

OFFICE CONSOLIDATION

BYLAW NUMBER 17M84

**BEING A BYLAW OF THE CITY OF CALGARY
TO ESTABLISH AND CONTROL
THE BARCLAY MALL**

(Amended by 1M86, 11M87, 24M87, 44M90, 15M91, 14M97, 3M99, 52M99, 1M2000, 42M2004, 8M2019, 72M2021, 45M2023)

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS
FOLLOWS:**

1. This Bylaw may be cited as "The Barclay Mall Bylaw".
2. In this Bylaw,
 - (a) "Act" means the Municipal Government Act, as amended;
 - (a.1) "CDA" means the Calgary Downtown Business Revitalization Zone Association being a body corporate established as a business revitalization zone pursuant to the Municipal Government Act, S.A. 1994, Chapter M-26 and City of Calgary Bylaw 33M88;
 - (b) "Calgary Traffic Bylaw" means the Calgary Traffic By-law, 1980 being Bylaw Number 40M80 of the City, as amended, and includes any bylaw passed in substitution therefor;
 - (c) "City" means The City of Calgary or where the context so requires means the area contained within the boundaries thereof;
 - (c.1) "*Chief Administrative Officer*" means the Chief Administrative Officer of The City of Calgary or the employee of The City of Calgary who has been delegated the authority to exercise the powers, duties, and functions of the Chief Administrative Officer under this Bylaw;

(72M2021, 2022 January 01)
(45M2023, 2023 October 17)
 - (d) REPEALED BY 1M2000, 2000 JANUARY 24;
 - (e) "Council" means the municipal council of the City;
 - (f) "Mall" means the mall established by this Bylaw;
 - (g) "service vehicle" means
 - (a) an emergency vehicle;
 - (b) a bus operated by or for the Calgary Transit System;

- (c) a vehicle operated by the City for City purposes in connection with a mall;
 - (d) a vehicle in respect of which there exists a valid and subsisting permit issued by the Traffic Engineer permitting the use of the vehicle on the mall; or
 - (e) any class or classes of vehicles approved by the Traffic Engineer for use on the mall;
 - (h) "Street Bylaw" means The Street Bylaw, being Bylaw Number 9022 of the City, as amended, and includes any bylaw passed in substitution thereof;
 - (i) "Traffic Engineer" means the Traffic Engineer as defined in the Calgary Traffic Bylaw.

(24M87, 1987 May 19)
(14M97, 1997 May 05)
(1M2000, 2000 January 24)
3. (1) Those portions of Third Street West in the City described in Schedule "A" attached hereto are hereby established as a mall pursuant to Section 179 of the Act to be known as the "Barclay Mall".
- (2) Except as provided in this Bylaw, the Mall shall not be subject to the Street Bylaw.
- (3) Vehicles may be used on the Mall during such times and at such places as the Chief Administrative Officer of The City of Calgary or his designate or the CDA may from time to time designate.

(1M86, 1986 January 27)
(14M97, 1997 May 05)
(1M2000, 2000 January 24)
(42M2004, 2004 June 21)
(45M2023, 2023 October 17)
4. (1) Except as specifically provided in this Bylaw, or by an agreement authorized by Council, the Chief Administrative Officer of The City of Calgary or his designate shall have control and direction of all things which are allowed or permitted to be done on the Mall and all things which are restricted, regulated or prohibited on the Mall and all necessary administrative and executive powers of Council in respect thereto are hereby delegated to the Chief Administrative Officer of The City of Calgary or his designate.

(45M2023, 2023 October 17)
- (2) REPEALED BY 52M99, 1999 OCTOBER 04.

(14M97, 1997 May 05)
(52M99, 1999 October 04)
(42M2004, 2004 June 21)
- 4.1 REPEALED BY 14M97, 1997 MAY 05.

- 4.2 Subject to such direction as the Chief Administrative Officer of The City of Calgary or his designate may give from time to time:

(45M2023, 2023 October 17)

- (1) When any person, group, firm or corporation wishes to carry on any activity, render service, or sell or advertise for sale or set up or make any display on the Mall, application for permission to do so shall be made to the CDA and the CDA may grant such permission.
- (2) In granting permission for any person, group, firm or corporation to carry on any activity mentioned in subsection (2), the CDA may enter, and may require the applicant to enter into a License of Occupation for a period of less than one (1) year in duration for a monthly, weekly or daily License Fee established by the CDA.
- (3) Where the CDA has withdrawn its permission for any person, group, firm or corporation to carry on an activity on the Mall or permission has not first been obtained for conducting an activity on the Mall, the CDA may remove or cause to be removed from the Mall, upon such notice as the CDA deems reasonable, any material of the person, firm, group or corporation remaining thereon and the cost of such removal shall be debt owing to the CDA.
- (4) Approval or permission granted by the CDA pursuant to subsection (1) shall be subject to compliance with the provisions of this Bylaw and of the License Bylaw of the City where the same is applicable and all other Federal and Provincial regulations which pertain to the activity carried on by the person seeking permission to carry on such activity on the Mall.
- (5) An application to the CDA made pursuant to subsection (1) shall be deemed to be refused when a decision thereon is not made within thirty (30) business days after the same has been received by the CDA.
- (6) Unless the approval of the CDA is given for any activity, service, sale, display or advertisement or unless it is allowed specifically or by necessary implications by this Bylaw, no person shall conduct such activity, render such service, make or offer for sale or make such display on the Mall.

(15M91, 1991 April 22)

(14M97, 1997 May 05)

(52M99, 1999 October 04)

(42M2004, 2004 June 21)

- 5.
- (1) Except as otherwise provided in this Bylaw, the Mall may be used by all pedestrians for all purposes for which a sidewalk may be used in addition to the purposes for which the Mall may be used pursuant to this Bylaw.
 - (2) Notwithstanding Section 6 (1), the following items may be brought, used or operated on the Mall;
 - (a) a baby carriage, stroller, wheel chair or two-wheel grocery cart,
 - (b) a horse

- (i) used by a member of the Calgary Police Service, or
 - (ii) authorized for use on the mall
 - (A) as part of a parade authorized pursuant to this Bylaw, or
 - (B) pursuant to any other Bylaw of the City,
 - (c) a service vehicle,
 - (d) a bicycle except when prohibited by Section 8 (9).
(24M87, 1987 May 19)
- 6. (1) The Mall is declared to be a mall that is subject to Section 8 of the Calgary Traffic Bylaw.
(24M87, 1987 May 19)
- (2) Subject to the provisions of this Bylaw the provisions of Sections 5, 5.1, 6, 7, 11, 13, 14, 22, 24, 25, 26, 27 and Sections 44 to 49 inclusive of the Street Bylaw shall apply mutatis mutandis to the Mall.
- (3) In the event of any conflict between the provisions of this bylaw and the provisions of any other bylaw of the City, the provisions of this Bylaw shall prevail.
- 7. (1) Notwithstanding anything elsewhere contained in this Bylaw or in any other bylaw of the City, no person shall of right, conduct or participate in a parade on the Mall unless and until specific permission has been given by the Chief Administrative Officer of The City of Calgary or his designate, in writing, for such parade.
(45M2023, 2023 October 17)
- (2) Permission for a parade on the Mall may be given by the Chief Administrative Officer of The City of Calgary or his designate subject to such terms and conditions as the Chief Administrative Officer of The City of Calgary or his designate may require.
(1M2000, 2000 January 24)
(42M2004, 2004 June 21)
(45M2023, 2023 October 17)
- 8. (1) No person shall deface, damage or destroy any tree, shrub, flower or other natural or growing thing placed on the Mall or any portion thereof.
- (2) No person shall damage or destroy any object, fixture or decorations placed by or with the permission of the City on the Mall.
- (3) Unless directed or permitted so to do by the City, no person shall remove from the Mall any object
 - (a) belonging to the City, or the CDA,
 - (b) placed on the Mall by the City or the CDA.

- (4) Notwithstanding any permission given pursuant to any other bylaw of the City, no person or group of persons shall request donations for any purpose on the Mall, unless permission in writing has been given by the Commissioners for such activity.
- (5) REPEALED BY 3M99, 1999 MARCH 08.
- (6) No person shall stand or place his feet on the top or surface of any table, bench, planter or sculpture placed on the Mall.
- (7) No person shall
- (a) bring or ride a horse on the Mall, or
 - (b) allow a horse to remain on the Mall,
- unless such person is
- (c) a member of the Calgary Police Service, or
 - (d) a person authorized to bring a horse on the Mall
 - (i) under the written terms and conditions of a parade authorized pursuant to this Bylaw, or
 - (ii) pursuant to any other Bylaw of the City.
- (8) A person must not:
- (a) use a skateboard or a scooter; or
 - (b) roller skate or in-line skate;
- on the Mall.
- (8M2019, 2019 March 18)
- (9) A person must not ride a bicycle on the Mall.
- (14M97, 1997 May 05)
(1M2000, 2000 January 24)
(8M2019, 2019 March 18)
- (10) Notwithstanding subsections (8) and (9), the Traffic Engineer may designate those portions of the Mall the riding of bicycles, the operation of skateboards or scooters and the use of roller skates and in-line skates are permitted.
- (8M2019, 2019 March 18)
- (11) Where the Traffic Engineer has designated portions of the Mall where the riding of bicycles, the operation of skateboards or scooters and the operation of roller skates and in-line skates are permitted:

- (a) the Traffic Engineer may impose restrictions in respect of the times of day when the riding or operating of bicycles, skateboards, scooters, inline skates or roller skates and in-line skates are permitted; and
- (b) a person must not ride or operate a bicycle, skateboard, scooter, in-line skates or roller skates in a manner that interferes with a pedestrian;
- (c) a person operating a skateboard, scooter, in-line skates or roller skates:
 - (i) has the same rights and obligations as a person operating a bicycle has under this Bylaw; and
 - (ii) must obey the directions of any traffic control device that governs the operation of a bicycle.

(8M2019, 2019 March 18)

9. (1) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS and in default of payment is liable to imprisonment for a term not exceeding six (6) months.
- (2) For greater certainty it is declared that subsection (1) shall not apply to a contravention of Section 8 of the Calgary Traffic Bylaw.
- (3) Despite subsection (1):
- (a) the fine for a contravention of subsections 8(8) or 8(9) is \$75.00; and
 - (b) the fine for a contravention of subsection 8(11)(b) is \$150.00.

(8M2019, 2019 March 18)

10. This Bylaw shall come into force upon receiving third reading.

READ A FIRST TIME THIS 16TH DAY OF APRIL A.D. 1984.

READ A SECOND TIME THIS 16TH DAY OF APRIL A.D. 1984.

READ A THIRD TIME AND PASSED THIS 7TH DAY OF MAY A.D. 1984.

(Sgd.) R. Klein
MAYOR

(Sgd.) J.E. Woodward
CITY CLERK

SCHEDULE "A"

To The Barclay Mall Bylaw

The Mall shall include the following portions of Third Street West in the City of Calgary which lie between:

1. the south boundary of Second Avenue South and the north boundary of Third Avenue South; and
2. the south boundary of Third Avenue South and the north boundary of Fourth Avenue South; and
3. the south boundary of Fourth Avenue South and the north boundary of Fifth Avenue South; and
4. the south boundary of Fifth Avenue South and the north boundary of Sixth Avenue South.
5. the south boundary of Sixth Avenue South and the north boundary of Seventh Avenue South; and
6. the south boundary of Eighth Avenue South and the north boundary of Ninth Avenue South.

The Mall shall also include the lands owned by the City of Calgary legally described as follows:

1. Plan 8110407, Block 1, Lot 6
2. Area "C", Plan 8610523

(1M86, 1986 January 27)
(15M91, 1991 April 22)