

Bylaw: _____

Restrictions on Public Advertising in the Municipality/City of _____

Preamble:

While it is recognized that no one has the exclusive right not to be offended (affirmed by the Supreme Court of Canada affirmed in *Chamberlain v. Surrey School District No. 36* “*The key is that people will disagree about important issues, and such disagreement, where it does not imperil community living, must be capable of being accommodated at the core of a modern pluralism. People are free to disagree with our beliefs as they wish*”, the following rules and guidelines are considered by the Municipality/City to be reasonable limitations on public advertising and have been established for the benefit and wellbeing of the local population. Further, it is recognized that blanket bans on advertising (for example religious or political advertising) are not recognized by the courts; a rational reason has to be provided for a ban, i.e. protection of minors, etc. In such cases the courts will apply the Oakes Test asking the question, “*Is the ban proportional and, if so proved, has the opportunity been given to fine-tune the material to meet the reasonable limitations.*”

In as much as these regulations are for, amongst other things, the protection of minors, the City/Municipality will err on the side of caution with regard to approving or accepting advertising material for public display. The onus will be on the advertiser to ensure that their material conforms to the intent of these advertising regulations and modify their content to ensure compliance when requested by the City/Municipality.

Therefore, the City/Municipality will not allow advertising at venues or on City/Municipal property or within City/Municipal limits, including public transportation, where minors may visit or congregate, either directly or through third party arrangements that:

- Conveys any message, including messages of a religious or political nature, that might be deemed prejudicial [harmful, detrimental, hurtful, damaging or injurious] to any identifiable group; presents demeaning [humiliating, debasing, corrupting or shameful] or derogatory [disparaging, critical, insulting, offensive, deprecating or belittling] portrayals of individuals or identifiable groups; or contains or promotes anything which is likely to cause deep or widespread offence [insult or affront]; or denounces [condemns, criticizes or censures] any individual on the basis of his or her beliefs or lifestyle, or
- Promotes alcohol, tobacco or other addictive substances, or [potentially] addictive activities (such as gambling or lotteries), or
- Promotes products, activities or establishments unsuitable or illegal for minors (examples would include adult entertainment establishments, R-rated movies, adult movie stores, etc.), or
- Includes images and/or messages that may be frightening to, or likely to terrify minors (examples would include graphical promotion of horror movies and violent video games), or
- Images and/or messages that are likely to cause embarrassment to a significant segment of the local population, (examples would include images of nude or scantily clad men or women, images or messages of an overtly sexual nature, promotion of “men’s health services” in an explicit manner, etc.), or
- Messages which are deliberately misleading in nature.