

BY-LAW NO. 282
A BY-LAW RESPECTING FLYER DISTRIBUTION IN THE TOWN OF SACKVILLE

Be it enacted by the Council of the Town of Sackville under the authority vested in it by the *Local Governance Act*, S.N.B. 2017, c. 18, as follows:

DEFINITIONS

1. In this By-Law:
 - (a) "**Council**" means Sackville Town Council;
 - (b) "**Distributor**" means any person, which distributes, permits to be distributed or causes to be distributed any flyer which promotes activities outlined in Section 2 of this by-law;
 - (c) "**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;
 - (d) "**Municipality**" means the geographic area constituted as the Town of Sackville;
 - (e) "**Newspaper**" means any newspaper or magazine of general circulation for which the occupant has paid or requested delivery;
 - (f) "**Person**" includes a distributor, business, company, organization or corporation and the heirs, executors, administrators or other legal representatives of a person;
 - (g) "**Residential Property**" means property or part thereof used or intended to be used for residential purposes.

APPLICATION

2. 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, performance, exhibition or event of any kind for which an admission is charged for the purpose of commercial gain or profit.

GENERAL

3.
 - (a) Any owner or occupier of a Residential Property may post a sign or notice on such Residential Property stating they do not wish to receive Flyers.
 - (b) Any owner or occupier of a Residential Property who wishes to post a sign or notice in accordance with Section 3(a) above shall:
 - (i) post a sign or notice in the form attached hereto as "Appendix 1"; or
 - (ii) post a sign or notice created by the owner or occupier, provided that any such sign or notice meets the following specifications:
 - (A) a minimum 11 cm (4.5 in) wide by 12.5 cm (5 in) high;
 - (B) consists of lettering that is in black font on a white background; and
 - (C) contains the phrase "**NO FLYERS**" in a font size of at least 38 pt in a sans-serif (plain) font type, such as arial.
 - (c) A sign or notice stating the owner or occupier does not wish to receive Flyers shall be posted at the Residential Property in a manner such that the sign or notice is reasonably visible to a Distributor.
 - (d) No Distributor shall distribute or cause to be distributed a flyer at or on a Residential Property if a sign or notice has been posted pursuant to this Section 3.
 - (e) No Distributor shall distribute or cause to be distributed any Flyers to any owner or occupant of Residential Property by leaving same in the owner or occupant's community mailbox where such owner or occupant has posted a sign or notice complying with this Section 3 on the residential property of the owner or occupant.
 - (f) Sections 3(d) and 3(e) of this By-Law shall not apply to the following:
 - (i) any election advertising material which is permitted to be transmitted or delivered pursuant to any applicable federal, provincial or municipal legislation or regulation;
 - (ii) Newspapers delivered to paid or requested subscribers;
 - (iii) community association newsletters or newspapers that do not contain Flyers;
 - (iv) information circulars produced by a federal, provincial or municipal government or an agency of such government;
 - (v) information circulars produced by a member of Council, a member of the New Brunswick Legislative Assembly or a member of the Parliament of Canada; or

- (vi) an apartment building containing six or more dwelling units.
- (g) No Distributor shall distribute or cause to be distributed any Flyers on Residential Property other than:
 - (i) in a mailbox;
 - (ii) in a mail slot;
 - (iii) in a tube or other receptacle designated for this purpose; or
 - (iv) on a doorstep
- (h) No Distributor shall distribute or cause to be distributed any Flyers at or on a Residential Property where previously delivered Flyers have not been retrieved for two consecutive weeks.

ENFORCEMENT

4.

- (a) Any Person who contravenes any provision of this By-Law is guilty of an offence and is guilty of a separate offence each day that the violation is caused or allowed to continue, and is liable on conviction to a fine of not less than One Hundred and Forty Dollars (\$140.00) and not more than Two Thousand One Hundred Dollars (\$2,100.00) for each day the offence continues.
- (b) Every person duly appointed by Council as a By-Law Enforcement Officer is hereby authorized to carry out any inspection that is necessary for the administration or enforcement of this By-Law.

EFFECTIVE DATE

5. This By-Law comes into force on the date of final passing thereof.

Read a first time this 8th day of November 2021.

Read a second time this 13th day of December 2021.

Read a third time and passed Council on this 13th day of December 2021.

Mayor

Clerk

APPENDIX 1 – “NO FLYER” SIGN

NO FLYERS



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