

The Corporation of the City of Thorold

By-law No. 84-2020

Being a by-law respecting the distribution of printed media

Whereas Section 128 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become public nuisances; and

Whereas Section 11 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws respecting, inter alia, health, safety and the well-being of persons and waste management.

Now therefore, the Council of The Corporation of the City of Thorold enacts as follows:

**1. SHORT TITLE**

(1) This By-law may be referred to as the “Print Media Distribution By-law”.

**2. DEFINITIONS**

(1) In this By-law.

(a) “distributor” means any person, which distributes, permits to be distributed or causes to be distributed any Flyer and/or Newspaper;

(b) “flyers” means any printed or written matter, and includes a circular, leaflet, pamphlet, paper, booklet, postcard, coupon, or any other printed or otherwise reproduced matter;

(c) “newspaper” means any printed material that contains news, articles, features and/or advertising;

(d) “person” includes a business, company, organization or corporation and the heirs, executors, administrators or other legal representatives or an identifiable Person.

(e) “premises” means 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;

(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.

**3. GENERAL**

(1) An owner or occupier of a Residential Property is responsible for Flyers and Newspapers on their Premises regardless of whether they solicited for the delivery of these Flyers and/or Newspaper.

(2) An owner or occupier of a Residential Property may post a sign or notice stating they do not wish to receive Flyers and/or Newspapers.

(3) The sign or notice identified in Subsection 3(2) shall be subject to the provisions of the City of Thorold’s Sign By-law where applicable.

- (4) A sign or notice stating the owner or occupier does not want to receive Flyers and/or Newspapers shall be posted in a manner such that the sign or notice is visible at the applicable locations outlined in Subsection 3(7).
- (5) No Distributor shall deliver or cause to be delivered any Flyers and/or Newspaper at or on a Residential Property if a sign or notice has been posted pursuant to Subsection 3(4).
- (6) Subsection 3(5) of this by-law does 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. Information circulars produced by a federal, provincial or municipal government, agency of such government or a special-purpose body;
- (7) No Distributor shall distribute or cause to be distributed any Flyers and/or Newspapers on Residential Property other than:
  - a. In a mailbox;
  - b. In a mail slot;
  - c. On a doorstep; or
  - d. In a receptacle designated for this purpose.
- (8) No Distributor shall distribute or cause to be distributed any Flyers and/or Newspaper to a Residential Property where the Flyers and/or Newspaper have not been taken in for two consecutive weeks.

#### **4. OFFENCES AND PENALTIES**

- (1) A Person who violates a provision of this by-law is guilty of an offence.
- (2) Each Person who contravenes a provision of this By-law may be given a Penalty Notice in accordance with the City of Thorold's Administrative Penalty By-law and be liable to pay to the City an Administrative Penalty in the amount specified by the Administrative Penalty By-law, for each day or part of a day on which the contravention continues.

#### **5. SEVERABILITY**

- (1) If a court of competent jurisdiction declares any provision of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

#### **6. COMING INTO FORCE**

- (1) This By-law comes into force on the date it is passed.

Read a first, second and third time and finally passed by Council this 16<sup>th</sup> day of June, 2020.

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Terry Ugolini, Mayor

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Donna Delvecchio, City Clerk