

Compiled “Viewer Discretion” bylaws

The City of London was the first in Canada to pass a “Viewer Discretion” bylaw, in May 2022. These bylaws requires that if flyers with graphic images of fetuses are delivered to homes, they must be in a sealed opaque envelope or wrapper, bearing a warning on the outside that graphic content is inside that may offend some people, as well as the name and address of the sender.

For handy reference, this document compiles all these bylaws in one place. While the bylaws are largely similar, there are some important differences to be aware of.

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Key differences between bylaws

Description of Difference	London	Woodstock	Calgary	Ingersoll	Strathmore	Okotoks	Airdrie	St. Catharines	Burlington
By-law is standalone , specifically for graphic flyers	√	√		√				√	√
By-law is an amendment to an existing bylaw			√		√	√	√		
Defines graphic image as “an image... showing, or purporting to show, a fetus or any part of a fetus” *	√	√	√	√	√		√	√	√
Also prohibits distribution of graphic flyers unless in envelope			√			√	√		
Also defines Person and/or Distributor as an organization or corporation (important for enforcement purposes)			√			√	√		√
Includes clause: “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.”	√	√		√		√		√	√

*Okotoks defines graphic image as: “a visual image showing, or purporting to show any subject matter that is not in compliance with the Canadian Code of Advertising Standards and offends the standards of public decency prevailing among a significant segment of the population.”



London ON

Graphic Image Delivery By-law – PW-14

Passed May 3, 2022

<https://london.ca/by-laws/graphic-image-delivery-law-pw-14>

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](#), [excerpted below] 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.

Schedule A-26 – Penalty Schedule for the Delivery of Graphic Images By-law / Administrative Monetary Penalty System By-law

1. For the purposes of Section 2 of this By-law, Column 3 in the following table lists the provisions in the Designated By-law identified in the Schedule, as amended.
2. Column 2 in the following table set out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.
3. Column 4 in the following table set out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.



Column 1 Item #	Column 2 Short Form Wording	Column 3 Designated Provision	Column 4 Administrative Penalty Amount
1	No Person shall deliver a Graphic Image to any Residence unless concealed within a sealed envelope or package.	4.1	\$350
2	No Person shall deliver a Graphic Image to any Residence without contact information of person responsible for the Delivery	4.1	\$350
3	No Person shall deliver a Graphic Image to any Residence without a warning	4.1	\$350

Woodstock ON

By-Law Number 9576-23 – A by-law to regulate the distribution of graphic flyers in the City of Woodstock.

Passed Feb 16, 2023

<https://ingersoll.civicweb.net/document/22970/?splitscreen=true&attachmenturl=%2Fdocument%2F23105> (see pg 7)

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 residence does cause harm;

NOW THEREFORE The Corporation of the City of Woodstock enacts as follows:

Short Title

1.1 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 and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- 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 and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- 5.3 A person convicted under this by-law is liable to a maximum fine of \$5,000.00.
- 5.4 This by-law shall become effective as of third and final reading.



Calgary AB

Bylaw Number 32M2023

Being a Bylaw of The City of Calgary to Repeal and Replace Bylaw 5M2004, The Community Standards Bylaw

Passed May 2023

<https://www.calgary.ca/bylaws/graphic-flyers.html>

Download full bylaw, see Section 37(6).

Part 1 – Interpretation and Definitions

1 (2) In this bylaw: *[relevant subsections only]*

- (l) “Distributor” means any person, owner of a business, company, or organization which distributes, permits to be distributed or causes to be distributed any Flyer which promotes the distributor’s activities;
- (o) “Fetus” means a developing but unborn mammal;
- (s) “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;
- (v) “Graphic Image” means a visual image showing, or purporting to show, a Fetus or any part of a Fetus;
- (gg) “Person” includes a corporation, other legal entities and an individual having charge or control of a Premises;
- (kk) “Premises” includes the external surface of all buildings and the whole or part of any parcel of real property, including the land immediately adjacent to any building or buildings;

Flyers and Debris

37 (6) No Person or Distributor shall deposit or distribute a Flyer with a Graphic Image at or on a Premises unless:

- (a) the Graphic Image is contained in a sealed opaque envelope;
 - (b) the exterior of the envelope contains the following legible warning: “Contains a Graphic Image that may be offensive or disturbing”; and
 - (c) the exterior of the envelope clearly identifies the sender and the sender’s address
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Schedule “A”- Specified and Minimum Penalties

Section	Offence	Minimum penalty	Specified penalty
37(6)(a)	Deposit or distribute a Graphic Image not contained in a sealed opaque envelope	\$500	\$1000
37(6)(b)	Deposit or distribute a Graphic Image without the legible warning	\$500	\$1000
37(6)(c)	Deposit or distribute a Graphic Image without identifying the sender and sender’s address	\$500	\$1000

Ingersoll ON

Corporation of the Town of Ingersoll By-Law 23- 5268

A by-law to regulate the delivery of graphic images in the Town of Ingersoll

Passed June 12, 2023

<https://ingersoll.civicweb.net/document/24211>

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

AND WHEREAS subsection 11(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 of the Corporation of the Town of Ingersoll is satisfied that the unregulated delivery of graphic images to residences does cause harm;

AND WHEREAS the Council of the Town of Ingersoll is desirous of adopting a by-law to regulate the delivery of graphic images to residences;

NOW THEREFORE the Council of the Corporation of the Town of Ingersoll enacts as follows:

1. Short Title

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

2. 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.



3. 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; and

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

4. 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 the 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; and
- b) Material that is delivered to the residence at the request or with the consent of the addressee.

5. Enforcement

5.1. Any person who contravenes a provision of this By-law is guilty of an offence and upon conviction, is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

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 and upon conviction, is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

5.3. A person convicted under this By-law is liable to a maximum fine of \$5,000.

5.4. This By-Law shall come into force and effect on the day that it is passed.



Strathmore AB

Bylaw no. 23-27 – Being a Bylaw of the Town of Strathmore in the Province of Alberta to Amend the Community Standards Bylaw No. 13-05

Passed July 26, 2023

<https://strathmore.ca/en/town-hall/resources/Documents/bylaws/23-27---Community-Standards-Amending-Bylaw-ID-74928.pdf>

WHEREAS the Municipal Government Act, RSA 2000, c. M-26 authorizes a municipality to pass bylaws respecting the safety, health and welfare of people and protection of people and property;

AND WHEREAS the Town seeks to regulate the unsolicited distribution of graphic images to premises, so that recipients have an opportunity to choose whether they wish to view such images;

AND WHEREAS it is desirable to establish a Bylaw to regulate graphic images that may cause harmful and traumatizing impacts to recipients, particularly those who have experienced pregnancy loss.

NOW THEREFORE BE IT RESOLVED THAT the Municipal Council of the Town of Strathmore, in the Province of Alberta duly assembled HEREBY ENACTS AS FOLLOWS:

1. SHORT TITLE:

1.1. This Bylaw may be cited as “Community Standards Amending Bylaw No. 23-27.”

2. AMENDMENTS

2.1. That section 2 of the Community Standards Bylaw No. 13-05 be amended to include the following definitions:

“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;

“Fetus” means a developing but unborn mammal;

“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.

(Non-commercial flyers distributed by interest groups to express an opinion on an issue or a cause are included in the definition of ‘flyer’)

“Graphic Image” means a visual image showing, or purporting to show a Fetus or any part of a Fetus.

2.2. That the Community Standards Bylaw No. 13-05 be amended to include the following section as Part IX:

Part IX - Graphic Flyers

- (1) No Person or shall Deliver or participate in the Delivery of a Graphic Image to any Premises, unless:
 - (a) the Graphic Image be concealed in a sealed opaque envelope;
 - (b) the exterior of the envelope contains the following legible warning: “Contains a Graphic Image that may be offensive or disturbing”; and
 - (c) the exterior of the envelope clearly identifies the sender and sender's address.
- (2) This By-law does not apply to:
 - (a) Mail that is Delivered to a Premises by Canada Post,
 - (b) Material that is Delivered to the Premises at the request or with the consent of the addressee.

2.3. That the Community Standards Bylaw No. 13-05 be amended to include the following in Schedule A of the bylaw:

Part IX - Graphic Flyers

Schedule “A” - Specified and Minimum Penalties

Section	Offence	Minimum penalty	Specified penalty
1(a)	Deliver a Graphic Image not contained in a sealed opaque envelope	\$500	\$1000
1(b)	Deposit a Graphic Image without the legible warning	\$500	\$1000
1(c)	Deliver a Graphic Image without identifying the sender and sender’s address	\$500	\$1000

3. EFFECTIVE DATE

3.1. This Bylaw comes into full force and effect upon third and final reading and being signed.
[July 26, 2023]



Okotoks AB

Bylaw 31-23 – Being a bylaw of the Town of Okotoks in the Province of Alberta for the purpose of Regulating Neighbourhood Nuisance, Safety, and Quality of Life Matters

Passed Aug 21, 2023

<https://www.okotoks.ca/sites/default/files/2023-08/Bylaw%2031-23%20Community%20Standards.pdf>

WHEREAS pursuant to the provisions of the Municipal Government Act (Act), RSA 2000, Chapter M-26 and amendments thereto, Council may pass a bylaw for municipal purposes respecting the safety, health, and welfare of people and the protection of people and property; and

WHEREAS the Act authorizes a Council to pass bylaws for municipal purposes respecting nuisances; and

WHEREAS the intent of this Bylaw is that all noises shall be reduced as much as possible compatible with the normal activities of urban life and that unnecessary noise be eliminated; and

WHEREAS Council believes the regulation of nuisances through a Community Standards Bylaw would benefit the community as a whole.

NOW THEREFORE the Council of the Town of Okotoks enacts as follows:

1. SHORT TITLE

1.1. This Bylaw shall be known as the “Community Standards Bylaw”.

2. DEFINITIONS

2.4. distributor means any person, owner of a business, company, or organization that distributes, permits to be distributed, or causes to be distributed, any flyer that promotes the distributor’s activities

2.7. flyer(s) 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.

2.9. graphic image means a visual image showing, or purporting to show any subject matter that is not in compliance with the Canadian Code of Advertising Standards and offends the standards of public decency prevailing among a significant segment of the population.

2.14. person means any:



- 2.14.1. individual;
 - 2.14.2. proprietorship;
 - 2.14.3. corporation; or
 - 2.14.4. society.
- 2.15. premises means the external surfaces of all buildings and the whole or part of any parcel of real property, including the land immediately adjacent to any building or buildings.

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- 14.5. No person or distributor shall deposit or distribute a flyer with a graphic image at or on a premises unless:
- 14.5.1. the graphic image is contained in a sealed opaque envelope;
 - 14.5.2. the exterior of the envelope contains the following legible warning:
“Contains a graphic image that may be offensive or disturbing”; and
 - 14.5.3. the exterior of the envelope clearly identifies the sender and the sender’s address.
- 14.6. Any advertising with graphic imagery must be in compliance with the *Canadian Code of Advertising Standards*.

Schedule A

Section	Offence	1 st Offence	2 nd Offence (in 1 year)	3 rd and Subsequent (in 1 year)
14.5	Deposit or distribute a Graphic Image not contained in a sealed opaque envelope	500.00	750.00	1000.00
14.5	Deposit or distribute a Graphic Image without identifying the sender or sender’s address	500.00	750.00	1000.00
14.5	Deposit or distribute a Graphic Image without the legible warning	500.00	750.00	1000.00
14.6	Advertising does not comply with the <i>Canadian Code of Advertising Standards</i>	500.00	750.00	1000.00



Airdrie AB

Bylaw No B-09/2012 – Being a bylaw of the City of Airdrie with a purpose of establishing and enforcing the community standards for property within the City of Airdrie.

Passed Sept 2023

<https://www.airdrie.ca/getDocument.cfm?ID=11184> (see page 18)

WHEREAS under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, City Council may pass Bylaws establishing and enforcing the minimum standards for the maintenance and occupancy of property and prohibit the use of property that does not conform to the prescribed standards;

AND WHEREAS under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, Council may pass Bylaws preventing and compelling the abatement of nuisances generally, and regulating untidy and unsightly premises;

SECTION 2 Definitions

2.01 In this Bylaw unless the context otherwise requires: *[relevant subsections only]*

- (o.1) “Distributor” means any person, owner of a business, company, or organization which distributes, permits to be distributed or causes to be distributed any Flyer which promotes the distributor’s activities;
- (r.1) “Fetus” means a developing but unborn mammal;
- (s.1) “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;
- (u.1) “Graphic Image” means a visual image showing, or purporting to show, a Fetus or any part of a Fetus;
- (nn) “Person” includes a corporation, other legal entities and an individual;
- (pp) “Premises” includes the external surface of all Buildings and the whole or part of any parcel of real property, including the land immediately adjacent to any Building or Buildings;

Flyer with Graphic Image

3.45 No Person or Distributor shall deposit or distribute a Flyer with a Graphic Image at or on a Premises unless:



- (a) the Graphic Image is contained in a sealed opaque envelope;
- (b) the exterior of the envelope contains the following legible warning: “Contains a Graphic Image that may be offensive or disturbing”; and
- (c) the exterior of the envelope clearly identifies the sender and the sender’s address.

SECTION 15, Effective Date

15.01 This Bylaw shall come into full force and effect upon execution of this Bylaw.
[June 4, 2012]

Schedule “A” – Schedule of Fines

Section	Offence	Penalty in lieu of prosecution	Specified penalty
3.45(a)	Deposit or distribute a Graphic Image not contained in a sealed opaque envelope	\$500	\$1000
3.45(b)	Deposit or distribute a Graphic Image without the legible warning	\$500	\$1000
3.45(c)	Deposit or distribute a Graphic Image without identifying the sender and sender’s address	\$500	\$1000

St. Catharines ON

By-law 2023-150 – A By-law to regulate the Delivery of Graphic Images in the City of St. Catharines.

Passed Sept 25, 2023

<https://stcatharines.civicweb.net/filepro/documents/108135/?preview=108136>

Click on Report LCS-110

A By-law to regulate the Delivery of Graphic Images in the City of St. Catharines.

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 11(2) of the Municipal Act, 2001 provides that a lower tier 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 subsection 425(1) of the Municipal Act, 2001 provides that a municipality may pass by-laws providing that a person who contravenes any by-law of the municipality is guilty of an offence;

AND WHEREAS subsection 429(1) of the Municipal Act, 2001 provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Municipal Act, 2001;

AND WHEREAS subsection 434.1(1) of the Municipal Act, 2001 provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the Municipal Act, 2001;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

SECTION 1 TITLE

1.1 This by-law shall be known as the “Graphic Image Delivery By-law”.

SECTION 2 DEFINITIONS

2.1 In this by-law:

“Deliver” means to deliver, leave, place, deposit or post anywhere on the Property or mailbox associated with a Residence, whether or not 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;

“Property” means the whole or part of any parcel of real property, including all buildings, structures, personal property, or other property located thereon;

“Residence” means any Property or address that is not clearly identified from the abutting roadway as the location of a business;

SECTION 3 REGULATION OF DELIVERIES

3.1 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”.

3.2 This By-law does not apply to:

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

SECTION 4 ENFORCEMENT

- 4.1 Any person who contravenes a 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 a provision of this By-law shall, upon issuance of a penalty notice in accordance with the Non-Parking AMPS By-law 2021-68, be liable to pay The Corporation of the City of St. Catharines an Administrative Penalty.
- 4.4 Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 4.5 This By-law shall come into force and effect on the day it is passed.

SECTION 5 GENERAL

- 5.1 In this By-law, unless the contrary intention is indicated, words used in singular shall include the plural and words used in the male gender shall include the female gender and vice versa.
- 5.2 The word "and" is an inclusive conjunction, the use of which indicates that all items or phrases in that subsection, article, or list in which it appears are permitted or required as the case may be. The word "or" is an alternate conjunction, the use of which indicates that alternate or optional items or phrases in the subsection, article or list in which it appears are permitted or required, as the case may be; however, notwithstanding the foregoing, where the context permits, the word "or" may also be an inclusive conjunction having the same meaning as the word "and".
- 5.3 If any or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative on particular circumstances, the balance of this By-Law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.
- 5.4 Any reference to legislation in this By-law includes the legislation referred to and its amendments as well as any subsequent legislation which may replace the legislation referred to, and its amendments thereto.

Burlington ON

City of Burlington By-law 13-2024 – A by-law to regulate the delivery of graphic images in the City of Burlington. File: 110-04 (BL-03-24)

Passed March 19, 2024

<https://burlingtonpublishing.escribemeetings.com/filestream.ashx?DocumentId=77040>

Whereas subsection 5(3) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, (the “Municipal Act, 2001”) provides that a municipal power shall be exercised by bylaw; and

Whereas sections 8, 9, and 11 of the Municipal Act, 2001 authorize The Corporation of the City of Burlington (the “City”) to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, and 8 of subsection 11 (2) authorize by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; and the protection of persons and property; and

Whereas section 425 of the Municipal Act, 2001 permits a municipality to pass bylaws providing that any person who contravenes any by-law of the municipality is guilty of an offence; and

Whereas subsection 429(1) of the Municipal Act, 2001 provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Municipal Act, 2001; and

Whereas subsection 434.1 (1) of the Municipal Act, 2001 provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act; and

Whereas the Council of the Corporation of the City of Burlington is satisfied that the unregulated Delivery of Graphic Images to residences impacts the economic, social and environmental well-being of the municipality; the health, safety and well-being of person; and the protection of property;

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

PART I: DEFINITIONS

1.1 For the purposes of this by-law, the following definitions shall apply:

“Administrative Monetary Penalties By-law” means the Administrative Penalties By-law 40-2016 of the City, as amended or replaced from time to time;

“administrative penalty” means an administrative monetary penalty (AMP) established by this By-law and specified in the Administrative Monetary Penalties By-law;



“Deliver” means to deliver, leave, place, deposit or post anywhere of the Property or mailbox associated with a Residence, whether or not handed to a person, and the non “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;

“person” includes an individual, firm, sole proprietorship, partnership, association, or corporation;

“Property” means the whole or part of any parcel of real property, including all buildings, structures, personal property, or other property located thereon;

“Residence” means any Property or address that is not clearly identified from the abutting roadway as the location of a business.

PART 2: BY-LAW TITLE

2.1 The short title of this By-law shall be the “Graphic Image Delivery By-law”.

PART 3: APPLICATION OF BY-LAW

3.1 This By-law applies to property within the City of Burlington.

3.2 Nothing in this By-law is to be construed as permitting anything which is prohibited under federal or provincial legislation, and where there is a conflict in this respect between federal or provincial legislation and this By-law, the federal or provincial legislation prevails.

PART 4: PROHIBITIONS AND EXEMPTIONS

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; or
- (b) material that is Delivered to the Residence at the request or with the consent of the addressee.

PART 5: OFFENCE

- 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 Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c P. 33, as amended.

PART 6: ADMINISTRATIVE PENALTIES

- 6.1 This By-law in its entirety is designated as a By-law to which the City's Administrative Monetary Penalties By-law applies.
- 6.2 Every person who contravenes this By-law when given a penalty notice, in accordance with the City's Administrative Penalties By-law, shall be liable to pay the City an administrative penalty in the amount specified in the Administrative Monetary Penalties By-law, and any fees related thereto.
- 6.3 Where an administrative penalty and administrative fee(s) respecting the administrative penalty, as specified in the Administrative Monetary Penalties By-law, are not paid within sixty days after the date that they become due and payable, the treasurer of the City may add the administrative penalty and administrative fee(s) to the tax roll for any property for which all of the owners are responsible for paying the administrative penalty and administrative fee(s), and collect it in the same manner as municipal taxes.

PART 7: MISCELLANEOUS

- 7.1 In this By-law, unless the contrary intention is indicated, words used in singular shall include the plural and words used in the male gender shall include the female gender and vice versa.
- 7.2 The word "and" is an inclusive conjunction, the use of which indicates that all items or phrases in that subsection, article, or list in which it appears are permitted or required as the case may be. The word "or" is an alternate conjunction, the use of which indicates that alternate or optional items or phrases in the subsection, article, or list in which it appears are permitted or required, as the case may be; however, notwithstanding the foregoing, where the context permits, the word "or" may also be an inclusive conjunction having the same meaning as the word "and".
- 7.3 If any or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative on particular circumstances, the balance of this By-Law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.



- 7.4 Any reference to legislation in this By-law includes the legislation referred to and its amendments as well as any subsequent legislation which may replace the legislation referred to, and its amendments thereto.

PART 8: EFFECTIVE DATE

- 8.1 This By-law comes into force on the date of its passing. *[March 19, 2024]*