

BY-LAW NO. 12624

A By-law to amend License By-law No. 4450 regarding shopping bags

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the License By-law.
2. Council adds the following definitions to section 2 of the By-law in correct alphabetical order:

““Shopping Bag” means a bag used for the purpose of transporting items sold or otherwise provided to a customer by a licence holder, including but not limited to take-out and to-go food, delivery of food, and leftovers from a meal, and customarily provided by a licence holder at the point of sale or when items ordered by telephone or internet-based ordering platforms are retrieved from the licence holder by the customer or a delivery service, but does not include:

- (a) Bags used to:
 - (i) contain loose bulk items such as fruit, vegetables, nuts, grains, or candy;
 - (ii) contain loose small hardware items such as nails and bolts;
 - (iii) protect bakery goods that are not pre-packaged prior to the point of sale;
 - (iv) contain or wrap frozen foods, meat, poultry, or fish, whether pre-packaged prior to the point of sale or not;
 - (v) wrap flowers or potted plants;
 - (vi) transport live fish;
 - (vii) protect newspapers or other printed material intended to be left at the customer’s residence or place of business; or
 - (viii) protect clothes after professional laundering or dry cleaning; or
- (b) Packages of at least 5 bags sold for use at the customer’s home or business, including but not limited to garbage bags, bin liners and pet waste bags.”;

““Licence Holder” means any person or organization required to obtain a licence under subsection 3(1) of this By-law.”;

““Paper Shopping Bag” means a shopping bag made out of paper and contains at least 40% recycled paper content, that displays the words “recyclable” and “made of 40% recycled content” or “made of 40% post-consumer recycled content” or other applicable amount on the outside of the bag.”;

““Plastic Shopping Bag” means a shopping bag made wholly or partially from either plastic derived from fossil fuels or plastic derived from biomass, including but not limited to corn, sugarcane or other plants, but does not include a Reusable Shopping Bag.”;

““Reusable Shopping Bag” means a shopping bag designed and manufactured to be capable of at least 100 uses, and primarily made of fabric.”; and

““Small Paper Bag” means any bag made out of paper that is less than 15 centimetres by 20 centimetres when flat.”.

3. Council inserts a new section 15.9 to this By-law as follows:

“SHOPPING BAGS

- 15.9 (1) No licence holder may provide a plastic shopping bag to a customer.
- (2) No licence holder may provide a shopping bag to a customer, except as provided by subsection (3).
- (3) A licence holder may provide a shopping bag to a customer only if:
- (a) The customer is first asked if they need a shopping bag; and
 - (b) The shopping bag is a paper shopping bag or a reusable shopping bag; and
 - (c) The customer is charged a fee not less than:
 - (i) 15 cents for every paper shopping bag; and
 - (ii) \$1 for every reusable shopping bag.
- (4) Every licence holder must include the amount charged for any paper shopping bags and reusable shopping bags provided to a customer as a separate line item on any receipt provided to the customer.
- (5) Every licence holder must report, at the request of the Chief Licence Inspector, the number of paper shopping bags and reusable shopping bags it distributed during the previous 12 months.
- (6) Subsections 15.9 (1) to (5) shall not apply to:
- (a) small paper bags; and
 - (b) shopping bags used to transport linens, bedding, or other similar large items that cannot easily fit in a paper bag or reusable bag.
- (7) Subsections 15.9 (3)(c), (4) and (5) shall not apply to paper or reusable shopping bags:
- (a) used to transport prescription drugs received from a pharmacy;
 - (b) used in the course of providing charitable food services; or

(c) that have already been used by a customer and returned to a licence holder for the purpose of being re-used by other customers.

(8) Subsection 15.9(3)(c)(i) of the License By-law is amended by deleting “15 cents” and substituting “25 cents” on January 1, 2022.

(9) Subsection 15.9(3)(c)(ii) of the License By-law is amended by deleting “\$1” and substituting “\$2” on January 1, 2022.”

4. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

5. This By-law is to come into force and take effect on January 1, 2021.

ENACTED by Council this 21st day of January, 2020

Signed _____ “Kennedy Stewart”
Mayor

Signed _____ “Katrina Leckovic”
City Clerk

EXPLANATION

A By-law to amend License By-law No. 4450 regarding shopping bags

On November 27, 2019, Council resolved to amend the License By-law No. 4450 regarding shopping bags. Enactment of the attached By-law, which includes a minor additional exemption from certain requirements, will implement Council's resolution.

Director of Legal Services
January 21, 2020