

**CITY OF THOMPSON
BY-LAW NUMBER 1839-2010**

BEING A BY-LAW OF THE CITY OF THOMPSON TO PROHIBIT THE SALE OR FREE DISTRIBUTION OF SINGLE-USE PLASTIC BAGS WITHIN THE CITY OF THOMPSON.

WHEREAS Section 232(1) of *The Municipal Act* C.C.S.M. c. M225 provides that a Council may pass by-laws for municipal purposes respecting the following matters:

- (b) people, activities and things in, on or 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) businesses, business activities and persons engaged in business;
- (o) the enforcement of by-laws;

AND 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;

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

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

AND WHEREAS Section 20 of the City of Thompson's Garbage By-law Number 1714-2006 states that the use of plastic shopping bags by merchants and proprietors of places of business will be phased out by the year 2010;

AND WHEREAS the Council of the City of Thompson wishes to reduce the negative effects plastic bags have on the environment;

NOW THEREFORE the Council of the City of Thompson, in regular session duly assembled, enacts the following:

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) **"BIODEGRADABLE PLASTIC BAG"** or **"COMPOSTABLE PLASTIC BAG"** means any bag which is composed of, in whole or part, biodegradable plastic, Oxobiodegradable plastics, Plastarch material, polylactide or any other plastic resin composite that is intended to degrade at a faster rate than non-biodegradable plastic film.
- b) **"CUSTOMER"** means any person purchasing food, goods, or materials or renting goods or materials from a retail business.
- c) **"DOOR-HANGAR BAG"** means a bag designed to hold flyers, coupons or other advertisements and intended to be left on the door of homes.
- d) **"DESIGNATED OFFICER"** means the person(s) authorized by City Council to enforce any part of this By-law.
- e) **"RETAIL BUSINESS"** means a business that sells or offers for sale goods or services by retail to the public.
- f) **"REUSABLE CONTAINER"** means other than a single-use plastic bag, a bag, box or other 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.
- g) **"SINGLE-USE PLASTIC BAG"** means any bag made with less than 2.25 mils thick polyethylene, including biodegradable bags.

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 the 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 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.

IV. ENFORCEMENT

- 8) A designated officer may enter any retail business establishment and may make examinations, investigations and inquiries for enforcement purposes.
- 9) Every person or retail business who fails to comply with the provisions of this By-law shall be subject to a fine, as established in the City of Thompson Fee and Fine Schedule, as it exists, or as amended.

- 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. SEVERABILITY

- 11) If any provision or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction 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.

VI. COMING INTO FORCE

- 12) This By-law shall come into force on December 31, 2010.

Read a first time this 19th day of July , 2010 A.D.

Read a second time this 30th day of August , 2010 A.D.

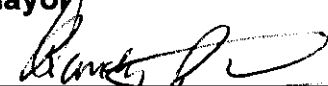
Read a third time this 27th day of September, 2010 A.D.

Done and passed by the Council of the City of Thompson in regular session assembled this 27th day of September, 2010 A.D.

The City of Thompson

Per: 

Mayor

Per: 

City Manager