

ATTACHMENT 1

Authority: Executive Committee Item 20.2, adopted as amended,
by City of Toronto Council on June 6, 7, and 8, 2012
Enacted by Council: November __, 2012

CITY OF TORONTO

BY-LAW No. __-2012

To further amend City of Toronto Municipal Code Chapter 604, Packaging.

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 subsection 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; and

WHEREAS Toronto Municipal Code Chapter 604, Packaging, was adopted by the enactment of By-law No. 356-2009 on March 31, 2009, to require payment of a fee for the use of disposable plastic retail shopping bags for the purpose of reducing such use, thereby resulting in economic and environmental benefits to the City and its residents; and

WHEREAS Toronto City Council further considered the issue of reducing the use of disposable plastic retail shopping bags at its meeting of June 6, 7, and 8, 2012 and on October 2, 3, and 4, 2012, and decided that the further step of prohibiting the use of such bags would reduce greater amounts of such bags required to be collected and disposed of by the municipality at public expense, thereby resulting in further environmental and economic benefits to the municipality and its residents; and

WHEREAS Toronto Municipal Code Chapter 604, Packaging, was amended in part by the enactment of By-law No. 802-2012 on June 8, 2012;

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

1. Chapter 604, Packaging, of The City of Toronto Municipal Code is further amended as follows:
 - A. By deleting the definition of "BIODEGRADABLE PLASTIC BAG or COMPOSTABLE PLASTIC BAG" in § 604-1 and substituting the following:

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

B. By deleting the following definitions from § 604-1:

A. NON-COMPATIBLE PLASTIC BAGS

B. PLASTIC RETAIL SHOPPING BAG

C. By adding the following definitions to § 604-1:

REUSABLE CONTAINER — Other than a single-use plastic carryout (shopping) bag, a bag, box or other container that is specifically designed and manufactured for multiple reuse and is made of durable material suitable for reuse, including cloth or other machine washable fabric.

SINGLE-USE PLASTIC CARRYOUT (SHOPPING) BAGS — A disposable bag made predominantly of plastic film which, regardless of a customer's decision to reuse, is designed to carry customer purchases from a retail business establishment on one occasion only, but that 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 prepared foods or bakery goods;
- D. Bags that pharmacists are otherwise required to provide exclusively to contain the prescription drugs or other medications that they dispense, refill or transfer;
- 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, pet waste, yard waste, household organics or recycling.
- I. Packaging that the manufacturer and/or distributor and/or shipper of the good used for the good prior to its arrival at the retail business establishment.

D. By adding a new § 604-2 as follows:

§ 604-2. Reusable containers.

No persons carrying on retail business in a retail business establishment, including owners, managers, supervisors, and other employees of the retail business establishment, shall refuse to accept the use of any reusable container for the transportation of purchased items by the customer from the retail business establishment in lieu of single-use plastic carryout (shopping) bags.

E. By adding a new § 604-3 as follows:

§ 604-3. Ban of Single-Use Plastic Carryout (Shopping) Bags.

A. No persons carrying on retail business in a retail business establishment, including owners, managers, supervisors, and other employees of the retail business establishment, shall provide customers with single-use plastic carryout (shopping) bags, including those advertised as compostable, biodegradable, photodegradable or similar.

B. Subsection A does not prevent persons carrying on retail business in a retail business establishment, including owners, managers, supervisors, and other employees of the retail business establishment, from offering or providing reusable containers or other alternatives to single-use plastic carryout (shopping) bags at no charge or for a fee.

F. By deleting § 604-4.

2. This by-law comes into force on January 1, 2013.

ENACTED AND PASSED this ____ day of November, A.D. 2012.

Speaker
(Corporate Seal)

City Clerk