

**THE MUNICIPAL CORPORATION OF THE CITY OF IQALUIT, NUNAVUT
BY-LAW No. 921**

Single-Use Plastic Bag Reduction By-Law

A BY-LAW of the City of Iqaluit, a Municipal Corporation of Nunavut authorizing the City to regulate the use and distribution of single use plastic shopping bags by businesses operating within the boundaries of the City of Iqaluit;

WHEREAS, pursuant to section 52.1 of Nunavut's City, Towns and Villages Act ("Act"), as amended from time to time, Council has broad authority to govern the City;

WHEREAS pursuant to section 54.2(a) of the Act the City has the authority to pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business, and the protection of people and property and nuisances, including unsightly property and the enforcement of by-laws;

WHEREAS sections 86, 173 and 182 through 187 of the Act provide that municipalities may regulate and establish by-laws that require persons to use any system established for the disposal of garbage on the terms and conditions that the by-law may require, levy and collect fees and impose punishment for offences;

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

WHEREAS, the City of Iqaluit deems it necessary to pass this by-law because it will establish standards to regulate and control the use of plastic bags in the City of Iqaluit due to large amounts of windblown plastic bag litter;

NOW THEREFORE the Council of the Municipal Corporation of the City of Iqaluit in a duly assembled meeting enact as follows:

SHORT TITLE

This By-law may be cited as the *Plastic Bag Reduction By-law* (hereinafter the "By-law")

SEVERABILITY

If any provision of the By-law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of the By-law or any documents which form part of the By-law or an application thereof to any person or circumstances is declared invalid the remaining provisions shall not be affected thereby but shall remain in force.

TITLE, INTERPRETATION AND DEFINITIONS

1. Definitions:

The following definitions apply in this By-law:

“**business**” includes a profession, trade, manufacture or undertaking of any kind, an adventure in the nature of trade, or, the sale or offer for sale of goods or services in any public place but does not include a business that is regulated by an Act of Canada;

“**By-law officer**” means a City of Iqaluit By-law Officer, appointed by Council by By-law;

“**City**” means the City of Iqaluit in the Territory of Nunavut;

“**corporation**” means a Business that is registered as a Corporation in Nunavut or Canada;

“**Council**” means the Municipal Council of the City;

“**individual**” means a single human being who is conducting a Business as a Sole Proprietor;

“**Municipal Enforcement Officer**” means a by-law officer, Municipal Enforcement Officer, Peace officer appointed under section 171 of the Cities, Towns and Villages act or section (2) of the Criminal Code of Canada or a member of the RCMP;

“**person**” means an Individual or a corporation, and includes a Partnership, an association, or a group of Persons acting in concert, unless the context explicitly or by necessary implication otherwise requires. It also includes the heirs, executors, administrators and other legal representatives of a Person, as defined in the *Interpretation Act*, R.S.N.W.T., c.1-8, as amended from time to time;

“**single-use plastic bag**” means any single use plastic bag provided to a customer to hold their purchases from an individual, business or corporation, and includes plastic and biodegradable plastic bags;

“**sole proprietor**” means an individual who is registered as a sole proprietor with Nunavut Legal Registries;

“**reusable bag**” means a bag with handles that is:

- (a) designed and manufactured to be capable of at least 100 uses, and
- (b) primarily made of cloth or other durable materials suitable for reuse;

“**shopping bag**” means:

- (a) any bag intended to be used by a customer for the purpose of transporting items purchased or received by the customer from the business providing the bag, or
- (b) a bag used to package take-out food or food to be delivered

2. CHECK OUT BAG PROHIBITION

2.1 Except as provided in this by-law, no business shall

- (a) provide, use, distribute or sell any single-use plastic bag;
- (b) provide a single use plastic bag;
- (c) deny or discourage the use by a customer of the customer's own reusable bag for the purpose of transporting items purchased or received by the customer.

3. EXEMPTIONS

3.1 Section 3 does not apply to bags used to:

- (a) package loose bulk food items such as fruit, vegetables, nuts, grains or candy;
- (b) package loose small hardware items such as nails and bolts;
- (c) contain or wrap frozen foods, meat, poultry, or fish, whether pre-packaged or not;
- (d) wrap flowers or potted plants;
- (e) protect prepared foods or bakery goods that are not pre-packaged;
- (f) contain prescription drugs received from a pharmacy;
- (g) protect linens, bedding or other similar large items that cannot easily fit in a reusable bag;
- (h) protect clothes after professional laundering or dry cleaning;
- (i) protect tires that cannot easily fit in a reusable bag;
- (j) dirty, greasy or hazardous products or materials.

3.2 Section 3 does not limit or restrict the sale of bags, including plastic bags, intended for use at the customer's home or business, that are sold in packages of multiple bags

4. INSPECTIONS

4.1 A Municipal Enforcement officer appointed under this by-law or other authorized City representative may carry out any inspection that is necessary for the administration or enforcement of this by-law.

5. ENFORCEMENT

5.1 a Municipal Enforcement officer or other authorized City representative may, for the purposes of the administration and enforcement of this By-law, exercise such powers and perform such duties as may be set out in this by-law or the *Cities, Towns and Villages Act*

6. OFFENCES

6.1 Any corporation which contravenes any provision of this by-law or which fails or neglects to perform any duties or requirements imposed upon it under the provisions of this by-law is guilty of an offence, and shall be liable upon summary conviction to the fine as set out in Schedule "A" to this by-law and, in any event, of not less, for an offence, than two-hundred and fifty dollars (\$250.00) and not more than, for an offence, of ten thousand dollars (\$10,000.00).

6.2 Any individual who contravenes any provision of this by-law or which fails or neglects to perform any duties or requirements imposed upon it under the provisions of this by-law is guilty of an offence, and shall be liable upon summary conviction to the fine as set out in Schedule "A" to this by-law and, in any event, of not less, for an offence, than two-hundred and fifty dollars (\$250.00) and not more than, for an offence, of two thousand dollars (\$2,000.00).

6.3 Each instance that a contravention of a provision of this by-law occurs and each day that a contravention continues shall constitute a separate offence.

7. TRANSITIONAL PERIOD

7.1 Any Business may request an exemption from the application of this By-law for a period of up to six (6) months from the effective date of this by-law.

7.2 Any request under Section 7.1 must be made in writing outlining the reasons and must be submitted to the Chief Administrative Officer within thirty (30) days of the effective date of this by-law.

7.3 The Chief Administrative Officer or designate may grant an exemption, where in the sole discretion of the Chief Administrative Officer, the applicant, has demonstrated that direct, and undue hardship will result from the implementation of this by-law. An exemption granted shall expire six (6) months from the effective date of the granted exemption.

7.4 The Chief Administrative Officer or designate shall issue a decision in writing to the application within thirty (30) days of receipt of a request under Section 7.

SCHEDULE "A"

FINE SCHEDULE

Fines for Infractions for Individuals

Type of Business at Time of Offence	1st Offence during calendar year	2nd Offence during calendar year	3rd Offence during calendar year	4th offence during calendar year
Individual	\$250.00	\$500.00	\$750.00	\$1000.00
Corporation	\$1000.00	\$1500.00	\$2000.00	\$2500.00

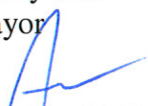
EFFECTIVE DATE

This By-law shall come into force upon receiving third reading.

THIS BY-LAW READ a First Time this 12th day of October 2021, A.D.



Kenny Bell
Mayor

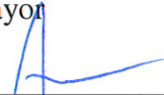


Amy Elgersma
Chief Administrative Officer

THIS BY-LAW READ a Second Time this 9th day of November 2021, A.D.



Kenny Bell
Mayor

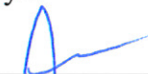


Amy Elgersma
Chief Administrative Officer

THIS BY-LAW READ a Third and Final Time this 9th day of November 2021 A.D.



Kenny Bell
Mayor



Amy Elgersma
Chief Administrative Officer