

# CITY OF HAMILTON

## MOTION

Planning Committee Date: \_\_\_\_\_, 2023

**MOVED BY COUNCILLOR M. WILSON.....**

**SECONDED BY COUNCILLOR .....**

### **A Bylaw to Regulate the Distribution and Display of Graphic Images**

WHEREAS section 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the “Municipal Act, 2001”) as amended provides that a Municipality may pass by-laws respecting: economic, social and environmental well-being of the Municipality; health, safety and well-being of persons; and the protection of persons and property;

WHEREAS residents have expressed concerns that unsolicited non-commercial flyers showing graphic images of aborted fetuses are being delivered to properties across Hamilton;

WHEREAS these unsolicited flyers are causing harm to some recipients, including children and youth who are exposed to the flyers while collecting the mail and individuals who have experienced pregnancy loss;

WHEREAS residents have also expressed concerns with the same graphic imagery being carried, held or displayed in public spaces; and

WHEREAS residents should have an opportunity to choose whether they wish to view such images;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to prepare a report for Planning Committee’s consideration no later than Q2 2024, on the feasibility of the City of Hamilton adopting and enforcing a by-law to regulate the distribution and display of graphic images:
  - (i) Requiring that flyers containing one or more images showing, or claiming to show, a fetus or any part of a fetus, conceal these images from view; and
  - (ii) Requiring that these said flyers be fully concealed within a sealed envelope or package, and that the sealed envelope or package containing the graphic image be marked with the following notice and information:

- (1) the name and address of the person responsible for the delivery of the graphic image(s); and
- (2) a warning that the envelope or package contains a graphic image that may be offensive or disturbing to some people;

(b) That the by-law to regulate the distribution and display of graphic images would 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

(c) That staff also be requested to explore the feasibility of regulating or prohibiting graphic imagery that is carried, held or displayed in public spaces.