

**REPEALED BY THE NEIGHBOURHOOD LIVEABILITY BY-LAW NO. 1/2008
JANUARY 23, 2008**

CONSOLIDATION UPDATE: MARCH 26, 2003

THE CITY OF WINNIPEG

**HANDBILL AND POSTER BY-LAW
NO. 1076/75**

**A By-law of THE CITY OF WINNIPEG to
regulate the distribution and posting of
handbills and posters.**

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

SHORT TITLE

1. This By-law shall be known and may be cited as the "**Handbill and Poster By-law**".

DEFINITIONS

2. In this By-law,
amended 6595/95

"City" means The City of Winnipeg.
amended 6595/95

"Commissioner" means the Commissioner of Planning and Community Services or
his designate.
amended 6595/95

"Council" means the Council of The City of Winnipeg.
amended 6595/95

"Commercial Handbill" is any printed or written matter, any sample or device,
dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise
reproduced original or copies of any matter of literature:
amended 6595/95

- (a) Which advertises for sale any merchandise, product, commodity, or thing; or

- (b) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof; or
amended 2491/79
- (c) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incidental to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a licence, where such a licence is or may be required by any law; or
- (d) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

"Directional Sign" means:

- (a) a sign which directs the public to or denotes the name of any thoroughfare, route, educational institution, public building, historical site, or hospital;
- (b) a sign or signal installed by the City which directs and regulates traffic;
- (c) a sign which denotes any public or transportation facility.
added 64/2003

"Newspaper" is any newspaper of general circulation as defined by general law, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, includes any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.
amended 6595/95

"Non-Commercial Handbill" is any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original and copies of any matter of literature not included in the aforesaid definition of a commercial handbill or newspaper.
amended 6595/95

"Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

amended 6595/95

"Poster" means a sign which is not self-supporting and is attached with its entire back surface against a pole or wall or other structure.

added 64/2003

"Private Premises" is any dwelling, house, building, or other structure, designed or used either wholly or in part for residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

Without limiting the generality of the foregoing "private premises" shall include any hotel, apartment hotel, boarding house, lodging house, rooming house and tourist court as defined in the Winnipeg Zoning By-law.

added 2491/79, amended 6595/95

"Public Area" means any area owned or operated by private or public interests, but excluding those areas referred to as a Public Place, that is used or held out for the use by the public, including but not limited to, school grounds; parking lots and the necessary passage ways thereon; roadways and pedestrian ways on private property.

amended 6595/95

"Public Place" is any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings which are owned by or under the control and jurisdiction of the City.

amended 6595/95

"Sign" means any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol, logo or trademark) flag (including banner or pennant) or any other figure of similar character which is used to announce, identify, direct attention to, advertise or promote anything or inform anyone.

added 64/2003

"Tree" means any tree, shrub, or any other ornamental or decorative plant.

amended 6595/95

DISTRIBUTING COMMERCIAL HANDBILLS IN PUBLIC PLACES

3. No person shall hand out or distribute or sell any commercial handbill in any public place except that it shall not be unlawful on any sidewalk, street or other public place within the City for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.

PLACING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON VEHICLES

4. No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

DEPOSITING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON UNINHABITED OR VACANT PREMISES

5. No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

DISTRIBUTION OF HANDBILLS ON PRIVATE PREMISES WHERE NO DISTRIBUTION REQUESTED

6.1 No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any private premises, if requested by anyone thereon not to do so.

amended 2491/79

DISTRIBUTION OF HANDBILLS WHERE PROPERTY POSTED

6.2 No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any private premises if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing", "No Pedlars or Agents", "No Advertisement", "No Handbills" or any similar notice, indicating in any manner that the occupants of the said premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbill left upon such premises, except that it shall not be unlawful for any person to hand out any such handbill directly to the owner, occupant or other person then present in or upon said premises if that person is willing to accept it. The provisions of this sub-section shall not apply to the distribution of mail by the Government of Canada, nor to newspapers (as defined herein) except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements on any street, sidewalk or other public place or upon private property.

amended 2491/79

POSTING NOTICES ON PRIVATE PROPERTY

6.3 No person shall affix, erect, place or post any notice, poster or other paper or device, calculated to attract the attention of the public upon any private premises or upon any privately owned building, fence, wall, barricade, hoarding or structure without first having obtained the permission of the owner or occupant thereof so to do.

amended 2491/79

DISTRIBUTING COMMERCIAL AND NON-COMMERCIAL HANDBILLS AT INHABITED PRIVATE PREMISES

7. Except as otherwise provided in this By-law, commercial and non-commercial handbills may be distributed to and upon inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places.

amended 2491/79

POSTING NOTICES

8.1 No person shall place in any public place a poster which:

- (a) is attached to a Directional Sign;
- (b) is secured or supported by any means other than clear adhesive tape;
- (c) is not attached with its entire back surface in contact with a pole or wall;
- (d) does not display the name and phone number of the person responsible for the posting of the poster or causing it to be posted, and the date the poster was posted, on the face of the poster;
- (e) is a hazard or dangerous to vehicular or pedestrian traffic;
- (f) causes any damage to property of The City of Winnipeg;
- (g) is within any median or traffic island;
- (h) is displayed for longer than 14 consecutive days or more than 24 hours following the day any event named in the sign concludes, whichever is less;
- (i) is permanently affixed;

amended 64/2003

8.2 Notwithstanding clauses (b) and (c) of Subsection 8.1, posters, notices and signs may be placed:

- (a) upon a notice board or within a poster area located within a building which is owned or under the control of the City where the notice board or poster area has been designated in writing for such purpose by the department head having authority over the building and the posting or placement in compliance with Schedule "A" thereto.
- (b) upon an outdoor notice board or kiosk designated in writing for such purpose by the Chief Administrative Officer.

amended 6/4/2003

8.3 This by-law does not apply to:

- (a) the existence or mounting of banners, flags, signs or other devices by any government authority or crown corporation upon its own utility poles where the mounting of the banners, flags, signs or devices has been approved pursuant to Schedule "G" of The City of Winnipeg Streets By-law.
- (b) The existence or placement of advertising on transit passenger shelters and benches pursuant to agreements with the City for the design, manufacture, installation and maintenance of the said transit passenger shelters and benches; or
- (c) Notices, posters, signs or other papers or devices authorized or required by law.

added 6/4/2003

REMEDIAL WORK CARRIED OUT BY CITY ON PRIVATE PROPERTY

9.1 Where any owner, agent, lessee or occupier who has been given a notice, order or direction by the Commissioner or otherwise by the City to do any act or thing to remedy any situation or condition existing on his property contrary to any part of this By-law and who neglects or refuses to comply with such notice, order or direction within the time specified, the Commissioner may order the work carried out and charge the cost of the work done to the owner, agent, lessee or occupier, and in default of payment

- (i) recover the cost as a debt due to the City, or
- (ii) charge the cost against the land concerned as taxes due and owing in respect of that land and recover the cost as such.

REMEDIAL WORK CARRIED OUT BY CITY IN PUBLIC PLACES, PUBLIC AREAS AND ON PRIVATE PROPERTY

9.2 Where any person who has been given a notice, order or direction by the Commissioner or otherwise by the City to do any act or thing to remedy any situation or condition existing in a public place or in a public area or on private property of another person contrary to any part of this by-law, and who neglects or refuses to comply with such notice, order or direction within the time specified, the Commissioner may order the work carried out and charge the cost of the work done to the person in receipt of such notice, order or direction and in default of payment, recover the cost as a debt due to the City.

GENERAL PENALTIES

10.1 (1) Any person who contravenes or disobeys, or refuses or neglects to obey any provision of this By-law, is guilty of an offence and liable, on summary conviction, to a fine not exceeding one thousand dollars in the case of an individual, or five thousand dollars in the case of a corporation, or in the case of an individual, to imprisonment for a term not exceeding six months or to both such a fine and such an imprisonment, and costs.

(2) In addition to clause 10.1(1) aforesaid, any person or corporation may be required to observe or perform such terms and conditions as a Judge may impose.

added 3471/83

10.2 Where the contravention, refusal, neglect, omission or failure, including failure to comply with a notice, order or direction given by the Commissioner, continues for more than one day, the person is guilty of a separate offence for each day that it continues.

10.3 Any person who causes or authorizes another person to contravene or disobey any provision of this By-law is guilty of an offence and liable, on summary conviction, to a fine not exceeding \$1,000.00 in the case of an individual, or \$5,000.00 in the case of a corporation, or in the case of an individual, to imprisonment for a term not exceeding 6 months or both such a fine and such imprisonment, and costs.

added 2491/79

10.4 In proceedings under this By-law, evidence that a commercial or non-commercial handbill was thrown, deposited, distributed or affixed contrary to the provisions of this By-law is proof that such a handbill was thrown, deposited, distributed or affixed by the same person who caused or authorized the same to be distributed.

added 2491/79

10.5 In the absence of evidence to the contrary, the business, mercantile or commercial establishment which is promoted by a commercial handbill shall be presumed to have authorized and caused its distribution.

added 2491/79

REPEAL

11. All by-laws, resolutions and orders passed prior hereto by any area municipality as defined in clause (a) of section 1, *The City of Winnipeg Act*, and still in force relating to the distribution and posting of handbills and posters, to the extent that they are inconsistent herewith, shall cease to have effect.

DONE AND PASSED in Council assembled, this 17th day of September 1975.

SCHEDULE A

- (1) Members of the public will be allowed to post notices and posters within buildings under the jurisdiction and control of The City of Winnipeg only as provided herein.
added 5380/90
- (2) Postings may be made only upon notice boards or within poster areas which have been designated for such purpose by the Department Head having authority over the building.
added 5380/90
- (3) Notice boards and poster areas may be designated by Department Heads within those portions of buildings to which the public has access, having regard to the current existence of notice boards, the requirements of the department for posting its own notices and anticipated visual effects. A notice board or poster area of a size not less than 2' X 2' shall be designated at each branch library, community office, arena, swimming pool and wading pool operated by the City.
added 5380/90
- (4) Where notice boards or poster areas are designated by a Department Head, the maximum and/or minimum size of notice or poster to be allowed upon each notice board or poster area may also be designated. In addition, a suitable city employee or employees at the location shall be designated to receive such notices and posters.
added 5380/90
- (5) All notices and posters shall be presented to a designated employee at the desired posting location who shall record on the reverse side of the notice or poster the date of its receipt and on the front thereof the date of posting. Where size requirements are met and space is available, the notice or poster shall be posted by the city employee on a designated notice board or poster area.
added 5380/90
- (6) The designated employee shall remove each notice or poster after two weeks have elapsed from its date of posting and shall post new notices or posters as space so becomes available in the order that they were received. Notwithstanding the above, notices or posters publicizing or relating to a particular event shall be removed immediately following that event.
added 5380/90
- (7) The above provisions do not permit or require the posting of any notice or poster which directs attention to a business operated for profit or which, in the opinion of the City Solicitor, may contravene *The Criminal Code of Canada* or be otherwise contrary to law.
added 5380/90