

**TOWN OF ARBORG
BY-LAW NO. 4-2018**

**Being a By-Law of The Town of Arborg to Regulate the Reduction of Single Use
Plastic Shopping Bag Usage in the Town of Arborg**

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, on or near a public 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;

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 shopping bags are a nuisance and are detrimental to the environment;

AND WHEREAS the Council of the Town of Arborg wishes to reduce the negative effects single use plastic shopping bags have on the environment;

NOW THEREFORE the Council of The Town of Arborg, in regular session assembled, enacts as follows:

PART 1 – GENERAL

1. **Title**
This by-law may be cited as the *“Plastic Shopping 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.
- (b) **“Designated Officer”** means the person(s) authorized by the Town to enforce any part of this by-law.
- (c) **“Door-Hanger Bag”** means a bag designed to hold flyers, coupons or other advertisements and intended to be left on the door of homes or businesses.
- (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.
- (f) **“Single-Use Plastic Bag”** means any bag made with less than 2.25 mils thick polyethylene, including biodegradable bags.

PART 2 – REGULATIONS

3. **THAT** retail businesses in the Town of Arborg shall not be permitted to provide single-use plastic shopping bags free of charge to their customers;
4. **THAT** no person employed by or acting on behalf of a retail business shall provide single use plastic shopping bags free of charge.
5. **THAT** nothing in this By-law shall preclude retail businesses from providing reusable shopping bags or containers free of charge to their customers.
6. **THAT** no retail business shall deny use of any reusable container by a customer for the transport of purchased items.
7. **THAT** a minimum cost of **\$0.05** be collected by the retail business for each single use plastic shopping bag provided, upon request, to a customer.
8. **THAT** monies collected by retail businesses for single use plastic shopping bags be donated to the **Icelandic River Community Foundation** for the **purpose of Recreational Use** by the **Riverdale Place Workshop Recycling Facility**.

PART 3 - EXEMPTIONS

9. A Retail Business shall be permitted to provide plastic bags at no charge for the following circumstances:
 - (a) Bags used by customers inside retail business establishments to package bulk items, but not limited to such as fruits, vegetables, nuts, grains, candy or small hardware items such as nails and bolts;
 - (b) Bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, whether pre-packaged or not;
 - (c) Bags used to protect prepared foods or bakery goods;
 - (d) Bags provided by pharmacists to contain prescription drugs;
 - (e) Door-hanger bags;
 - (f) Laundry-dry cleaning bags; and
 - (g) 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.

PART 4 – ENFORCEMENT

10. A designated officer may enter any retail business establishment and may make examinations, investigations and inquiries for enforcement.
11. 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

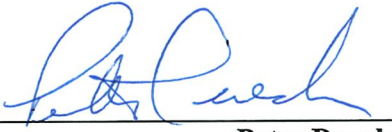
Furthermore, every person violating any of the provisions of this by-law is liable to the Town for any expenses, loss or damage incurred by the Town by reason of such violation and such cost along with the fine may be charged against the property owner and treated and collected as taxes levied against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

12. 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.

PART 5 - COMING INTO FORCE

13. That the Town of Arborg Plastic Shopping Bag By-law No. 4-2018 will take effect on **March 13, 2019.**

DONE AND PASSED by the Council of the Town of Arborg duly assembled at Arborg, Manitoba this **13th** day of **March A.D. 2019.**


Peter Dueck
Mayor


Lorraine Bardarson
Chief Administrative Officer

Read a first time this	12 th	day of	September	A.D.	2018
Read a second time this	12 th	day of	December	A.D.	2018
Read a third time this	13 th	day of	March	A.D.	2019