

Attachment-3 Single Use Items Draft By-law Amendments

The bylaw may be a separate bylaw or an amended to existing by-law and if an amendment then amendments will be required to introduce this new schedule, section 77 amendment, and possibly other amendments.

Schedule X of By-law Number (2019)-20392

The provisions of this Schedule shall apply in respect of the single-use items reduction strategy and ban on Shopping Bags, Polystyrene Foam, and Plastic Straws.

Applies to any Business or Licensee such as retail, commercial or food premise, within the City of Guelph that provides goods to customers, including food, textiles and clothing, toys, home goods, personal care products, construction and renovation material, and the like. Exemptions are noted below in Shopping Bags, Polystyrene Foam, and Plastic Straws.

The single-use items reduction strategy and ban applies to the following business types, as defined in the City's Business License By-law: Adult Entertainment, Amusement Establishments, Food Premise, Bed and Breakfast, Catering Business, Food Vehicle, Holistic Services, Hotel Establishment, Merchant Stand, Pawnbroker, Personal Service Establishment, Public Assembly Hall, Second-hand Goods/ Salvage Dealer.

Shopping Bags

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings:
 - a. "Business" includes, without limitation, any trade, occupation or business carried on or engaged in wholly or partly within the City of Guelph, and any trade, occupation or business carried on or engaged in by a charitable or non-profit organization;
 - b. "Licensee" means a Person to whom a Business Licence has been issued;
 - c. "Plastic Shopping Bag" means a bag made wholly or partly from plastic derived from fossil fuels or plastic derived from biomass including but not limited to corn, sugarcane or other plants, includes bags labelled as (bio)degradable, oxo-biodegradable, non-certified compostable and the like, used for the purpose of transporting items sold or otherwise provided to a customer by a business or licensee, including but not limited to take-out and to-go food, delivery of food, and leftovers from a meal, and customarily provided by a business or licensee at the point of sale or when items ordered by telephone or internet-based ordering platforms are retrieved from the licensee to the customer or a delivery service, but does not include 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;
 - VIII. small paper bags used to transport prescription drugs received from a pharmacy;
 - IX. protect clothes after professional laundering or dry cleaning;
 - X. collect and dispose of pet waste;
 - XI. certified compostable bags;
 - XII. 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.
- d. "Reusable Shopping Bag" means a shopping bag designed and manufactured to be capable of at least 100 uses, and primarily made of fabric.";
 - e. "Paper Shopping Bag" means a shopping bag made out of paper and should contain recycled paper content, and that displays the words "recyclable" on the outside of the bag;
2. Insert the following sections to the by-law that will come into force March 1, 2023:
- a. No Business or Licensee may provide a Plastic Shopping Bag to a customer.
 - b. A Business or Licensee may provide a shopping bag to a customer only if:
 - i. The customer is first asked if they need a shopping bag; and
 - ii. The shopping bag is a Paper Shopping Bag or a Reusable Shopping Bag, for which a Business or Licensee may apply a reasonable charge to the customer;
 - c. Every Business or Licensee must include the amount charged for any Paper Shopping Bag and Reusable Shopping Bag provided to a customer as a separate line item on any receipt provided to the customer.
3. Section 2 shall not apply to any Shopping Bag that has already been used by a customer including Shopping bags from competitors and returned to a business or licensee for the purpose of being re-used by the customer.

After March 1, 2024:

4. A Business or Licensee shall apply a fee of \$1 for every Reusable Shopping Bag provided to a customer in the first year of the ban.
 - a. A Business or Licensee may increase this fee for Reusable Shopping Bags in subsequent years.
5. All "Paper Shopping Bags" shall contain 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 similar wording and other applicable amount on the outside of the bag.

Polystyrene Foam

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings:
 - a. "Food Service Ware" means products used for serving or transporting prepared food or beverages including, but not limited to, plates, cups, bowls, trays, cartons and hinged or lidded containers.
 - b. "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 foam), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene). Includes polystyrene foam cups, take-out containers and the like used for "prepared food".
 - c. "Prepared Food" means any food or beverage prepared for consumption on or off a holder of a Business or Licensee's premises, using any cooking or food preparation technique. Prepared food does not include any raw uncooked food, including meat, poultry, fish, seafood, eggs or vegetables unless provided for consumption without further food preparation.
2. Insert the following sections to the by-law that will come into force March 1, 2023
 - a. No Business or Licensee shall sell or otherwise provide prepared food in any Food Service Ware that contains Polystyrene Foam.
3. Exemptions to Section 2 include:
 - a. A hospital, or any facility licensed as a community care facility under the *Home Care and Community Services Act, 1994, S.O. 1994, c. 26*;
 - b. Prepared food containers that have been filled and sealed outside the City of Guelph prior to arrival at the premises or location where the business or licensee operates;

- c. Food Service Ware used in the course of providing charitable food services only during the period of time that an emergency is declared under the *Emergency Management and Civil Protection Act*, R. S. O. 1990, c. E. 9;
- d. Packages of 5 or more foam cups and foam containers sold for personal use.

Plastic Straws

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings:
 - a. "Single-Use Plastic Beverage Straw" means a tube 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, used to transfer a beverage from a container to the mouth of the person drinking the beverage and ordinarily or customarily used for its intended purpose only once before being disposed as solid waste.
 - b. "Accessible Straw" means a single-use beverage straw made wholly or partially from plastic derived from fossil fuels, such as polypropylene, that has a corrugated section that allows the straw to bend and maintain its position at various angles.
 - c. "Bubble Tea Drink" means a prepared food consisting of a beverage, including but not limited to tea, fruit juice, blended fruit, coffee or milk, and edible pieces, typically less than 12 mm in diameter or width, including but not limited to tapioca, jelly or a liquid that has undergone the culinary process of spherification."
2. Insert the following sections to the by-law that will come into force March 1, 2023:
 - a. No Business or Licensee, including a food premise or food vehicle, shall provide Single-Use Plastic Beverage Straws to a customer.
3. Section 2 does not apply to the following:
 - a. a hospital or any facility licensed as a community care facility under the *Home Care and Community Services Act, 1994*, S.O. 1994, c. 26;
 - b. Single-Use Plastic Beverage Straws packaged together with drinks packaged and sealed in a carton or flexible plastic pouch at a different location than the Business or Licensee's premises where the drinks will be distributed for consumption; or
 - c. packages of at least 20 Single-Use Plastic Beverage Straws sold for personal use.
 - d. Food vendors who serve Bubble Tea Drinks.
 - e. Section 4 to meet accessibility needs.
4. Every food vendor shall provide an accessible straw to a customer when:

- a. the food vendor or its employees ask a customer if they need an accessible straw and the customer responds that they do, or
- b. a customer requests an accessible straw.

Single-Use Beverage Cups

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings:
 - a. "Single-Use Beverage Cup" means a cup made from any materials, used to serve a beverage and ordinarily or customarily used for its intended purpose only once before being disposed as solid waste."
 - b. "Reusable Beverage Cup" means a beverage cup that is made from durable materials, and is ordinarily or customarily washed, sanitized and used repeatedly."
2. Insert the following sections to the by-law that will come into force March 1, 2024:
 - a. Every Business or Licensee shall charge at least 25 cents for every Single-Use Beverage Cup distributed to a customer.
 - b. Every Business or Licensee shall include the amount charged for Single-Use beverage cups as a separate line item on any receipt provided to the customer.
 - c. The Single-Use Beverage Cup fee must be listed on media such as internet-based ordering platforms, store menu boards, or verbally inform customers placing orders via telephone call the cost of a Single-Use Beverage Cup.
3. Every Business or Licensee may choose to offer a discount to customers who bring in their own or purchase in-store a Reusable Beverage Cup to use.
 - a. Every Business or Licensee shall make reasonable effort to accept a customer's clean Reusable Beverage Cup.
4. Section 2 does not apply to the following:
 - a. a hospital or any facility licensed as a community care facility under *Home Care and Community Services Act, 1994, S.O. 1994, c. 26*;
 - b. Single-Use Beverage Cups used in the course of providing charitable food services;
 - c. packages of at least 6 Single-Use Beverage Cups sold for personal use; or
 - d. Beverages provided for free from a Business or Licensee to a customer through free drink vouchers, monetary gift vouchers, free drinking water, rewards or points programs, free drinks offered as part of an in-store promotion or other free drinks distributed by a business or licensee.

Single-Use Utensils

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings:
 - a. "Self-Serve Station" means an area on the Business or Licensee's premises where customers may obtain utensils for themselves;
 - b. "Single-Use Utensil" includes a spoon, fork, knife or chopstick made from any materials and ordinarily or customarily used for its intended purpose only once before being disposed as solid waste;

2. Insert the following new sections to the by-law that will come into force March 1, 2024:
 - a. No Business or Licensee shall provide a single-use utensil to a customer unless:
 - i. the food vendor or its employees first ask a customer if they want a Single-Use Utensil and the customer responds that they do or a customer requests a Single-Use Utensil, including responses given by telephone or using internet-based ordering platforms, or
 - ii. a customer obtains a Single-Use Utensil from a self-serve station.

3. Section 2 does not apply to the following:
 - a. a hospital or any facility licensed as a community care facility under the *Home Care and Community Services Act, 1994*, S.O. 1994, c. 26;
 - b. packages of at least 20 Single-Use Utensils sold for personal use; or
 - c. Single-Use Utensils used in the course of providing charitable food services.