



## Village of Carmacks

### By-law 259-19

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#### A BY-LAW OF THE VILLAGE OF CARMACKS IN THE YUKON TERRITORY FOR THE PURPOSE OF PROHIBITING THE DISTRIBUTION OF PLASTIC CHECKOUT BAGS

WHEREAS the Village of Carmacks recognizes the detrimental effects of plastic bags on the environment and on the aesthetics of the community;

WHEREAS the Village of Carmacks wishes to reduce the presence of plastic bags entering the waste stream and the environment;

WHEREAS section 265 of the Municipal Act (R.S.Y. 2002) provides that council may adopt bylaws for municipal purposes respecting nuisance, unsightly property, noise and pollution and waste in or on public or private property;

WHEREAS pursuant to Section 265 of the Municipal Act (R.S.Y. 2002) Council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business and the enforcement of bylaws;

NOW THEREFORE the Village of Carmacks duly enacts:

1. Title: This bylaw may be referred to as the "Plastic Checkout Bag Bylaw".
2. Definitions:
  - a. Bylaw Officer: means a community Bylaw Officer employed by the Village of Carmacks authorized to enforce this bylaw;
  - b. Checkout Bag: means a single-use bag provided to a customer to hold their purchases from Retail Establishment, and includes plastic and biodegradable plastic bags;
  - c. 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 mils (0.05 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.

- d. Retail Establishment: means any location where goods are offered for sale;
- e. Violation Ticket: means a Ticket or similar document issued by the Village pursuant to the *Municipal Act*;
- f. Chief Administrative Officer: means the person appointed by Council to be the Chief Administrative Officer of the Village in accordance with Council Bylaw;

3. Purpose:

- a. To prohibit the distribution or sale of single-use plastic and biodegradable plastic (polyethylene) checkout bags less than 2 mils (0.05 millimeters) thick.

4. Exemptions:

- a. Single-use plastic 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 or other food 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 paper bags used to contain food from a Retail Establishment that is a:
  - i. Food service, drive-in or drive-through;
  - ii. Restaurant;
  - iii. Mobile Catering;
  - iv. Take-Out Restaurant.
- c. The sale of multiple, prepackaged single-use plastic bags.

5. Permitted Activities:

- a. A Retail Establishment may provide a paper checkout bag to a customer at the customer's request.

6. Prohibited Activities:

- a. A Retail Establishment shall not:
  - i. Provide, distribute, sell, or use plastic or biodegradable plastic Checkout Bags;
  - ii. Restrict or deny the use of any reusable container by a person.

7. Inspection on Demand:

- a. A Bylaw 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 a fine of \$250 per occurrence.
- 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 Bylaw Officer is hereby authorized and empowered to issue a Violation Ticket to any Retail Establishment, whom the Bylaw 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. Any Violation Ticket shall conform to a format approved by the Chief Administrative Officer and shall include all required content.
- f. Upon issuance and service of a Violation Ticket under the amount the Village will accept for the alleged offences shall be the amount of the specified penalty, and upon payment to a Retail Establishment authorized by the Chief Administrative Officer to receive such payment there shall be issued an official receipt therefor and such payment shall be accepted in lieu of prosecution for the alleged offence.

## 7 ENACTMENT

7.1 This bylaw shall come into full force and effect upon August 1, 2019.

**READ A FIRST TIME THIS 7<sup>th</sup> DAY of May 2019.**

**READ A SECOND TIME THIS 21<sup>st</sup> DAY of May 2019.**

**READ A THIRD TIME AND FINALLY PASSED THIS 16<sup>th</sup> DAY July of 2019.**

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**MAYOR BODIE**

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**CAO THOMAS**

"SCHEDULE A"

	Set fine	If paid within 7 days:
First Offence	Verbal Warning	-
Second Offence	\$250.00	\$125.00
Third Offence	\$500.00	\$250.00
Subsequent Offences	\$1,000.00	\$500.00