

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

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

12. 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 [12.2] 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.

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12.2 A person who may pay to the municipality an administrative penalty in accordance with this by-law may pay the administrative penalty in accordance with the Administrative Penalty By-law.

SEVERABILITY

13. 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

14. 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.

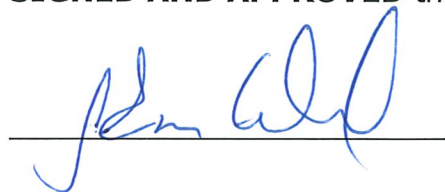
READ A FIRST TIME by summary this 13th day of March, 2023.

READ A SECOND TIME by title this 13th day of March, 2023.

READ A THIRD TIME in its entirety and ENACTED on this 11th day of April, 2023.

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

SIGNED AND APPROVED this 11 day of April, 2023.

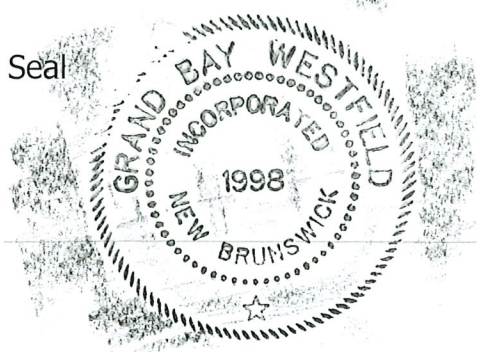


John Enns-Wind
CAO / Clerk



Brittany Merrifield
Mayor

Seal



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

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K. Platt
Registrar-Conservateur

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