

VILLE DE MONTRÉAL
BY-LAW
16-051

**BY-LAW PROHIBITING THE DISTRIBUTION OF CERTAIN SHOPPING BAGS
IN RETAIL STORES**

In view of sections 6 and 19 of the Municipal Powers Act (CQLR, chapter C-47.1);

In view of sections 369 and 411 of the Cities and Towns Act (CQLR, chapter C-19);

At its meeting of August 22, 2016, city council enacts:

SECTION I
PRELIMINARY PROVISIONS

1. The object of this by-law is to ban the distribution of certain shopping bags made of traditional, oxo-degradable or biodegradable plastic in the retail stores located on the city's territory in order to encourage a change of behaviour regarding the use of these types of bags and thus reduce their environmental impact.

2. In this by-law, the following words mean:

“biodegradable bag”: bag that can be decomposed by micro-organisms, resulting in the formation of water, carbon dioxide, inorganic compounds and biomass that are non-toxic for the environment;

“oxo-degradable or oxo-fragmentable plastic bag”: bag made of petroleum-based plastic to which oxidizing agents are added to stimulate its degradation into smaller pieces that may be invisible to the naked eye, but that are not biodegradable;

“retail store”: an establishment whose main activity is the sale of merchandise at the retail level;

“shopping bag”: bag offered to clients at the check-out counter in retail stores to carry out their merchandise;

“traditional plastic bag”: bag made of petroleum-based plastic that is not biodegradable.

SECTION II PROHIBITIONS

- 3.** It is prohibited to offer clients in retail stores, against payment or free of charge, traditional plastic shopping bags less than 50 microns thick, as well as oxo-degradable, oxo-fragmentable or biodegradable plastic bags, regardless of their thickness.
- 4.** The prohibition under article 3 does not apply to plastic bags that are used exclusively carry food products, such as fruits, vegetables, nuts, bulk snacks, ready-to-eat foods, meat, fish, bread and dairy products to the check-out counter or to protect these food products from direct contact with other items for reasons of hygiene.

SECTION III INSPECTION POWERS, OFFENCES AND PENALTIES

- 5.** Any city employee responsible for the application of this by-law may visit or inspect any retail store and request any information for the purposes of application of this by-law.
- 6.** Any person who interferes in any way with the carrying out of interventions under article 5 of this by-law contravenes this by-law.
- 7.** Any person who contravenes this by-law is guilty of an offence and is liable:
 - (1) in the case of an individual:
 - (a) for a first offence, to a fine of \$200 to \$1,000;
 - (b) for a subsequent offence, to a fine of \$300 to \$2,000.
 - (2) in the case of a corporation:
 - (a) for a first offence, to a fine of \$400 to \$2,000;
 - (b) for a subsequent offence, to a fine of \$500 to \$4,000.

CHAPITRE IV FINAL PROVISION

- 8.** This by-law comes into force in accordance with the law. However, articles 3 and 4 will only take effect on January 1, 2018.

The public notice relating to this by-law was posted at city hall and published in *The Gazette* on August 30, 2016.