

# **THE CORPORATION OF THE TOWN OF THESSALON**

## **BY-LAW NUMBER 2550**

**BEING A BY-LAW** to prohibit the use of single use plastic checkout bags at all businesses within the Town of Thessalon.

**WHEREAS** The Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority and that it may do so by by-law;

**AND WHEREAS** Section 8(1) of the Municipal Act provides that the power of the municipality shall be interpreted broadly so as to confer broad authority on the municipality to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 10(2)[5] of the Municipal Act provides that a municipality may pass bylaws respecting the economic, social, and environmental well-being of the municipality, including in respect of climate change;

**AND WHEREAS** Section 11(3)[3] of the Municipal Act provides that a municipality may pass bylaws respecting matters relating to waste management;

**AND WHEREAS** Section 128 of the Municipal Act provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of its council, are or could become or cause public nuisances, and further that the municipal council's determination of what constitutes a public nuisance is not subject to review;

**AND WHEREAS** Section 151 of the Municipal Act allows a municipality to license, regulate, and govern any business wholly or partially carried on within the municipality, even if the business is being carried on from a location outside of the municipality;

**AND WHEREAS** Single-use plastic checkout bags and other single-use items contribute to fossil fuel emissions, endanger wildlife and cause habitat destruction, eco-system disruption, plastic pollution, and environmental contamination;

**NOW THEREFORE** the Council of the Corporation of the Town of Thessalon hereby **ENACTS AS FOLLOWS:**

**DEFINITIONS AND ITERPRETATION:**

The following definitions apply to this by-law:

**Business**

(a) Includes any corporation, individual, partnership, cooperative, association, sole proprietorship, or joint venture engaged in a retail operation, operation of a restaurant, or the sale of prepared foods or beverages to the public, and (b) Does not include a charity.

**Plastic Checkout Bag**

means a plastic manufactured bag that is designed to carry purchased goods from a business and includes a bag used to package take-out food, leftover food or food to be delivered and customarily provided by a Business at the point of sale or when items ordered by telephone or internet-based ordering platforms retrieved from the Business by the Customer or a delivery service but does not include reusable bags or paper bags.

**PROHIBITIONS**

Except as provided in this by-law, no business shall sell or provide a plastic shopping bag/checkout bag to a customer.

**EXCEPTIONS**

Does not apply to bags used to:

- (a) package loose bulk items such as fruit, vegetables, nuts, grains candy;
- (b) package small/loose hardware items such as nails/bolts;
- (c) contain or wrap frozen foods, meat, poultry, and fish;
- (d) protect prepared foods or bakery items that are not pre-packaged;
- (e) transport live fish;
- (f) protect clothing or linens after professional laundering or dry cleaning;

(g) package medical supplies and items used in the provision of health services;

(h) protect tires that do not fit in reusable bags;

(i) collect and dispose of animal waste;

(j) wrap flowers or potted plants and;

(k) protect newspapers or other printed materials left at a person's residence or place of business.

(l) Plastic bags sold in multiples for use at the Customer's home or Business, including but not limited to certified compostable bags, garbage bags, bin liners and pet waste bags.

This by-law shall come into force and take effect immediately upon the final passing thereof.

**PASSED** in Open Council this 15<sup>th</sup> day of May, 2023.

Seal

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Mayor

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Clerk-Treasurer