



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 _____ day of _____, 2021.

Stéphane Cyr,
Chief Administrative Officer

Chief Administrative Officer’s Annotation for Official By-Law Book	
Date of First Reading	
Date of First Publication	
Date of Hearing of Public Objections	
Date of Second Reading and Enactment	
Date of Final Publication Following Second Reading	
Date Sent to Nova Scotia Department of Municipal Affairs	

