

## BY-LAW

### A BY-LAW RESPECTING THE REDUCTION OF SINGLE-USE PLASTIC BAGS

*BE IT ENACTED* by \_\_\_\_\_ under the authority vested in it by the *Local Governance Act*, S.N.B., 2017, c. 18, as follows:

#### 1. Title

This by-law may be cited as the “Plastic Bag Reduction By-Law”.

#### 2. Definitions

In this by-law:

- (1) “**business**” means any corporation, individual, partnership or co-operative association engaged in a retail operation and, for the purposes of section 3, includes a person employed by, or acting on behalf of, a business;
- (2) “**checkout bag**” means
  - (a) any bag intended to be used by a 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.
- (3) “**Council**” means the Council \_\_\_\_\_-;
- (4) “**paper bag**” means a bag made out of paper that is recyclable;
- (5) “**plastic bag**” means any bag made with plastic, including biodegradable plastic or compostable plastic, but does not include a reusable bag;
- (6) “**reusable bag**” means a bag with handles that are
  - (a) designed and manufactured to be capable of at least 100 uses, and
  - (b) primarily made of cloth or other durable material suitable for reuse;

#### 3. Checkout Bag Prohibition

- (1) Except as provided in this by-law, no business shall provide a checkout 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; or
- (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 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 hereby 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 provisions 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.

**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 effect on June 30, 2021.

**READ FIRST TIME:**

**READ SECOND TIME:**

**READ THIRD TIME:**

\_\_\_\_\_  
Mayor

**SEAL**

\_\_\_\_\_  
Clerk