

Chapter 604
PACKAGING

ARTICLE I
Plastic Bags

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[HISTORY: Adopted by the Council of the City of Toronto as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Plastic Bags

[Adopted 2009-03-31 by By-law No. 356-2009¹]

§ 604-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BIODEGRADABLE PLASTIC BAG or COMPOSTABLE PLASTIC BAG — Any bag which is composed of, in whole or part, biodegradable plastic, Oxo-biodegradable plastics, Plastarch material, polylactide or any other plastic resin composite that is intended to degrade at a faster rate than non-biodegradable plastic film.

DOOR-HANGER BAG — A bag designed to hold flyers, coupons or other advertisements and intended to be left on the door of homes.

LAUNDRY-DRY CLEANING BAG — A bag used by dry-cleaners to cover and protect clothing after the laundering or dry-cleaning process.

NON-COMPATIBLE PLASTIC BAGS — Bags that are not compatible with the City's blue bin recycling program and includes:

- A. Biodegradable plastic bags or compostable plastic bags; and
- B. Plastic retail shopping bags which contain metal grommets, string, cord, cloth or other non-plastic material.

PLASTIC RETAIL SHOPPING BAG — A bag made of plastic film, designed to carry customer purchases from a retail business establishment but does not include:

¹ Editor's Note: This by-law was passed under the authority of the *City of Toronto Act, 2006*, S.O. 2006, c. 11. This by-law also provided that it shall come into force 2009-06-01, with the exception of § 604-4, which comes into force 2010-06-01.

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- A. Bags used by customers inside retail business establishments to package bulk items such as fruit, vegetables, nuts, grains, candy or small hardware items such as nails and bolts;
- B. Bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, whether pre-packaged or not;
- C. Bags used to protect prepared foods or bakery goods; [**Amended 2009-04-30 by By-law No. 478-2009²**]
- D. Bags provided by pharmacists to contain prescription drugs;
- E. Newspaper bags;
- F. Door-hanger bags;
- G. Laundry-dry cleaning bags; or
- H. Bags sold in packages containing multiple bags intended for such uses as garbage bags, pet waste bags, yard waste bags, or recycling bags.

RETAIL BUSINESS — The selling or offering for sale of goods or services by retail.

RETAIL BUSINESS ESTABLISHMENT — The premises where a retail business is carried on.

REUSABLE CONTAINER — Other than a plastic retail shopping bag, a bag, box or other container that is specifically designed and manufactured for multiple reuse and is:

- A. Made of cloth or other machine washable fabric; or
- B. Made of other durable material suitable for reuse.

§ 604-2. Reusable containers.

Persons carrying on a retail business in a retail business establishment shall accept the use of any reusable container for the transportation of purchased items by the customer from the retail business establishment in lieu of plastic retail shopping bags.

§ 604-3. Charge for plastic retail shopping bags.

- A. Persons carrying on a retail business in a retail business establishment who offer or provide plastic retail shopping bags to customers shall charge a minimum of \$0.05 for each plastic retail shopping bag requested or taken by customers.

² Editor's Note: This by-law comes into force 2009-06-01.

- B. Persons carrying on a retail business in a retail business establishment who offer or provide plastic retail shopping bags to customers, as described in Subsection A, shall:
- (1) Provide prominent signage of the City's requirement to impose the charge on customers at the point of sale; and
 - (2) Indicate on the customer transaction receipt, if one is issued, the number of plastic retail shopping bags used by the customer and the total amount charged.
- C. Persons carrying on a retail business in a retail business establishment who do not offer or provide plastic retail shopping bags to customers shall offer or provide alternatives, such as cardboard boxes or paper bags, at no charge to the customer.
- D. Persons carrying on a retail business in a retail business establishment that offer or provide plastic retail shopping bags to customers and offer or provide other alternatives such as cardboard boxes or paper bags to customers shall also comply with § 604-3C.
- E. Sections 604-3C and 604-3D do not prevent persons carrying on a retail business in a retail business establishment from offering or providing reusable containers for free or for a charge.

§ 604-4. Prohibition on non-compatible plastic bags.³

Persons carrying on a retail business in a retail business establishment are prohibited from offering or providing to customers non-compatible plastic bags, designed to carry customer purchases from the retail business establishment.

§ 604-5. Offences.

[Amended 2009-05-27 by By-law No. 560-2009]

Every person who contravenes any of the provisions of this article is guilty of an offence and, upon conviction, is liable to a fine or penalty as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

³ Editor's Note: This section shall come into force 2010-06-01.