

## **By-law No. GG-009: RESPECTING PLASTIC BAG REDUCTION**

The Council of the Municipality of Grand Bay-Westfield under authority vested in it by Sections 10 of the *Local Governance Act*, 2021, c. 44 and amendments thereto enacts as follows:

### **SHORT TITLE**

1. This By-law may be cited as the Plastic Bag Reduction By-law.

### **DEFINITIONS**

2. In this by-law:
  - (i) **"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;
  - (ii) **"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.
  - (iii) **"Council"** means Grand Bay-Westfield Town Council;
  - (iv) **"paper bag"** means a bag made out of paper that is recyclable;
  - (v) **"plastic bag"** means any bag made with plastic, including biodegradable plastic or compostable plastic, but does not include a reusable bag;
  - (vi) **"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

### **CHECK OUT PROHIBITION**

3. Except as provided in this by-law, no business shall provide a check-out bag to a customer that is a plastic bag.

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4. 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.

### **EXEMPTIONS**

5. Section 3 does not apply to 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.
6. 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.

### **ENFORCEMENT**

7. 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.
8. 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.

### **OFFENCES**

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9. Any person who violates any provision of this By-law is guilty of an offence and is liable on conviction to a fine.
10. 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)
11. If an offence committed under this By-law continues for more than one (1) day:
  - (i) 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
  - (ii) 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.

### **ADMINISTRATIVE PENALTY**

7.1 The municipality may require an administrative penalty to be paid with respect to a contravention of a provision of this by-law as set out in section [7.2] of this by-law.

- (i) A person who contravenes[a provision of this by-law may pay to the municipality an administrative penalty in the amount of
  - a. where the person has not previously contravened this by-law, \$100.00, and
  - b. where the person has previously contravened this by-law, the sum of the amount paid or to be paid by the person in respect of the most recent contravention and \$100.00, provided that in no event shall a person be required to pay an administrative penalty in an amount exceeding \$1,500.00,
- (ii) and, upon such payment, the person who committed the contravention is not liable to be prosecuted therefor.

7.2 A person who may pay to the municipality an administrative penalty in accordance

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with this by-law may pay the administrative penalty in accordance with the Administrative Penalty By-law.

**SEVERABILITY**

12. 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.

**REPEAL**

13. By-law No. 67, a By-law of the Town of Grand Bay-Westfield Plastic Bag Reduction By-law enacted, 22 February 2021, and all amendments thereto is hereby repealed.

**READ A FIRST TIME** by summary this 13<sup>th</sup> day of March, 2023.

**READ A SECOND TIME** by title this 13<sup>th</sup> day of March, 2023.

**READ A THIRD TIME** in its entirety and ENACTED on this \_\_\_\_ day of \_\_\_\_\_, 2023.

This By-law comes into force on the date of final passing thereof.

**SIGNED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
John Enns-Wind  
CAO / Clerk

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Brittany Merrifield  
Mayor

Seal