

COUNCIL REPORT

M&C No.	2023-103
Report Date	April 12, 2023
Meeting Date	April 17, 2023
Service Area	Public Works and Transportation Services

Her Worship Mayor Donna Noade Reardon and Members of Council

SUBJECT: Flyer Distribution By-Law

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	Chief Administrative Officer
<i>Michael Hugenholtz</i>	<i>Michael Hugenholtz</i>	<i>J. Brent McGovern</i>

RECOMMENDATION

Resolved that Common Council give 1st and 2nd readings to the Flyer Distribution By-law, By-law Number LG-20, in the form attached to M&C 2023-103.

EXECUTIVE SUMMARY

The purpose of this report is to recommend that Council endorse a by-law that places some restrictions on the distribution of flyers to homes in our community. This by-law was developed to address concerns around residents' ability to stop these deliveries, and some of the nuisance issues arising.

PREVIOUS RESOLUTION

At their meeting on November 18, 2019, Council approved the following:

RESOLVED that Council direct staff to draft a "Flyer Delivery" by-law, with specific focus to either an "opt-in" or "opt-out" model for residents.

REPORT

Many homes within the Saint John area receive regular delivery of a bundle of flyers typically wrapped in a plastic bag. This bundle is typically thrown into the driveway or near the front door from the delivery vehicle on the street. This has led to a number of challenges for residents including:

- Many times these flyers are not wanted and are a nuisance to dispose of

- The flyers continue to pile up at residences that are unoccupied or abandoned
- Flyers left in the driveway can damage snowblowers
- The cost of disposal is borne by the taxpayers

While there are options for residents to ‘opt-out’ of these deliveries, these take time to process and sometimes require multiple phone calls and messages to get these halted permanently.

Local governments do not have the ability to mandate an ‘opt-in’ system of flyer delivery. To address some of the concerns, staff researched best practices in other jurisdictions and have drafted the attached *Flyer Distribution By-Law* which includes provisions that forbids distributors from delivering flyers to a property if a ‘No Flyers’ sign is posted. It also contains a provision against delivering flyers to a property if there are old flyers on the driveway.

It should be noted that this by-law does not apply to newspapers, election advertising material, community association newsletters, or any materials produced by levels of government or their elected officials which are all permitted under law.

Fines for any violation of this by-law range from \$300 - \$2,100 per offence, and the City may accept an administrative penalty of \$150 in lieu of prosecution in court.

STRATEGIC ALIGNMENT

N/A

SERVICE AND FINANCIAL OUTCOMES

N/A

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

The General Counsel Office reviewed the attached Flyer Distribution By-law. The draft by-Law was sent to Postmedia to provide an opportunity for input, but none was received.

ATTACHMENTS

Flyer Distribution By-law, By-law Number LG-20