

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.

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 person found guilty of an offence under this by-law is subject to a fine:

- (a) of \$500;
- (b) In the case of a continuing offence, for each 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 multiple offences, for each offence included in the multiple offences, the fine shall be \$500 and the total of all fines for each included offence is limited to \$10,000.

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 November 15, 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.

MAYOR – CHRISTIAN PROVENZANO

CITY CLERK – RACHEL TYCZINSKI