

**BY-LAW NO. 67**  
**TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE**  
**REDUCTION OF SINGLE-USE PLASTIC BAGS**  
**PAGE 1 of 4**

The Council of the Town of Grand Bay-Westfield under authority vested in it by the *Local Governance Act*, S.N.B. 2017 c.18 enacts as follows:

**1. TITLE**

This By-law may be cited as the “PLASTIC BAG REDUCTION BY-LAW”.

**2. DEFINITIONS**

In this by-law:

- “**business**” means any corporation, individual, partnership or co-operative association engaged in a retail operation and, for the purpose of section 3, includes a person employed by, or acting behalf of a business;
- “**check-out bag**” means:
  - a) Any bag intended to be used by customer for the purpose of transporting items purchased or received by the customer from the business providing the bag, or
  - b) a bag used to package take-out food or food to be delivered, and includes a paper bag or plastic bag but does not include a reusable bag.
- “**Council**” means Grand Bay-Westfield Town Council
- “**paper bag**” means a bag made out of paper that is recyclable
- “**plastic bag**” means any bag made with plastic, including biodegradable plastic or compostable plastic, but does not include a reusable bag
- “**re-usable bag**” means a bag with handles that is:
  - a) designed and manufactured to be capable of a least 100 uses, and
  - b) primarily made of cloth or durable material suitable for re-use

I certify that this instrument  
is registered or filed in the  
Kings  
County Registry Office,  
New Brunswick

J'atteste que cet instrument est  
enregistré ou déposé au bureau  
de l'enregistrement du comté de  
Kings  
Nouveau-Brunswick

2021-05-14 10:31:19 41284218  
date/date time/heure number/numéro

### **3. CHECK OUT PROHIBITION**

- (1) Except as provided in this by-law, no business shall provide a check-out bag to a customer that is a plastic bag.
- (2) No business shall deny or discourage the use by a customer of the customer's own reusable bag for the purpose of transporting items purchased or received by the customer.

### **4. EXEMPTIONS**

- (1) Section 3 does not apply to:

- a) bags used to:

- (i) package loose bulk items such as fruit, vegetables, nuts , grains, or candy;
- (ii) package loose small hardware items such as nails and bolts;
- (iii) contain or wrap frozen foods, meat, poultry or fish whether pre-packaged or not;
- (iv) wrap flowers or potted plants;
- (v) protect prepared foods or bakery goods that are not pre-packaged;
- (vi) contain prescription drugs received from a pharmacy;
- (vii) transport live fish;
- (viii) protect linens, bedding or other similar large items that cannot easily fit in a reusable bag;
- (ix) protect newspapers or other printed material intended to be left at the customer's residence or place of business;
- (x) protect clothes after professional laundering or dry-cleaning
- (xi) protect tires that cannot easily fit in a reusable bag.

- (2) Section 3 does not limit or restrict the sale of bags, including plastic bags, intended for the use at the customer's home or business, that are sold in packages of multiple bags.

## 5. ENFORCEMENT

- (1) Every person duly appointed by Council as a By-law Enforcement Officer is hereby authorized to carry out any inspection that is necessary for the administration or enforcement of this By-law.
- (2) Any Peace Officer or By-law Enforcement Officer is here by authorized to take such actions, exercise such powers and perform such duties, as may be set out in this By-law or in the *Local Governance Act* and as they may deem to be necessary to enforce any provision of this By-law.

## 6. OFFENCES

- (1) Any person who violates any provision of this By-law is guilty of an offence and is liable on conviction to a fine.
- (2) The minimum fine for an offence committed under this By-law is one hundred and forty dollars (\$140) and the maximum fine for an offence committed under this By-law is two thousand one hundred dollars (\$2,100)
- (3) If an offence committed under this By-law continues for more than one (1) day:
- a) The minimum fine that may be imposed is the minimum fine established in this by-law multiplied by the number of days during which the offence continues; and
- b) The maximum fine that may be imposed is the maximum fine established in this by-law multiplied by the number of days during which the offence continues.
- (4) Contraventions:
- a) All contraventions of this by-law are designated by-law contraventions that may be dealt with by a notice of penalty pursuant to the provisions of the *Local Governance Act*;



TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE REDUCTION OF SINGLE-USE PLASTIC BAGS

- b) a person to whom a penalty notice is delivered may pay the administrative penalty on or before a charge pertaining to the offence has been laid in Provincial Court as follows:
- c) a person who pays the administrative penalty shall be deemed to have contravened the provisions of Section 3 of this by-law and shall not be charged with an offence in respect of the same incident that gave rise to the administrative penalty;
- d) if the administrative penalty is not paid in accordance with this Section, the person may be charged with an offence pursuant to Section 6 of this by-law.

**7. SEVERABILITY**

Where a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force unless the Court makes an order to the contrary.


**8. COMMENCEMENT**

This by-law comes into force on the date of final passing thereof, with an implementation date of **June 30, 2021**.

READ A FIRST TIME this 25 day of January, 2021.

READ A SECOND TIME this 22 day of February, 2021.

READ A THIRD TIME AND ENACTED this 22 day of February, 2021.

  
\_\_\_\_\_  
John Enns-Wind  
CAO

  
\_\_\_\_\_  
Grace Losier  
Mayor



