



Respecting the Distribution of Flyers By-law

By-law # 2023-02

RESPECTING THE DISTRIBUTION OF FYERS

BE IT ENACTED by the Council of the Town of Digby as follows:

Short Title

1. This By-law shall be known as By-law 2023-02 may be cited as the *Flyer Distribution By-law*.

Definitions

2. In this By-law,

(a) “distributor” means any person, which distributes, permits to be distributed or causes to be distributed any flyer which promotes activities outlined in Section 3 of this By-law;

(b) “flyer” means any non-subscription based printed or written matter, and includes a circular, leaflet, pamphlet, paper, booklet, postcard, coupon, or any other printed or otherwise reproduced matter;

(c) “municipality” means Town of Digby;

(d) “newspaper” means any newspaper or magazine of general circulation for which the occupant has paid or requested delivery;

(e) “person” includes a business, company, organization or corporation and the heirs, executors, administrators or other legal representatives of a person;

(f) “residential property” means property or part thereof used or intended to

be used for residential purposes, but does not include the portion of a hotel or motel used for the purpose of lodging for the public or an apartment hotel;

Application of By-law

3. This By-law applies to any flyer distributed within the municipality that:
 - (a) advertises or otherwise promotes any merchandise, product, commodity or thing;
 - (b) directs attention to any business or mercantile or commercial establishment or other activity, for the purpose of either directly or indirectly promoting the interests thereof; or
 - (c) directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission is charged for the purpose of commercial gain or profit.

General

4. (1) Any owner or occupier of a residential property may post a sign or notice stating they do not wish to receive flyers.
 - (2) Subject to subsection (1), an owner or occupier may:
 - (a) post a sign or notice provided by the municipality, or
 - (b) create a sign or notice to post, provided the sign or notice meets the following specifications (see Appendix A):
 - (i) is a minimum 11 cm (4.5 in) wide by 12.5 cm (5 in) high,
 - (ii) consists of lettering that is black font on a white background, and
 - (iii) contains the phrase 'NO FLYERS' in a font size of at least 38 pt in a sans-serif (plain) font type such as Arial.
5. A sign or notice stating the owner or occupier does not want to receive flyers shall be posted at the entrance to the dwelling unit in a manner such that the sign or notice is visible at the applicable locations as outlined in Section 8(1).
6. No distributor shall deliver or cause to be delivered a flyer at or on a residential property if a sign or notice has been posted pursuant to section 5.
7. Section 6 of this By-law shall not apply to the following:

(a) any election advertising material which is permitted to be transmitted or delivered pursuant to any applicable federal, provincial or municipal legislation or regulation;

(b) newspapers delivered to paid subscribers;

(c) community association newsletters or newspapers that do not contain flyers;

(d) information circulars produced by a federal, provincial or municipal government or an agency of such government;

(e) information circulars produced by a member of Town of Digby, a member of the Nova Scotia Legislative Assembly or a member of the federal Parliament; or

(f) an apartment building containing six or more dwelling units.

8. (1) No distributor shall distribute or cause to be distributed any flyers on residential property other than:

(a) in a mail box;

(b) in a mail slot;

(c) on a doorstep.

(2) No distributor shall distribute or cause to be distributed any flyers to a residential property where the flyers have not been taken in for two consecutive weeks.

Offences and Penalties

9. (1) A person who violates a provision of this By-law is guilty of an offence.

(2) A distributor that is an individual who contravenes any section of this By-law is liable, upon summary conviction, to a penalty of not less than twenty-five dollars and not more than one thousand dollars.

(3) A distributor other than an individual who contravenes any section of this By-law is liable, on summary conviction, to a penalty of not less than two hundred and fifty dollars and not more than ten thousand dollars.

Clerk's Annotation for Official By-Law Book

Date of first reading: July 4, 2023

Date of advertisement of Notice of Intent to Consider: July 12, 2023

Date of second reading: August 8, 2023

***Date of advertisement of Passage of By-Law: August 16, 2023**

Date of mailing to Minister a certified copy of By-Law: August 16, 2023

I certify that this By-law was adopted by Council and published as indicated above.


E. Thomas Ossinger, CAO

August 9, 2023
Date

*** Effective Date of the By-Law unless otherwise specified in the text of the By-Law**

Respecting the Distribution of Flyers By-law

Appendix A- No Flyer Signage

**NO
FLYERS**

