

THE CORPORATION OF THE TOWN OF MONO
BYLAW NUMBER 2020 – 5
A BYLAW TO REGULATE CHECKOUT BAGS

1. RECITALS

- 1.1. Under s. 11 of the Municipal Act, 2001, S.O. 2001, c. 25 a municipality may pass bylaws governing, among other things, the economic, social and environmental well-being of the municipality, including respecting climate change.
- 1.2. Under s. 425 of the Municipal Act, 2001, S.O. 2001, c. 25 a municipality may pass bylaws providing that a person who contravenes a bylaw of the municipality passed under this Act is guilty of an offence.
- 1.3. Under s. 429 of the Municipal Act, 2001, S.O. 2001, c. 25 a municipality may establish a system of fines for offences under a bylaw of the municipality passed under this Act.

2. DEFINITIONS AND INTERPRETATION

- 2.1. Short Title: This bylaw may be cited as the “Plastic Bag Bylaw”.
- 2.2. Definitions
 - 2.2.1. “**business**” means any corporation, individual, partnership or co-operative association engaged in a retail operation and, for the purpose of section 3, includes a person employed by or acting on behalf of, a business.
 - 2.2.2. “**checkout 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,
 - c) and includes Paper Bags, Plastic Bags, but does not include Reusable Bags.
 - 2.2.3. “**Council**” means Council of the Corporation of the Town of Mono.
 - 2.2.4. “**paper bag**” means a bag made of paper that is recyclable.
 - 2.2.5. “**plastic bag**” means any bag made with plastic, including biodegradable plastic or compostable plastic, but does not include a reusable bag.
 - 2.2.6. “**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 material suitable for reuse.
 - 2.2.7. “**small paper bag**” means any bag made of paper that is less than or equal to 15 centimetres by 20 centimetres when flat.
- 2.3. Severability: If a court declares any portion of this Bylaw to be illegal or unenforceable, that portion of the Bylaw will be considered to be severed from the balance of the Bylaw, which will continue to operate in full force.

3. PROHIBITIONS

- 3.1. Except as provided in this bylaw, no business shall provide a checkout bag to a customer.
- 3.2. A business may provide a checkout bag to a customer only if:
 - 3.2.1. The customer is first asked whether, and confirms that, he or she needs a bag;
 - 3.2.2. the bag provided is a paper bag; and
 - 3.2.3. the bag is not provided free of charge to the customer.
- 3.3. No business shall deny or discourage the use by a customer of his or her own reusable bag for the purpose of transporting items purchased or received by the customer from the business.

4. EXEMPTIONS

- 4.1. Section 3 does not apply to:
 - 4.1.1. Small paper bags; or
 - 4.1.2. bags used to:
 - a) Package loose bulk 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) transport live fish;
 - h) protect linens, bedding or other similar large items that cannot easily fit in a reusable bag;
 - i) protect newspapers or other printed material intended to be left at the customer's residence or place of business;
 - j) protect clothes after professional laundering or dry cleaning;
 - k) protect tires than cannot easily fit in a reusable bag; or
 - l) collect and dispose of animal waste.
- 4.2. 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.

5. OFFENCES AND PENALTIES

- 5.1. Offences
 - 5.1.1. Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.
 - 5.1.2. The fine for an offence committed under this bylaw is as set out in Schedule A to this Bylaw.
 - 5.1.3. Any Person who is charged with an offence under this Bylaw by the laying of an information under Part III of the Provincial

Offences Act and is found guilty of the offence is liable to the following fines:

- a) The fine for an offence is \$500;
 - b) In the case of a continuing offence, for each day or part of a day that the offence continues, the fine shall be \$500 and the total of all daily fines for the offence is limited to \$10,000; and
 - c) In the case of a multiple offence, for each offence included in the multiple offence, the fine shall be \$500 and the total of all fines for each included offence is limited to \$10,000.
- 5.1.4. Upon conviction, the Court in which the conviction has been entered and any Court of competent jurisdiction, thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 5.2. Enforcement: This Bylaw may be enforced by a Provincial Offences Officer including, but not limited to, an Ontario Provincial Police Officer or a Municipal Law Enforcement Officer.

6. EFFECTIVE DATE

- 6.1. Effective Date: This Bylaw shall come into force on January 1, 2021.
- 6.2. Schedule "A" to this By-law shall be effective upon the approval and/or amendment by the Regional Senior Justice of the Ontario Court of Justice.
- 6.3. Repeals: All Bylaws existing on the Effective Date of this Bylaw that are inconsistent with this Bylaw are hereby repealed on the Effective Date and of no further force and effect.

BYLAW GIVEN THE NECESSARY READINGS AND PASSED IN OPEN COUNCIL
THIS 11th DAY OF FEBRUARY, 2020.

Original signed by:

Laura Ryan, Mayor
Mark Early, CAO/Clerk

SCHEDULE "A"
To By-law Number 2020-xx

THE CORPORATION OF THE TOWN OF MONO

PART I, *Provincial Offences Act*

By-Law Number 2020-xx: Regulate Checkout Bags

| ITEM | Short Form Wording | Provision creating or defining the offence | Set Fine |
|-------------|----------------------------------|--|-----------------|
| 1 | Provide checkout bag to customer | No business shall provide a checkout bag to a customer | \$150.00 |

NOTE: The penalty provision for the offences indicated above is section 3.1 of Bylaw Number 2020-xx, a certified copy of which has been filed.