

UNOFFICIAL OFFICE CONSOLIDATION – FOR REFERENCE ONLY



BY-LAW 700-90

A BY-LAW RESPECTING FLYER DISTRIBUTION IN THE TOWN OF RIVERVIEW

BE IT ENACTED by the Council of the Town of Riverview under the authority vested in it by the Local Governance Act, SNB 2017, c 18 as follows:

1. Title

This By-law may be cited as the "**Flyer Distribution By-law**".

2. Definitions

In this by-law:

- a) "**council**" means Riverview Town Council;
- b) "**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;
- c) "**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;
- d) "**municipality**" means the geographic area constituted as the Town of Riverview;
- e) "**newspaper**" means any newspaper or magazine of general circulation for which the occupant has paid or requested delivery;
- f) "**person**" includes a distributor, business, company, organization or corporation and the heirs, executors, administrators or other legal representatives of a person;
- g) "**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;

3. Application

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, performance, exhibition or event of any kind for which an admission is charged for the purpose of commercial gain or profit.

4. General

- a) Any owner or occupier of a residential property may post a sign or notice on such residential property stating they do not wish to receive flyers.
- b) Any owner or occupier of a residential property who wishes to post a sign or notice in accordance with Section 4(a) above may:
 - i. Post a sign or notice in such form as may be provided by the Council, or
 - ii. Post a sign or notice created by the owner or occupier, provided that any such sign or notice meets the following specifications:
 1. Is a minimum 11 cm (4.5 in) wide by 12.5 cm (5 in) high;
 2. Consists of lettering that is in black font on a white background; and
 3. Contains the phrase "**NO FLYERS**" in a font size of at least 38 pt in a sans-serif (plain) font type, such as Arial.
- c) A sign or notice stating the owner or occupier does not want to receive flyers shall be posted on the residence in a manner such that the sign or notice is reasonably visible to a distributor.
- d) 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 this Section 4.
- e) Sections 4(d) and 4(h) of this by-law shall not apply to the following:
 - i. Any election advertising material which is permitted to be transmitted or delivered pursuant to any applicable federal, provincial or municipal legislation or regulation;
 - ii. Newspapers delivered to paid or requested subscribers;
 - iii. Community association newsletters or newspapers that do not contain flyers;

- iv. Information circulars produced by a federal, provincial or municipal government or an agency of such government;
 - v. Information circulars produced by a member of Council, a member of the New Brunswick Legislative Assembly or a member of the Federal Parliament; or
 - vi. An apartment building containing six or more dwelling units.
- f) No distributor shall distribute or cause to be distributed any flyers on residential property other than:
- i. In a mail box;
 - ii. In a mail slot;
 - iii. In a tube or other receptacle designated for this purpose; or
 - iv. On a doorstep
- g) No distributor shall distribute or cause to be distributed any flyers at or on a residential property where previously delivered flyers have not been retrieved for two consecutive weeks.
- h) No distributor shall distribute or cause to be distributed any flyers to any owner or occupant of residential property by leaving same in the owner or occupant's community mail box where such owner or occupant has posted a sign or notice complying with this Section 4 on the residential property of the owner or occupant.

5. Offences

- a) A person who violates a provision of this by-law is guilty of an offence and is liable on conviction to a fine.
- b) 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.
- c) If an offence committed under this by-law continues for more than one 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.

6. Enforcement

- a) 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.
- b) 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.

7. Severability

- a) 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 remain in force unless the Court makes an order to the contrary.

First Reading: May 11, 2020

Second Reading: June 8, 2020

Third Reading: June 8, 2020

Original By-Laws and amendments thereto are on file in the Office of the Town Clerk. This document is for convenient reference purposes only. Any questions should be forwarded to the Office of the Town Clerk.

NO FLYERS



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