

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2022-143

PLASTICS: A by-law to prohibit the use of Single-Use Plastics.

“WHEREAS the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, s. 8, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, s. 9, provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, s. 10, provides that a municipality may pass bylaws regarding things that the municipality considers necessary or desirable for the public, including with respect to economic, social, and environmental well-being of the municipality, including in respect of climate change;

AND WHEREAS the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, s. 128, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS Municipal Council of The Corporation of the City of Sault Ste. Marie deems single-use plastic regulations necessary to prevent nuisances and the accumulation of unnecessary waste that is a public nuisance and detrimental to the environment:” **[amended by By-law 2023-128]**

THE COUNCIL of the Corporation of the City of Sault Ste. Marie **ENACTS** as follows:

1.0 **DEFINITIONS AND INTERPRETATION**

1 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.

“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 or food to be delivered but does not include reusable bags or paper bags.

“Council”

means the Council of the Corporation of the City of Sault Ste. Marie.

“Plastic Cutlery”

means a plastic manufactured item that is formed in the shape of a fork, knife, spoon, spork or chopstick and includes a stir-stick or swizzle stick made of plastic.

“Plastic Straw”

means a plastic manufacture items that is formed in the shape of a drinking straw and includes a single-use plastic straw that has a corrugated section that allows the straw to bend and maintain its position at various angles.

“Plastic Foodservice Ware”

means a plastic manufactured item that

- (a) is formed in the shape of a clamshell container, lidded container, box, cup, plate or bowl; and
- (b) is designed for serving or transporting food or beverage that is ready to be consumed without any further preparation.

2.0 **PROHIBITIONS**

2.1 Except as provided in this by-law, no Business shall sell or provide a Checkout Bag to a customer.

2.2 Except as provided in this by-law, no Business shall sell or provide Plastic Cutlery, Plastic Straws or Plastic Foodservice Ware to a Customer for the purpose of transporting, or containing prepared food or beverages;

3.0 **EXCEPTIONS**

3.1 Section 2 does not apply to bags used to:

- (a) package loose bulk items such as fruit, vegetables, nuts, grains or candy;
- (b) package small hardware items;

- (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; and
- (i) collect and dispose of animal waste.

3.2 Section 2 does not apply to plastic straws in a hospital, medical facility, long-term care facility or other care institution where they may sell plastic straws and flexible straws to patients or residents.

4.0 **PENALTIES**

4.1 A business who contravenes any provisions of this By-Law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended. **[amended by By-law 2023-128]**

4.2 Each day on which a business contravenes any provision of this bylaw shall be deemed to constitute a separate offence under this bylaw as provided for in section 429(2) of the *Municipal Act*, S.O. 2001, c. 25." **[amended by By-law 2023-128]**

5.0 **ENFORCEMENT**

5.1 The provisions of this by-law may be enforced by a municipal law enforcement officer while in the course of her or his duties;

5.2 An Officer may, at any reasonable time, enter onto any public place for the purpose of determining whether or not the provisions of this by-law have been complied with.

5.3 No person shall prevent or attempt to prevent, hinder, or interfere with an Officer, including refusing to identify themselves when requested by an Officer to do so.

6.0 **GENERAL**

6.1 If any provision or part of a provision of this by-law is declared by any court or tribunal or any provincial or federal legislation or regulation to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the

balance of the by-law or its application in any other circumstances shall not be affected and shall continue to be in full force and effect.

7.0 **EFFECTIVE DATES FOR COMING INTO FORCE**

7.1 Section 2.1 of this by-law will come into effect on October 8, 2022.

7.2 Section 2.2 of this by-law will come into effect on February 8, 2023.

7.3 Section 5.0 of this by-law will come into effect on August 8, 2023.

7.4 Section 4.0 of this by-law regarding Penalties will come into effect on August 8, 2023, providing the approval and/or amendment by the Regional Senior Justice of the Ontario Court of Justice has been received.

8.0 **EFFECTIVE DATE**

This by-law comes into force on the day of its final passing.

PASSED in open Council this 8th day of August, 2022.

“Christian Provenzano”

MAYOR – CHRISTIAN PROVENZANO

“Rachel Tyczinski”

CITY CLERK – RACHEL TYCZINSKI