

- 17 (1) Any business with the business category of Restaurant or Food Service providing a drink in a cup to a customer for consumption on the premises must provide the drink in a reusable drink cup.
- (2) Despite subsection (1), a business:
- (a) with the business category of Restaurant or Food Service

in combination with at least one of the additional business categories as defined in a list determined by the City Manager;

(b) that is a charitable organization; or

(c) has a food handling permit terms and conditions of “single-use, disposable customer utensils only” as issued under the Food Regulation,

is permitted to provide drinks to a customer in a single-use drink cup for consumption on the premises.

18 For clarity, under section 17(1), the business may rely on the customer’s stated intention regarding whether the customer intends to consume their drinks on or off the premises at the time of providing the drink to the customer, regardless of whether the customer does consume the drink on or off the premises.

**REUSABLE DRINK
CUP POLICY**

19 (1) A business with the business category of Restaurant or Food Service must create a written reusable drink cup policy to permit customers to bring their own reusable drink cups for the business to serve drinks to the customer.

(2) An event organizer, or business with the business category of Farmers’ Market or Public Market Organizer, must create a written reusable drink cup policy to permit customers to bring their own reusable drink cups for a vendor to serve drinks to the customer.

20 A business or event organizer identified in subsection 19(1) or 19(2) must permit a customer to use their own reusable drink cup for any drinks served by the business in accordance with their policy.

21 Despite sections 19 and 20, a business:

(a) with the business category of Restaurant or Food Service in combination with at least one of the additional business categories as defined in a list determined by the City Manager; or

(b) that is a charitable organization;

is exempted from the requirement to create a reusable drink cup policy, and is not required to accept reusable drink cups supplied

by a customer.

PART VI - ENFORCEMENT

OFFENCE	22	A person who contravenes this Bylaw is guilty of an offence.
CONTINUING OFFENCE	23	In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine for each such day.
FINES	24	(1) A person found guilty of an offence under this Bylaw is liable to a fine in an amount not less than \$500. (2) If a person is guilty of a subsequent offence, the fine amounts established in this section are doubled.
MUNICIPAL TAG	25	(1) A municipal tag may be issued for any offence under this Bylaw. (2) If a municipal tag is issued for an offence, the municipal tag must specify the fine amount established by this Bylaw for the offence.
PAYMENT IN LIEU OF PROSECUTION	26	A person who commits an offence may, if a municipal tag is issued for the offence, pay the fine amount established by this Bylaw for the offence and if the full amount is paid on or before the required date, the person will not be prosecuted for the offence.
VIOLATION TICKET	27	(1) If a violation ticket is issued for an offence under this Bylaw, the violation ticket may: (a) specify the fine amount established by this Bylaw for the offence; or (b) require a person to appear in court without the alternative of making a voluntary payment. (2) A person who commits an offence may, if a violation ticket is issued specifying the fine amount established by this Bylaw for the offence, make a voluntary payment equal to the specified fine amount.
PROOF OF EXEMPTION	28	The onus of proving that a person is exempt from a requirement under this Bylaw is on the person alleging the exemption on a

balance of probabilities.

CERTIFIED COPY	29	A copy of a record of the City, certified by the City Manager as a true copy of the original, will be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.
DEEMING PROVISION	30	For the purposes of the prosecution of this bylaw, a person who purchases or receives food, drinks, or items at a public market, Farmers' Market or event operated by an event organizer, is deemed to also be a customer of: (a) the business holding the licence with the Public Market Organizer business category; (b) the business holding the licence with the Farmers' Market business category; or (c) the event organizer.
VICARIOUS LIABILITY	31	For the purposes of this Bylaw, an act or omission by an employee or agent of a person is deemed to be an act or omission of the person if the act or omission occurred in the course of the employee's employment or agency relationship with the person.
CORPORATIONS	32	If a corporation commits an offence under this Bylaw, every principal, director, manager, officer, employee, or agent of the corporation who authorized, assented to, acquiesced, or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
PARTNERSHIPS	33	If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized, assented to, acquiesced, or participated in the act or omission that constitutes the offence is guilty of the offence.

PART VII - GENERAL

CITY MANAGER POWERS	34	In addition to any other power, duty, or function prescribed by this bylaw, the City Manager may: (a) waive the requirement for mandatory bag fees under section 6(2)(c) for all businesses for public health reasons
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for any period of time;

- (b) waive the requirement for all businesses and event organizers to accept customer provided reusable shopping bags or reusable drink cups for public health reasons for any period of time;
- (c) determine the list of business categories eligible for an exemption as required by this bylaw under sections 17(2)(a) and 21(a);
- (d) exempt any business or event organizer from any or all provisions of this bylaw if the City Manager is satisfied:
 - (i) the business or event organizer provides charitable services similar to a charitable organization despite its lack of formal registration;
 - (ii) the business or event organizer has a statutory exemption; or
 - (iii) there is a public health or public interest reason for the exemption or waiver;
- (e) carry out any inspection necessary to determine compliance with this bylaw; and
- (f) delegate any power, duty, or function under this bylaw.

**COMING INTO
FORCE**

35

This bylaw comes into force on July 1, 2023.

Read a first time

Read a second time

Read a third time

SIGNED AND PASSED

THE CITY OF EDMONTON

MAYOR

CITY CLERK