

BY-LAW NUMBER 2009-150 OF THE CITY OF ORILLIA

**A BY-LAW TO AMEND CHAPTER 877 OF THE CITY OF ORILLIA MUNICIPAL CODE
- SOLID WASTE MANAGEMENT**

WHEREAS it is deemed expedient to amend Chapter 877 of the City of Orillia Municipal Code being the Chapter to regulate Solid Waste Management in the City of Orillia.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ORILLIA HEREBY ENACTS AS FOLLOWS:

1. THAT Chapter 877 of the City of Orillia Municipal Code be amended by adding the following definitions:

"877.1.16 Door hanger bag - defined

"door hanger bag" means a bag designed to hold flyers, coupons or other advertisements and intended to be left on the door of homes."

"877.1.17 Land - defined

"land" includes buildings or structures other than a dwelling unit."

"877.1.18 Laundry - dry cleaning bag - defined

"laundry-dry cleaning bag" means a bag used by dry-cleaners to cover and protect clothing after the laundering or dry-cleaning process."

"877.1.19 Operator - defined

"operator" means a person who alone or with others operates, manages, supervises, runs or controls a retail business establishment and includes the person who is actually in charge thereof at any particular time and "operate", "operation" and other words of like import or intent shall be given a corresponding meaning."

"877.1.20 Owner - defined

"owner" means a person who alone or with others has the right to possess or occupy a retail business establishment or actually does possess or occupy a retail business establishment and includes a lessee of a retail business establishment and "own", "ownership", and words of like import or intent shall be given a corresponding meaning."

"877.1.21 Plastic retail shopping bag - defined

"plastic retail shopping bag" means a bag made of plastic film, designed to carry customer purchases from a retail business establishment, but does not include:

- i) bags used by customers inside retail business establishments to package bulk items 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 bakery goods;
- iv) bags provided by pharmacists to contain prescription drugs;

- v) newspaper bags;
- vi) door-hanger bags;
- vii) laundry-dry cleaning bags; or
- viii) bags sold in packages containing multiple bags intended for such uses as garbage bags, pet waste bags, yard waste bags, or recycling bags."

"877.1.22 Retail business establishment - defined

"retail business establishment" means any premises or part thereof where the selling or offering for sale of goods or services by retail is carried on and includes fast food outlets and convenience stores."

"877.1.23 Reusable container - defined

"reusable container" means other than a plastic retail shopping bag, a bag, box or other container that is specifically designed and manufactured for multiple reuse and is:

- i) made of cloth or other machine washable fabric or other durable material suitable for reuse; and
- ii) which reusable container is in a clean and sanitary state when presented by the customer for use in the retail business establishment."

2. THAT Chapter 877 of the City of Orillia Municipal Code be amended by adding the following section:

"877.2.22 Plastic retail shopping bags

- (a) No owner, operator and/or person employed in a retail business establishment shall provide or permit to be provided to a customer of such retail business establishment a plastic retail shopping bag, unless such customer has paid the minimum plastic retail shopping bag fee for each such bag provided to the customer.
- (b) The minimum plastic retail shopping bag fee shall be five cents (\$.05) for each bag.
- (c) Every owner or operator of a retail business establishment shall ensure that the number of plastic retail shopping bags provided to a customer and the total amount charged, is indicated on the customer transaction receipt if one is issued.
- (d) No owner, operator and/or person employed in a retail business establishment shall prohibit a customer from using any reusable container for transport of purchased items from the retail business establishment."

3. THAT Article 4 of Chapter 877 of the City of Orillia Municipal Code be repealed and replaced with the following:

"Article 4

ENFORCEMENT

877.4.1 Entry and inspection

A Municipal By-law Enforcement Officer or Police Officer may at all reasonable times, enter on land for the purposes of carrying out an inspection to determine compliance with this Chapter.

877.4.2 Obstruction

No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this Chapter. Any person who has been alleged to have contravened any of the provisions of this Chapter, who fails to identify himself upon request, shall be deemed to have obstructed or hindered the person in the execution of his duties.

877.4.3 Fine - for contravention

- (a) Any person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*.
- (b) Where a section of this Chapter has been contravened, a director or officer of a corporation who knowingly concurs in the contravention is guilty of an offence.
- (c) Upon conviction, in addition to any other remedy and to any penalty imposed by this Chapter, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

877.4.4 Enforcement


A Municipal By-law Enforcement Officer or Police Officer is hereby vested with the authority of enforcing the provisions of this Chapter.

877.4.5 Validity and severability

Every provision of this Chapter is declared severable from the remainder and if any provision of this Chapter shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder."

4. THAT this by-law shall come into effect on January 1, 2010.

BY-LAW read a first, second and third time and finally passed this 30th day of November, A.D. 2009.



MAYOR



CLERK