

BY-LAW NO. 1-21
A BY-LAW OF THE TOWN OF ROTHESAY RESPECTING
THE REDUCTION OF SINGLE-USE PLASTIC BAGS IN ROTHESAY

BE IT ENACTED by the Council of Rothesay, under 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, unless the context otherwise requires:

“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;

“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.

“Council” means Rothesay 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;

“pre-packaged” in relation to foods or bakery goods, means food or bakery goods that are completely enclosed by wrapping or a container;

“reusable bag” means a bag with handles that is

(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;
- (xi) protect tires that cannot easily fit in a reusable bag; and
- (xii) collect and dispose of animal waste.

(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.

(4) Contraventions:

- (a) All contraventions of this By-law are designated By-law contraventions that may be dealt with by the provisions of the *Local Governance Act* and the *Rothesay Procedural 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 June 30, 2021.

FIRST READING BY TITLE: 8 February 2021

SECOND READING BY TITLE: 8 March 2021

(Advertised as to content on the
Rothesay website in accordance with the
Local Governance Act, SNB (2017) c. 18) 11 March 2021

READ IN SUMMARY:

THIRD READING BY TITLE
AND ENACTMENT: 12 April 2021

Original signed by Mayor Grant

MAYOR

Original signed by Mary Jane Banks

CLERK