

Bill No. 188  
2022

By-law No. PW-\_\_\_\_\_

A by-law to regulate the delivery of graphic images 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 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting the "Health, safety and well-being of persons" as well as by-laws for the "Protection of persons and property, including consumer protection";

AND WHEREAS the Council is satisfied that the unregulated Delivery of Graphic Images to residences does cause harm;

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

### **Short Title**

The short title of this by-law is the Graphic Image Delivery By-law.

### **Purpose**

2.1 The purpose of this by-law is to regulate the unsolicited Delivery of Graphic Images to Residences, so that recipients have an opportunity to choose whether they wish to view such images.

### **Definitions**

3.1 For the purpose of this By-law:

**"Deliver"** means to leave the Graphic Image anywhere on the property or mailbox associated with a Residence, whether or not the Graphic Image is handed to a person, and the noun "Delivery" has a corresponding meaning;

**"Graphic Image"** means an image or photograph showing, or purporting to show, a fetus or any part of a fetus;

**"Residence"** means any property or address that is not clearly identified from the abutting roadway as the location of a business;

### **Regulation of Deliveries**

4.1 No person shall Deliver or participate in the Delivery of a Graphic Image to any Residence, unless:

- (a) the Graphic Image is fully concealed within a sealed envelope or package, and
- (b) the sealed envelope or package containing the Graphic Image is marked with the following notice and information:
  - (i) the name and address of the person who is responsible for Delivery of the Graphic Image, and
  - (ii) a warning that the envelope or package "contains a Graphic Image that may be offensive or disturbing to some people".

4.2 This By-law does not apply to:

- (a) mail that is Delivered to a Residence by Canada Post,
- (b) material that is Delivered to the Residence at the request or with the consent of the addressee.

## **Enforcement**

- 5.1 Any person who contravenes a provision of this By-law is guilty of an offence.
- 5.2 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.
- 5.3 Each person who contravenes a 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 Corporation of the City of London an Administrative Monetary Penalty.
- 5.4 A person convicted under this by-law is liable to a maximum fine of \$5,000.00.
- 5.5 This By-law shall come into force and effect on the day it is passed.

PASSED in Open Council on May 3, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk