

TOWN OF ST STEPHEN

BY-LAW NO. L-12

A BY-LAW TO REGULATE THE DELIVERY OF FLYERS

BE IT ENACTED by the Council of the Town of St. Stephen, under the authority vested in it by the *Local Governance Act*, SNB 2017, C-18 as follows:

1. Definitions

(1) In this by-law,

“Town” shall refer to the Town of St. Stephen;

“Director” means the Director of Protective Services for the Town;

“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;

“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;

“Municipality” means the geographic area constituted as the Town of St. Stephen;

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

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

“residential property” means the 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.

2. Application

(1) 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;
- 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.

3. General

(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 Town, or
- b. Create a sign or notice to post, provided the sign or notice meets the following specifications:
 - i. Is a minimum 11cm (4.5in) wide by 12.5cm (5in) 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 38pt in a sans serif (plain) font type such as Arial.

(3) A sign or notice stating the owner or occupier does not want to receive flyers shall be posted at the entrance to the residential property in a manner such that the sign or notice is visible at the applicable locations as outlined in section 3(6).

(4) No distributor shall distribute, or cause to be distributed, a flyer at or on a residential property if a sign or notice has been posted pursuant to section 3(3).

(5) Section 3(4) 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 paying subscribers;
- c. Community association newsletters or newspapers that do not contain flyers;

- d. Information circulars produced by federal, provincial or municipal government;
- e. Information circulars produced by a member of Town Council, a member of the New Brunswick Legislative Assembly or a member of the federal Parliament;
- f. An apartment building containing six or more units.

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

- a. In a mailbox;
- b. In a mail slot;
- c. In a tube or other receptacle designated for this purpose;
- d. On a doorstep.

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

4. 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 \$140 and the maximum fine for an offence committed under this by-law is \$2,100.

(3) If an offence committed under this by-law continues for more than one 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.

5. Enforcement

- (1) The Director is responsible for the administration of this by-law.
- (2) The Director and every person duly appointed by Council as by-law enforcement officer is hereby authorized to carry out any inspection that is necessary for the administration or enforcement of this by-law.
- (3) The Director, 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. Severability

- (1) 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.

7. Effective Date

- (1) This by-law shall be effective as of June 1st, 2020.

IN WITNESS WHEREOF the Town of St. Stephen has caused the corporate seal of the said Town to be affixed to this By-Law the 22nd day of June, 2020.


First Reading: March 23, 2020

Second Reading: May 25, 2020

Third Reading and Enacted: June 22, 2020



Mayor



Town Clerk