

Authority: Infrastructure and Environment Committee
Item IE9.3, adopted as amended, by City of Toronto
Council on December 13, 14 and 15, 2023
City Council voted in favour of this by-law on February 7,
2024
Written approval of this by-law was given by Mayoral
Decision 2-2024 dated February 7, 2024

CITY OF TORONTO

BY-LAW 68-2024

To adopt a new City of Toronto Municipal Code Chapter 702, Single-Use and Takeaway Items.

Whereas subsection 8(1) of the City of Toronto Act provides the City with the broad authority to provide any service or thing the City considers necessary or desirable for the public; and

Whereas City Council has the authority to pass by-laws for the economic, social and environmental well-being of the City, including respecting climate change;

The Council of the City of Toronto enacts:

1. The City of Toronto Municipal Code is amended by adding Chapter 702, Single-Use and Takeaway Items, as set out in Schedule 1 to this By-law.
2. This By-law is deemed to have come into force on March 1, 2024.

Enacted and passed on February 7, 2024.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE 1

Chapter 702

SINGLE-USE AND TAKEAWAY ITEMS

§702-1. Definitions.

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§702-1. Definitions.

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

A. Accessory Food Items

SINGLE-USE ACCESSORY FOOD ITEM – An item, that is ordinarily used only once before being disposed as waste, that facilitates the consumption of food such as utensils, straws, stir sticks, spill plugs, napkins (serviettes), condiment cups and packets, cup sleeves, and cup trays.

SELF-SERVE ACCESSORY FOOD ITEM STATION – An area in a retail business establishment where customers may obtain single-use accessory food items for themselves.

B. Beverage Cups

BEVERAGE CUP – A cup designed to serve hot and/or cold beverages.

REUSABLE BEVERAGE CUP – A beverage cup designed to be used more than once, made from durable material, and capable of being washed or disinfected.

C. Events

CITY PROPERTY EVENT – A single day or multi-day public or private event that has been permitted by the City of Toronto to occur on city property.

RESTRICTED EVENT – A single day or multi-day public or private event restricted through requirement of a ticket or otherwise not open to general public attendance.

D. Executive Director

EXECUTIVE DIRECTOR – The Executive Director, Municipal Licensing and Standards or their designate or their successor.

E. General Manager

GENERAL MANAGER - The General Manager, Solid Waste Management Services or their designate or their successor.

F. Officer

OFFICER - A City employee whose duties include the enforcement of this chapter.

G. Retail Business Establishment

RETAIL BUSINESS ESTABLISHMENT – A premise, location, or operation where goods and/or services are offered for sale, such as stores, on-line businesses, eating or drinking establishments, convenience stores, grocery stores, delicatessens, caterers, mobile food vendors, street vendors, vending machines, book stores, and clothing stores.

RETAIL BUSINESS ESTABLISHMENT OPERATOR – A person who owns, manages, supervises, runs, or controls a retail business establishment and includes a person who owns the premises where the retail business establishment is operated.

H. Self-Service Kiosk

SELF-SERVICE KIOSK – An interactive touchscreen computer located in a retail business establishment that allows a customer to purchase goods from the retail business establishment.

I. Shopping Bag

SHOPPING BAG – A bag that is designed for the purpose of carrying one or more items after they have been sold or otherwise provided to a customer at a retail business establishment.

INCOMPATIBLE PAPER SHOPPING BAG – A shopping bag made of paper that is:

- A. Not compatible with City of Toronto's waste diversion programs, such as a shopping bag made of multiple layers of paper and/or contain non-paper materials such as textile, plastic, foil, metal, wax, or heavy prints; and
- B. Ordinarily provided at the point of sale at a retail business establishment, or, when an item is ordered by telephone or internet-based ordering platform, is retrieved from the retail business establishment by the customer or a delivery service.

SINGLE-USE PAPER SHOPPING BAG – A shopping bag made of paper that is:

- A. Equal to or greater than 15 cm x 20 cm when flat;
- B. Not an incompatible paper shopping bag;
- C. Designed to be used once and then disposed of as waste; and
- D. Ordinarily provided at the point of sale at a retail business establishment, or, when an item is ordered by telephone or internet-based ordering platform, is retrieved from the retail business establishment by the customer or a delivery service.

REUSABLE SHOPPING BAG - A shopping bag that is:

- A. Designed to be used more than once;
- B. Made of fabric and/or other durable materials suitable for reuse; and
- C. Capable of being washed or disinfected.

§702-2. Accessory food item.

- A. No retail business establishment operator shall provide or permit the provision of a single-use accessory food item to a customer unless:
 - (1) First asking the customer if they want the single-use accessory food item and the customer responds that they do, including responses given by telephone, self-service kiosk, or using an internet-based ordering platform;
 - (2) First receiving a request from the customer for the single-use accessory food item, including requests given by telephone, self-service kiosk, or using an internet-based ordering platform; or
 - (3) A customer obtains the single-use accessory item from a self-serve accessory food item station.
- B. §702-2.A. does not apply to retail business establishments that provide or permit the provision of accessory food items to a customer at a:

- (1) City property event; and/or
- (2) restricted event.

§702-3. Paper shopping bags.

- A. No retail business establishment operator shall offer, provide, or permit the offering or provision of an incompatible paper shopping bag to a customer.
- B. No retail business establishment operator shall provide or permit the provision of a single-use paper shopping bag to a customer unless:
 - (1) First asking the customer if they want the single-use paper shopping bag and the customer responds that they do, including responses given by telephone, self-service kiosk, or using an internet-based ordering platform; or
 - (2) First receiving a request from the customer for the single-use paper shopping bag, including requests given by telephone, self-service kiosk, or using an internet-based ordering platform.
- C. §702-3.B. does not apply to a single-use paper shopping bag designed and used to hold only:
 - (1) Loose bulk items such as fruits, vegetables, nuts, grains, or candy that are not pre-packaged prior to the point of sale;
 - (2) Bakery goods that are not pre-packaged prior to point of sale;
 - (3) Loose small hardware items such as nails and bolts;
 - (4) Flowers or potted plants;
 - (5) Prescription drugs dispensed by pharmacists; or
 - (6) Free samples.
- D. §702-3.B. does not apply to retail business establishments that provide or permit the provision of a single-use paper shopping bag to a customer at a:
 - (1) City property event; and/or
 - (2) restricted event.

§702-4. Reusable shopping bag.

- A. Every retail business establishment operator shall permit a customer to use one or more reusable shopping bag(s) brought by a customer to carry any items purchased by the customer or supplied to the customer at the retail business establishment.

§702-5. Reusable beverage cup.

- A. Every retail business establishment operator shall permit the use of a reusable beverage cup by a customer to hold a beverage purchased or obtained by a customer at the retail business establishment.
- B. Despite §702-5.A. no retail business establishment operator shall permit or facilitate the use of a reusable beverage cup brought by a customer if the reusable beverage cup is not:
 - (1) Of sound construction;
 - (2) In good repair;
 - (3) Of a shape and of material that permits it to be readily cleaned and sanitized;
 - (4) Visibly clean; or
 - (5) Otherwise suitable to be used as a beverage cup.
- C. §702-5.A. does not apply to retail business establishments that provide or permit the provision of beverages to a customer at a:
 - (1) City property event; and/or
 - (2) restricted event.

§702-6. Offences.

- A. Every person who contravenes any provision of this chapter, or a direction or order issued in accordance with this chapter, is guilty of an offence and on conviction is liable to a fine of no less than \$500 and no more than \$100,000.
- B. In addition to a fine or fines provided for in this section, every person who gains an economic advantage or economic gain from contravening this chapter, or a direction or order issued in accordance with this chapter, shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from the contravention.
- C. In addition to offences referred to in §702-6.A., every person is guilty of an offence under this chapter who:
 - (1) Hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this chapter;
 - (2) Neglects or refuses to produce or provide any information or thing to any person acting pursuant to an order made under section 378 of the City of Toronto Act, 2006;

- (3) Knowingly makes, participates in, assents to or acquiesces in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this chapter.
- D. Where a corporation contravenes any of the provisions of this chapter, or a direction or order issued in accordance with this chapter, every director or officer who concurs in such contravention is guilty of an offence and, upon conviction, is liable to a fine of no less than \$500 and no more than \$100,000.
- E. Each offence is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues, a maximum fine of no more than \$10,000. The total of all of the daily fines imposed for each offence may exceed \$100,000.

§702-7. Entry to inspect.

- A. In accordance with section 376 of the City of Toronto Act, 2006, an officer may enter upon land within the City of Toronto at any reasonable time for the purpose of carrying out inspections to determine whether the following are being complied with:
 - (1) This chapter; or
 - (2) A direction or order issued in accordance with this chapter.
- B. For the purposes of an inspection under §702-7.A., an officer may:
 - (1) Require, for inspection, the production of documents or things relevant to the inspection;
 - (2) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts of them;
 - (3) Require information from any person concerning a matter related to the inspection;
 - (4) Be accompanied by such person or persons as the officer determines is necessary if such person or persons possesses special or expert knowledge related to the purpose of the inspection; and
 - (5) Make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

§702-8. Orders to comply.

- A. An officer who finds a contravention of this chapter may make one or more orders requiring discontinuance of the contravening activity or to do work to correct the contravention under section 384 or 385 of the City of Toronto Act, 2006.

- B. (1) The order may be served personally on the person to whom it is directed, by regular mail, or by registered mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed.
- (2) If the address of a person is unknown or the City is unable to effect service on the person under §702-8.B.(1), a placard stating the terms of the order and placed in a conspicuous place upon land on or near the retail business establishment shall be deemed to be sufficient notice to the person.
- (3) If the delay necessary to serve an order under §702-8.B.(1) would result in circumstances that endanger the health or safety of any person or similarly serious consequences, the order may be served by a placard stating the terms of the order and placed in a conspicuous place upon land on or near the retail business establishment.

§702-9. Remedial action.

- A. If a person fails to comply with an order to do work to correct a contravention of this chapter, the Executive Director or persons acting on their instructions, may enter the premises of a retail business establishment at any reasonable time for the purposes of doing the things described in the order at the person's expense.