

Background and Previous Council Direction

Background

Residents of Calgary communities have expressed concerns to Councillors that unsolicited non-commercial flyers showing graphic images of aborted fetuses are being delivered to homes across the city, and are causing harm to some recipients, in particular young children who have been unwittingly exposed to flyers while collecting the mail and individuals who have experienced pregnancy loss.

Previous Council Direction

DATE	REPORT NUMBER	DIRECTION/DESCRIPTION
2022 November 01	EC2022-1102	Notice of Motion: Regulating the Distribution of Graphic Images in Calgary Communities No later than Q2 2023, bring forward for Council's consideration a bylaw: a. Requiring that flyers containing one or more images showing, or claiming to show, a fetus or any part of a fetus, must conceal these images from view through means such as, but not limited to: folding, securing through adhesives, and envelopes; b. Requiring that flyers containing one or more images showing, or claiming to show, a fetus or any part of a fetus, include a viewer discretion warning; and c. Including any other related measure that Administration deems advisable.

Bylaws, Regulations, Council Policies

Community Standards Bylaw 5M2004

In 2016, Council approved amendments to the Community Standards Bylaw to prohibit the delivery of non-commercial flyers to homes where a "no flyer" sign or notice is posted. The purpose of the amendment was to (i) strengthen the privacy rights of homeowners to limit the purpose for which members of the public are entitled to enter into their private property and to (ii) allow parents to have greater control over their children's access to potentially disturbing or offensive materials which are received in the home.

Under sections 44(3) and (4) of the Community Standards Bylaw, no person or distributor shall deposit a flyer where a sign or notice has been posted and which is clearly visible at the entrance of a dwelling unit indicating that such flyers are not wanted. "Flyer" means any printed or written matter, and includes a circular, leaflet, pamphlet, paper, booklet, postcard, or any other printed or otherwise reproduced matter of literature. The provision does not apply to:

- a) election advertising material pursuant to federal, provincial or municipal legislation;
- b) paid newspaper delivery;
- c) community association newsletters;
- d) information produced by government or government agencies;
- e) and information produced by elected officials.

Originating Notice of Motion EC2022-1102



Report Number: EC2022-1102

Meeting: Executive Committee

Meeting Date: 2022 September 29

NOTICE OF MOTION

RE: Regulating the Distribution of Graphic Images in Calgary Communities

Sponsoring Councillor(s): Councillor Wyness, Councillor Penner, Councillor Spencer, Mayor Gondek, Councillor Walcott, Councillor Pootmans, Councillor Demong, Councillor Dhaliwal, Councillor Sharp

WHEREAS pursuant to the *Municipal Government Act*, Council may pass bylaws respecting the safety, health and welfare of people and the protection of people and property; and may also pass bylaws respecting people, activities and things in, on or near a public place or place that is open to the public.

AND WHEREAS flyers containing graphic, alleged images of aborted fetuses have been distributed in many Calgary communities.

AND WHEREAS when flyers with graphic imagery are left at residences, occupants are unable to meaningfully consent to viewing these graphic images prior to doing so.

AND WHEREAS members of Council have received correspondence from constituents reporting the harmful and traumatizing impacts of viewing flyers with alleged images of aborted fetuses, particularly to those with experience of pregnancy loss.

AND WHEREAS children viewing graphic imagery such as the above may pre-empt certain sensitive conversations had within families.

AND WHEREAS at its [November 28, 2016](#) Regular Meeting Council approved Bylaw 51M2016 amending Community Standards Bylaw 5M2004 to, among other things, prevent both commercial and non-commercial flyers from being deposited at "Premises where a sign or notice has been posted and which is clearly visible at the entrance of a dwelling unit indicating that such Flyers are not wanted" (Bylaw 5M2004, Section 44(3)).

AND WHEREAS the above changes introduced through Bylaw 51M2016 were recommended acknowledging "the rights of parents to control their children's access to potentially disturbing or offensive materials" ([CPS2016-0852](#) Cover Report, p. 4).

AND WHEREAS the Community Standards Bylaw currently requires residents to, in effect, choose between receiving no flyers or receiving all flyers, including those containing alleged images of aborted fetuses.

AND WHEREAS other municipal governments in Canada such as the [City of London](#) and the [City of Toronto](#) have begun adopting, or exploring the adoption of, bylaws regulating the distribution of graphic imagery such as those depicting alleged aborted fetuses.

NOW THEREFORE BE IT RESOLVED that Council direct Administration to:

1. No later than Q2 2023, bring forward for Council's consideration a bylaw:

NOTICE OF MOTION

- a. Requiring that flyers containing one or more images showing, or claiming to show, a fetus or any part of a fetus, must conceal these images from view through means such as, but not limited to: securing through adhesives and envelopes;
- b. Requiring that flyers containing one or more images showing, or claiming to show, a fetus or any part of a fetus, include a viewer discretion warning; and
- c. Including any other related measure that Administration deems advisable.

AND BE IT FURTHER RESOLVED that Executive Committee forward this Notice of Motion to the November 1, 2022 Combined Meeting of Council.