

Bill No. 138
2022

By-law No. _____

A by-law to regulate the distribution of graphic flyers in the City of London.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended ("*Municipal Act, 2001*") provides that a municipal power shall be exercised by by-law;

AND WHEREAS subsection 8(2) of the *Municipal Act, 2001* provides that in the event of ambiguity in whether or not a municipality has the authority to pass a by-law under s. 10, the ambiguity shall be resolved so as to include, rather than exclude, municipal powers that existed on December 31, 2002;

AND WHEREAS subsection 8(3) of the *Municipal Act, 2001* provides that a by-law under section 10 respecting a matter may regulate or prohibit respecting the matter, require persons to do things respecting the matter, provide for a system of licenses (including permits, approvals, registrations and any other type of permission) respecting the matter;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act, 2001* or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 6, Health, safety and well-being of persons; and in paragraph 8, Protection of persons and property, including consumer protection;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

Part 1 SHORT TITLE

Short Title

1.1 The short title of this by-law is the Distribution of Graphic Flyers By-law.

Part 2 DEFINITIONS

Definitions

2.1 For the purposes of this By-law:

"City" means The Corporation of the City of London;

"Distributor" means any person, owner of a business, company, or organization which distributes, permits to be distributed or causes to be distributed any Flyer;

"Flyer" means any printed or written matter, and includes a circular, leaflet, pamphlet, paper, booklet, postcard, or any other printed or otherwise reproduced matter of literature, but not including electronic messages;

"Graphic Image" means a detailed pictorial image or series of images, containing potentially sensitive content that may cause or trigger a negative reaction to the health and wellbeing of any person at any scale. An example of a graphic

image may include, but is not limited to, dismembered human beings or aborted fetuses;

“Person” includes a corporation, other legal entities and an individual having charge or control of a Property;

“Property” means residential property.

Part 3 PROHIBITIONS

3.1 No person shall deposit a flyer containing a graphic image at any property.

3.2 No distributor shall distribute, permit to be distributed or cause to be distributed a flyer containing a graphic image at any property.

Part 4 ENFORCEMENT

4.1 Any person who contravenes any provision of this By-law is guilty of an offence.

4.2 A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law is guilty of an offence.

4.3 Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with the Administrative Monetary Penalty System By-law A-54, be liable to pay the City an Administrative Monetary Penalty.

4.4 A person convicted under this by-law is liable to a maximum fine of \$5000.00.

4.5 This By-law shall come into force and effect on the day it is passed.

PASSED in Open Council on March 22, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – March 22, 2022
Second Reading – March 22, 2022
Third Reading – March 22, 2022