

Authority: Public Works and Infrastructure Committee Item 20.1, adopted as amended,
by City of Toronto Council on December 1, 2 and 3, 2008

Enacted by Council: March 31, 2009

CITY OF TORONTO

BY-LAW No. 356-2009

To adopt a new Municipal Code Chapter 604, Packaging, respecting the establishment of a charge on plastic bags taken by customers of retail business establishments and to ban the use of non-compatible plastic bags from distribution by retail business establishments so as to further the environmental well-being of the City of Toronto.

WHEREAS on June 19, 20 and 22, 2007, City Council adopted the goal of achieving a 70% solid waste diversion rate by 2010; and

WHEREAS City Council, at the same meeting, formed the In-Store Packaging Waste Diversion Working Group to explore strategies to achieve source reduction of certain types of in-store packaging material, such as plastic retail shopping bags, which reduction will contribute to achieving the 70% diversion goal; and

WHEREAS Stewardship Ontario's 2005 waste audit data estimated that there is an average of 8.8 plastic retail shopping bags generated per household per week in Toronto which represents a total generation of 457.6 million plastic retail shopping bags into the waste stream in Toronto per year; and

WHEREAS the City's Green Lane Landfill is permitted by the Ministry of the Environment to accept a total of 14.85 million cubic metres of non-hazardous solid waste and daily cover; and

WHEREAS currently the majority of plastic retail shopping bags are managed through landfill disposal, representing approximately 6,900 cubic metres of landfill capacity per year; and

WHEREAS plastic retail shopping bags are also found as litter in City streets; and

WHEREAS plastic retail shopping bags do not degrade significantly over time; and

WHEREAS the 3Rs hierarchy of reduce, reuse, recycle is an integral component to achieving the 70% goal; and

WHEREAS the reduction in the use of plastic retail shopping bags by Torontonians has a number of environmental benefits for the City including extending the life of the City's Green Lane Landfill, decreasing the amount of litter found throughout the City of Toronto, and lowering gas consumption and emissions; and

WHEREAS on December 1, 2 and 3, 2008, City Council adopted, as amended, a 3Rs strategy for plastic retail shopping bags to assist in the goal of achieving a 70% waste diversion rate by 2010; and

WHEREAS the reduction strategy for plastic retail shopping bags is to require all retailers to charge a minimum of five cents (\$0.05) for each plastic retail shopping bag taken or requested by a customer and to communicate that charge to the customer; and

WHEREAS the reuse strategy for plastic retail shopping bags is to continue to encourage Torontonians to reuse plastic retail shopping bags in the City's Green Bin program and to require all retailers to accept reusable containers brought by customers to carry their purchases; and

WHEREAS the recycle strategy for plastic retail shopping bags is to ban the sale or distribution of non-compatible plastic retail shopping bags, such as biodegradable plastic shopping bags, within the City so as to prevent them from entering the recycling program and contaminating the end-market recycled product, and to expand the City's blue box recycling program to include the ability to recycle plastic retail shopping bags; and

WHEREAS subsection 6(1) of the *City of Toronto Act, 2006* provides that the powers of the City shall be interpreted broadly so as to confer broad authority on the City to enhance the City's ability to respond to municipal issues; and

WHEREAS subsection 8(1) of the *City of Toronto Act, 2006* provides that the City may provide any service or thing that the City considers necessary or desirable for the public; and

WHEREAS City Council has the authority to pass by-laws respecting matters related to the economic, social and environmental well-being of the City under subsection 8(2) of the *City of Toronto Act, 2006*; and

WHEREAS the scope of the by-law making power under section 8(3) of the *City of Toronto Act, 2006* includes the power to regulate or to prohibit and to require persons to do things respecting a matter;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedule "A" to this By-law is enacted as Chapter 604, Packaging, of The City of Toronto Municipal Code.
2. Except as provided in Section 3, this by-law comes into force on June 1, 2009.
3. Section 604-4 of Chapter 604, Packaging, comes into force on June 1, 2010.

ENACTED AND PASSED this 31st day of March, A.D. 2009.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE “A” TO BY-LAW No. 356-2009

Chapter 604

PACKAGING

**ARTICLE I
Plastic Bags**

§ 604-1. Definitions.

As used in this chapter, 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:

- 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 bakery goods;
- 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 five cents (\$0.05) for each plastic retail shopping bag requested or taken by customers.
- 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. Subsections 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.

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.

Every person who contravenes any of the provisions of this chapter is guilty of an offence.