

TOWN OF THE PAS

BY-LAW NO. 4542

BEING A BY-LAW OF THE TOWN OF THE PAS TO PROHIBIT THE SALE OR DISTRIBUTION OF ALL SINGLE-USE PLASTIC BAGS WITHIN THE TOWN OF THE PAS AND TO REPEAL BY-LAW NO. 4525.

WHEREAS Section 232(1) of the Municipal Act provides that a Council may pass by-laws for municipal purposes respecting the following matters;

- (b) people, activities and things in, or on near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls and private clubs and facilities that are exempt from municipal taxation;
- (c) activities or things in or on private property;
- (n) business, business activities and persons engaged in business;
- (o) the enforcement of by-laws;

WHEREAS Section 233 of the Municipal Act provides that a by-law under clause 232(1)(c) may contain provisions only if in respect of:

- (d) activities or things that in the opinion of the Council are or could become a nuisance;

WHEREAS Section 232(2)(a) provides that a Council may pass a by-law to regulate or prohibit certain activities;

WHEREAS in the opinion of Council, single use plastic bags are a nuisance and detrimental to the environment;

AND WHEREAS the Council of the Town of The Pas wishes to reduce the negative effects plastic bags have on the environment;

NOW THEREFORE THE COUNCIL OF THE TOWN OF THE PAS IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:

I. GENERAL

1) Title

This By-Law shall be referred to as the "Single Use Plastic Bag By-Law."

2) Definitions

In this By-Law:

- a) **CUSTOMER** means any person purchasing food, goods, or materials or renting goods or materials from a retail business.

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- b) **DOOR-HANGER BAG** means a bag designed to hold flyers, coupons or other advertisements and intended to be left on the door of homes.
- c) **DESIGNATED OFFICER** means the person(s) authorized by the Town to enforce any part of this by-law.
- d) **RETAIL BUSINESS** means a business that sells or offers for sale goods or services by retail to the public.
- e) **REUSABLE CONTAINER** means other than a single-use plastic bag, a bag, box or container that is specifically designed and manufactured for multiple reuse that is:
 - i) Made of cloth or other machine washable fabric; or
 - ii) Made of other durable material suitable for reuse

II. REGULATIONS

- 3) No person shall sell or provide single-use plastic bags free of charge or allow single-use plastic bags to be sold or provided free of charge.
- 4) No person employed by or acting on behalf of a person carrying on a retail business shall sell or provide single-use plastic bags free of charge or allow single-use plastic bags to be sold or provided free of charge.
- 5) Nothing in this by-law shall preclude owners of retail businesses from making alternatives to single-use plastic bags, such as reusable containers and bags, available for sale or free of charge to customers.
- 6) No retail business shall deny use of any reusable container by a customer for the transport of purchased items.

III. EXEMPTIONS

- 7) A retail business shall be permitted to provide plastic bags for the following circumstances:
 - i) bags used by customers inside retail business establishments to package bulk items, but not limited to such as fruit, vegetables, nuts, grains, candy or small hardware items such as nails and bolts;
 - ii) bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, whether pre-packaged or not;
 - iii) bags used to protect prepared foods or bakery goods;
 - iv) bags provided by pharmacists to contain prescription drugs;
 - v) door-hanger bags;
 - vi) laundry-dry cleaning bags; and
 - vii) bags sold in packages containing multiple bags intended for such uses including, but not limited to garbage bags, pet waste bags, yard waste bags, or recycling bags.

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IV. ENFORCEMENT

- 8) A designated officer may enter any retail business establishment and may make examinations, investigations and inquires for enforcement purposes.
- 9) Any person or retail business that violates or fails to comply with any of the provisions of this by-law shall be guilty of an offence and liable to a fine of:
- 1st offence \$100.00
 - 2nd offence \$250.00
 - 3rd offence \$500.00

Furthermore every person violating any of the provisions of this by-law is liable to the Town for any expenses, loss or damage incurred by the Town by reason of such violation and such cost along with the fine may be charged against the property owner and treated and collected as taxes levied against the property.

- 10) Where a contravention continues for more than one day, the person or retail business shall be subject to a separate fine for each day such contravention continues.

V. REPEAL

- 11) By-Law No. 4525 is hereby repealed.

VI. COMING INTO FORCE

- 12) This by-law shall come into force and takes effect upon being read a third time and passed by Council

DONE AND PASSED IN COUNCIL ASSEMBLED THIS 13 DAY OF JUN A.D., 2016.

Cyril M. Mervil
Mayor

[Signature]
Assistant CAO

CERTIFIED THAT BY-LAW NO. 4542 WAS:

READ A FIRST TIME THIS 24th DAY OF May A.D. 2016.
READ A SECOND TIME THIS 13th DAY OF June A.D. 2016.
READ A THIRD TIME THIS 13th DAY OF June A.D. 2016.

[Signature]
Assistant CAO