



**MUNICIPALITY OF THE DISTRICT OF CLARE**  
**BY-LAW NO. 38**  
**RESPECTING THE DISTRIBUTION OF FLYERS**

**BE IT ENACTED** by the Council of the Municipality of the District of Clare as follows:

**SHORT TITLE**

1. This By-law shall be known as By-law 38 and may be cited as the Flyer Distribution By-law.

**INTERPRETATION**

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 Municipality of the District of Clare;
- (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; and
- (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. Any owner or occupier of a residential property may contact the distributor to advise them that they do not wish to receive flyers.
- 5. No distributor shall deliver or cause to be delivered a flyer at or on a residential property if previously advised of the owner or occupier's preference to not receive flyers.
- 6. 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 Council for the Municipality of Clare, 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.
- 7. (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) in a tube or other receptacle designated for this purpose; or
  - (d) 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 three consecutive weeks.

**OFFENCES AND PENALTIES**

- 8. (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.

**THIS IS TO CERTIFY** that the forgoing is a true and correct copy of the By-Law Respecting The Distribution of Flyers adopted and in full force in the Municipality of the District of Clare.

**DATED** at Little Brook, Nova Scotia this 6 day of August, 2021.



  
Stéphane Cyr,  
Chief Administrative Officer

<b>Chief Administrative Officer's Annotation for Official By-Law Book</b>	
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