

OFFICE CONSOLIDATION

BYLAW NUMBER 52M87

**BEING A BYLAW OF THE CITY OF CALGARY
TO ESTABLISH
THE STEPHEN (8TH) AVENUE MALL IN THE
CITY AND TO PROVIDE FOR THE
MANAGEMENT AND OPERATIONS THEREOF**

(Amended by 14M97, 24M98, 3M99, 52M99, 1M2000, 42M2004, 24M2015, 8M2019, 72M2021, 45M2023)

WHEREAS the *Municipal Government Act*, Revised Statutes of Alberta, 1980, Chapter M-26, provides in Section 91 for the delegation of any or all of the executive and administrative duties and powers of the City Council to the City Commissioners.

AND WHEREAS Section 179 thereof provides for the establishment of a mall or pedestrian promenade and for the control of such mall or pedestrian promenade;

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

SHORT TITLE

1. This Bylaw may be cited as the "Stephen Avenue Mall Bylaw".

INTERPRETATION

2. In this Bylaw including this Section:
 - (a) "Act" means the *Municipal Government Act*, Revised Statutes of Alberta, 1980, Chapter M-26, as amended;
 - (b) "abutting occupant" means a person who operates a commercial enterprise in premises on land abutting the Mall;
 - (b.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-26.1 and City of Calgary Bylaw 33M88;
 - (c) DELETED BY 24M2015, 2015 JUNE 16;
 - (d) "City" means the Corporation of the City of Calgary or where the context so requires means the area contained in the boundaries thereof;

- (d.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)
- (e) REPEALED BY 52M99, 1999 OCTOBER 04;
- (f) "Council" means the Municipal Council of the City;
- (g) "emergency" means with reference to the entrance of a vehicle on the Mall a situation or circumstance which requires that the vehicle go on the Mall to correct a condition, to render a service or to carry out an operation which is not otherwise permitted on the Mall or at a time when such vehicle is not allowed on the Mall;
- (h) DELETED BY 72M2021, 2022 JANUARY 01;
- (i.01) "Officer" means a Bylaw Enforcement Officer appointed under the Bylaw Enforcement Officers Appointment Bylaw 60M86, or an officer appointed under the Peace Officer Act, S.A. 2006, c. P-3.5 or under the Police Act, R.S.A. 2000, c. P-17;
(72M2021, 2022 January 01)
- (i) "Mall" means that portion of the 8th Avenue South designated as the Mall by Section 3 of this Bylaw;
- (j) REPEALED BY 14M97, 1997 MAY 05;
- (k) "service vehicle" means:
- (i) an emergency vehicle;
 - (ii) a bus operated by or for the Calgary Transit System;
 - (iii) a vehicle operated by the City for City purposes in connection with the Mall;
 - (iv) a vehicle in respect of which there exists a valid and subsisting Permit issued by the Calgary Downtown Business Revitalization Zone Association permitting the use of the vehicle on the Mall; or
 - (v) any class or classes of vehicles approved by the Calgary Downtown Business Revitalization Zone Association for use on the Mall.
- (k.1) "Traffic Engineer" means the designated officer position of Traffic Engineer established pursuant to the Calgary Traffic Bylaw 26M96;
(24M2015, 2015 June 16)
- (l) REPEALED BY 24M98, 1998 JUNE 01;

- (m) REPEALED BY 14M97, 1997 MAY 05;
- (n) "vehicle" means a device in, upon or by which a person or thing may be transported or drawn upon a public thoroughfare.

(14M97, 1997 May 05)
(24M98, 1998 June 01)

ESTABLISHMENT OF MALL

- 3. (1) Those portions of Stephen (8th) Avenue South in the City which lie between:
 - (a) The West boundary of First Street East and the East boundary of Centre Street South; and
 - (b) The West boundary of Centre Street South and the East boundary of First Street West; and
 - (c) The West boundary of First Street West and the East boundary of Second Street West; and
 - (d) The West boundary of Second Street West and the East boundary of Third Street West;

are hereby established as the Mall.

- (2) REPEALED BY 24M98, 1998 JUNE 01.

- (3) DELETED BY 24M2015, 2015 JUNE 16.

- 4. (1) Except as otherwise specifically provided in this Bylaw or by an agreement authorized by Council but without limiting the generality of this Section the Chief Administrative Officer 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.

(42M2004, 2004 June 21)
(72M2021, 2022 January 01)
(45M2023, 2023 October 17)

- (2) REPEALED BY 52M99, 1999 OCTOBER 04.

(14M97, 1997 May 05)

ACTIVITIES ON THE MALL

- 5. (1) REPEALED BY 14M97, 1997 MAY 05.
- (2) 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.

- (3) In granting permission for any firm, group 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.
- (4) 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 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.
- (5) Approval or permission granted by the CDA pursuant to Subsection (2) 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.
- (6) An application to the CDA made pursuant to Subsection (2) 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.
- (7) 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.

(14M97, 1997 May 05)

GENERAL USE OF MALL

- 6. (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 any other provisions of this Bylaw the following activities are prohibited on the Mall: the operation of skateboards, the operation of scooters, roller skating or in-line skating, the riding of bicycles, the throwing of projectiles of any nature or kind, and the feeding of birds on the Mall.

(8M2019, 2019 March 18)
- (2.1) Despite subsection (2), the Traffic Engineer may designate those portions of the Mall where 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)
- (2.2) Where the Traffic Engineer has designated portions of the Mall where the riding or operation of bicycles, skateboards, scooters, in-line skates or roller 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 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)

- (2.3) Where the Traffic Engineer has designated portions of the Mall where the riding or operation of bicycles, skateboards, scooters, in-line skates or roller skates are permitted, 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.

(24M2015, 2015 June 16)
(8M2019, 2019 March 18)

- (3) When bicycles are left on the Mall they shall be left only in bicycle racks designated for public use.
- (4) The Mall is declared to be a Mall that is subject to Section 8 of the Calgary Traffic Bylaw.
- (5) Notwithstanding any other provision of this Bylaw, a service vehicle may be operated on the Mall.

- 7. Nothing in this Section shall apply to a baby carriage, a stroller, a wheel chair (whether manually or mechanically operated), or a two-wheel grocery cart.
- 8. Except where permission is granted pursuant to the provisions of this Bylaw no person shall bring a horse on the Mall or shall ride a horse or allow the same to be or remain on the Mall.
- 9. Notwithstanding Section 8 of the City of Calgary Police Service Mounted Patrol may bring a horse on the Mall and may allow a horse to be or remain on the Mall.
- 10. (1) The provisions of the Calgary Traffic Bylaw 26M96 shall not apply to pedestrians walking on or crossing the Mall.

(24M2015, 2015 June 16)

 - (2) Notwithstanding Subsection (1) all persons shall comply with the directions of all signs and traffic control devices indicating the existence of the Mall.

APPLICABILITY OF STREET AND TRAFFIC BYLAW

- 11. (1) The Calgary Traffic Bylaw 26M96 and the Street Bylaw 20M88 apply to the Mall.
 - (1.1) Despite subsection (1), in the event of any conflict between a provision of the Calgary Traffic Bylaw or the Street Bylaw and a provision of this Bylaw, the provision of this Bylaw prevails.

(24M2015, 2015 June 16)

- (2) Notwithstanding the other provisions of this Bylaw and of the previous Bylaw no person, shall of right, conduct or participate in a parade on the Mall unless and until specific permission has been given for such parade and then subject to such terms and conditions as the Chief Administrative Officer may require.

(1M2000, 2000 January 24)
(42M2004, 2004 June 21)
(72M2021, 2022 January 01)
(45M2023, 2023 October 17)

12. DELETED BY 24M2015, 2015 JUNE 16.

PROTECTION OF NATURAL OR ARTIFICIAL OBJECTS ON THE MALL

13. (1) No person shall do anything to destroy, injure, deface or damage any tree, shrub, flower, grass, or other natural or growing thing placed on the Mall or any portion thereof.
- (2) Without limiting the other provisions of this Bylaw incorporated by reference from the street Bylaw no person shall deface, damage, destroy or remove any device, object, or decoration placed by or with the permission of the City on the Mall.
- (3) Unless directed or permitted so to do by the City or the CDA no person shall remove from the Mall any object belonging to the City or the CDA whether attached to the Mall or otherwise which has been placed thereon by the City or the CDA.

(14M97, 1997 May 05)

14. All monies and fees required to be paid for the use of the Mall for any purpose whatsoever for which specific permission is required by this Bylaw shall accrue to the CDA and shall be used by the CDA for the cost of administration of the Mall.

(14M97, 1997 May 05)

GENERAL

15. Notwithstanding any permission given by any Approving Authority appointed pursuant to any Bylaw passed under the provisions of the *Public Contributions Act*, Revised Statutes of Alberta, 1980, Chapter P-26, or any legislation passed in amendment thereof or in substitution therefor, no person, group or organization shall request donations for any purpose on the Mall unless permission or approval has been given for such purpose by the Commissioners or the CDA in addition to the approval given and the conditions imposed by any Approving Authority.

(14M97, 1997 May 05)

16. REPEALED BY 3M99, 1999 MARCH 08.

17. Without limiting the generality of Section 6 no person shall stand or put his feet on the top or surface of any food table placed on the Mall for the use and enjoyment of persons frequenting the Mall.

18. When considering any application by any person for the sale of any goods or the rendering of any services on the Mall the Commissioners or the CDA may give priority to the abutting occupants of the Mall with respect to any activity carried on by the owners in the premises which abut the Mall.

(14M97, 1997 May 05)

PENALTIES

19. (1) A person who contravenes any provision of this Bylaw is liable upon Summary Conviction before a Court of competent jurisdiction to a fine not exceeding Two Thousand Five Hundred Dollars (\$2,500.00) and not less than:
- (a) Fifty Dollars (\$50.00) for a first offence; or
 - (b) One Hundred Dollars (\$100.00) for a second offence or subsequent offence;
- and in default of payment of the said fine to reasonable imprisonment for a term not exceeding Thirty (30) Days or until such fine and costs shall have been paid.
- (2) Notwithstanding subsection (1):
- (a) the specified fine for a contravention of subsection 6(2) of this Bylaw is \$75.00;
 - (b) the specified fine for a contravention of subsection 6(2.3) of this Bylaw is \$150.00; and
 - (c) the specified fine for a contravention of section 17 of this Bylaw is \$25.00.
- (24M2015, 2015 June 16)
- (3) In lieu of or in addition to the penalty imposed by Subsection (1) a person contravening a provision of this Bylaw may be required to forthwith leave the Mall or to cease contravening the Bylaw or both.
- (4) For greater certainty it is declared that Subsection (1) shall not apply to a contravention of Section 8 of the Calgary Traffic Bylaw.
20. (1) Where an Officer believes that a person has contravened any provision of this Bylaw he may serve upon such person a Voluntary Payment Tag allowing payment of the penalty specified in this Bylaw for such offence to the Chief Cashier of the City and such payment shall be accepted by the City in lieu of prosecution for the offence.
- (2) If the person upon whom a Voluntary Payment Tag is served fails to pay the srequired sum within the time specified in the Voluntary Payment Tag, the provisions of this Section regarding acceptance of payment in lieu of prosecution do not apply.
- (3) Nothing in this Section shall:

- (a) Prevent any person from exercising his right to defend any charge of committing a breach of any of the provisions of this Bylaw;
 - (b) Prevent any Officer from laying an information or complaint in lieu of serving a Voluntary Payment Tag; or
 - (c) Prevent any person from exercising any legal rights such person may have to lay an information or complaint against any person whether such person has made payment under the provisions of this Bylaw, or not for a breach of any of the provisions of this Bylaw.
- (4) Where any person has made payment pursuant to the provisions of this Section and is subsequently prosecuted at the instance of some person other than the City for the offence in respect of which such payment has been made, such payment shall be refunded.

(1M2000, 2000 January 24)
(72M2021, 2022 January 01)

21. Bylaw Number 155/76 is hereby repealed.

22. This Bylaw shall come into force on the day it is given Third Reading.

READ A FIRST TIME 14TH DAY OF DECEMBER, A.D. 1987.

READ A SECOND TIME 14TH DAY OF DECEMBER, A.D. 1987.

READ A THIRD TIME 14TH DAY OF DECEMBER, A.D. 1987.

(Sgd.) R. Klein
MAYOR

(Sgd.) J.E. Woodward
CITY CLERK