A BYLAW IN THE TOWN OF DEVON, IN THE PROVINCE OF ALBERTA, BEING A BYLAW PROHIBITING THE DISTRIBUTION OF SINGLE-USE PLASTIC RETAIL BAGS FOR THE PURPOSE OF REDUCING THE PRESENCE OF PLASTIC BAGS IN THE COMMUNITY.

WHEREAS the Town of Devon recognizes the detrimental effects of Single-Use Plastic Retail Bags on human and environmental health, as well as the aesthetics of the community;

WHEREAS the Town of Devon wishes to reduce the presence of Single-Use Plastic Retail Bags entering the waste stream and the environment;

WHEREAS the Town of Devon recognizes waste reduction as the first priority for the collection, handling and management of solid waste;

WHEREAS it is the Town of Devon’s desire to conserve resources and natural resources and reduce waste to reduce public health concerns and environmental liability for current and future generations;

WHEREAS pursuant to Section 3 of the Municipal Government Act a purpose of a municipality is to foster the well-being of the environment;

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;

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF DEVON, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. **Title**
   a) This bylaw may be referred to as the “Single-Use Plastic Retail Bag Bylaw”

2. **Definitions**
   a) “Peace Officer” means Peace Officer as in the *Provincial Offences Procedure Act*, Revised Statutes of Alberta 2000 Chapter P-34 and amendments thereto. This includes a Town of Devon Community Peace Officer, as well as Bylaw Officer duly appointed by the Town of Devon Council;

   b) “Retail Bag” means a single-use bag provided to customers to hold their purchases from a Retail Establishment, and includes, plastic and biodegradable plastic bags;
c) “Retail Establishment” means all business locations where goods are offered for sale including, but not limited to:
   i. Restaurants and fast food stores;
   ii. Convenience stores;
   iii. Grocery stores;
   iv. Hardware stores;
   v. Beauty and personal care stores;
   vi. Clothing stores; and
   vii. All other retail stores.

d) “Reusable Container” means any bag, box, or other container specifically designed and manufactured to hold at least 20 lbs (9.07kg) of weight without failure or sign of eminent failure, is resistant to cuts and tears and is made of:
   i. Cloth or other machine washable fabric;
   ii. Durable plastic at least 2.25 mils (0.571 millimeters) thick; and or
   iii. Any other durable material suitable for multiple uses; and
   iv. Cardboard boxes that have been previously used made of pressed paper pulp or pasted sheets of paper.

e) “Town Manager” means the person appointed by Council to be the Chief Administrative Officer of the Town of Devon, in accordance with Council Bylaw;

f) “Violation Ticket” means the same as in the Provincial Offences Procedure Act, Revised Statutes of Alberta 2000 Chapter P-34 and amendments thereto;

3. Purpose
   a) To prohibit the distribution or sale of single-use plastic retail bags less than 2 mils (0.5 millimetres) thick by Retail Establishments.
   b) To reduce waste from other single-use items.

4. Prohibited Activities
   a) A Retail Establishment shall not:
      i. Distribute, sell or use Single-Use Plastic Retail Bags (polyethylene) checkout bags less than 2 mils (0.05 millimeters) thick.

5. Exemptions
   a) Single-use plastic retail bags used for:
      i. carrying fruits or vegetables;
      ii. containing fresh meat or fish products;
      iii. containing bulk food items or bulk hardware items;
      iv. freshly prepared bakery items;
      v. wrapping flowers or potted plants;
      vi. clothes immediately following professional laundering or dry-cleaning;
      vii. dirty, greasy, or hazardous products or materials.
   b) Single-use plastic retail bags distributed by a non-profit, being a food bank, a homeless
shelter or an animal shelter, in its normal course of business.

c) The sale of multiple, prepackaged single-use plastic bags e.g. blue bags and garbage bags.

d) Pre-packaged items from distributors.

6. **Permitted Activities**

   a) A Retail Establishment may provide paper retail bags or Reusable Containers to customers, at the customer’s request.

7. **Inspection on Demand**

   a) A Peace Officer may enter any Retail Establishment and may make such examinations, investigations and inquiries as required to determine compliance with this bylaw.

8. **Offences**

   a) Except as otherwise provided herein, any Retail Establishment 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 Schedule "A" 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 a separate offence.

   c) A Peace Officer is hereby authorized and empowered to issue a Violation Ticket to any Retail Establishment, whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

   d) A Violation Ticket may be issued to such Retail Establishment:

      i. in person;

      ii. by registered mail sent to the postal address of the Retail Establishment, as shown on the Tax Assessment Roll or on the Certificate of Title for the property; or

      iii. by leaving it with a person apparently over eighteen (18) years of age at the place of business of the Retail Establishment to whom the Violation Ticket is addressed.

   e) In the event that a Violation Ticket has been issued and the penalty specified on the Violation Ticket has not been paid within the prescribed time, a Peace Officer may issue a Violation Ticket to the Retail Establishment to whom the Violation Ticket was issued.

   f) A Violation Ticket issued with respect to a violation of this Bylaw shall be served upon the Retail Establishment responsible for the contravention in accordance with the Provincial Offences Procedure Act.

   g) The Retail Establishment to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided within Schedule “A” of this Bylaw.
h) When Court records the receipt of a voluntary payment pursuant to Provincial Offences Procedure Act, the act of recording the receipt of that payment constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.

9. **Date of Effect**

   a) This bylaw shall come into full force January 1, 2020, except for Section 3b., which shall come into force at a later date.

This Bylaw shall come into force and effect upon it receiving third reading by the Council.

**READ A FIRST TIME IN COUNCIL THIS** 15 day of October, 2019

**READ A SECOND TIME THIS** 25th day of November, 2019

**READ A THIRD AND FINAL TIME THIS** 25th day of November, 2019

_________________________________________________________

Ray Ralph, Mayor

_________________________________________________________

Tony Kulbisky, Chief Administrative Officer
## “SCHEDULE A”

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