



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 B/L 14M97, 24M98, 3M99, 52M99, 1M2000)

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) "Calgary Traffic Bylaw" means the Calgary Traffic Bylaw, 1980, being Bylaw Number 40M80 of the City, as amended, and includes any Bylaw passed in substitution therefor;
 - (d) "City" means the Corporation of the City of Calgary or where the context so requires means the area contained in the boundaries thereof;

- (e) REPEALED BY B/L 52M99, 1999 OCTOBER 4;
- (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) "Enforcement Officer" means a member of the Calgary Police Service or a Bylaw Enforcement Officer of the City of Calgary;
- (i) "Mall" means that portion of the 8th Avenue South designated as the Mall by Section 3 of this Bylaw;
- (j) REPEALED BY B/L 14M97, 1997 MAY 5
- (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.
- (l) REPEALED BY B/L 24M98, 1998 JUNE 1
- (m) REPEALED BY B/L 14M97, 1997 MAY 5
- (n) "vehicle" means a device in, upon or by which a person or thing may be transported or drawn upon a public thoroughfare.

(B/L 14M97, 1997 May 5)
(B/L 24M98, 1998 June 1)

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 B/L 24M98, 1998 JUNE 1

(3) Except as otherwise provided in this Bylaw the Mall shall not be subject to the provisions of the Highway Traffic Act, R.S.A. 1980, Chapter H-7, the Street Bylaw being Bylaw Number 9022 of the City, or to the Calgary Traffic Bylaw being Bylaw Number 40M80, whether or not the said portion of Stephen (8th) Avenue South is closed pursuant to the provisions of Section 180 of the Act.

(B/L 24M98, 1998 June 1)

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 Executive 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 Executive Officer of The City of Calgary or his designate.

(2) REPEALED BY B/L 52M99, 1999 OCTOBER 4.

(B/L 14M97, 1997 May 5)

ACTIVITIES ON THE MALL

5. (1) REPEALED BY B/L 14M97, 1997 MAY 5

(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.

(B/L 14M97, 1997 May 5)

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: skateboarding, roller skating, the riding of bicycles, the throwing of projectiles of any nature or kind, and the feeding of birds on the Mall.

- (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 being Bylaw Number 40M80 of the City of Calgary shall not apply to pedestrians walking on or crossing the Mall.
(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) Subject to the other specific provision of this Bylaw the provisions of Sections 5, 6, 7, 11, 13, 14, 22, 25, 26, 27 and Sections 44 to 49 inclusive of Bylaw Number 9022, the Street Bylaw, shall apply mutatis mutandis to the Mall.
(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 Executive Officer of The City of Calgary or his designate may require.
(B/L 1M2000, 2000 January 24)
12. Subsections (1), (2) and (4) of Section 8 and Subsection (3) of Section 7 of Bylaw Number 40M80, the Calgary Traffic Bylaw, 1980, shall mutatis mutandis apply to the Mall.

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.
- (B/L 14M97, 1997 May 5)
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.
- (B/L 14M97, 1997 May 5)

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.
- (B/L 14M97, 1997 May 5)
16. REPEALED BY B/L 3M99, 1999 MARCH 8
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.
- (B/L 14M97, 1997 May 5)

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), the fine for a contravention of Section 17 of this Bylaw shall not exceed Twenty-Five Dollars (\$25.00).
 - (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 Enforcement 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 required 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 Enforcement 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

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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.

(B/L 1M2000, 2000 January 24)

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