

## Legal Review of Street Play

### 1. Playing on the Street

The Alberta Traffic Safety Act (TSA) regulates what activities can take place on highways within the Province of Alberta. The definition of “highway” includes any street, road, sidewalk or bridge that the public is ordinarily entitled or permitted to use. The City of Calgary’s Bylaws must be consistent with, and cannot supersede, the TSA.

In the TSA, there is nothing explicit that would prohibit street hockey or street play. However, Use of Highway and Rules of the Road Regulation, a regulation made pursuant to the TSA, states:

90(1) When a sidewalk or path is located beside a roadway, a pedestrian

- (a) shall at all times when it is reasonable and practicable to do so use the sidewalk or path, and
- (b) shall not proceed along **or remain on the roadway**.

Furthermore:

91(1) A pedestrian who is crossing a roadway

- (a) shall cross as quickly as is reasonable, and
- (b) shall not stop or loiter while crossing the highway or otherwise impede the free movement of vehicles on the highway.

“Pedestrian” is defined as:

- (i) **A person on foot**, or
- (ii) A person in or on a mobility aid

and includes those persons designated by regulation as pedestrians.

People playing street hockey or playing on the roadway are considered pedestrians and would therefore, under the TSA, be not allowed to be on a roadway for a purpose other than crossing. While technically illegal, there has not been a ticket issued for playing sports on the street in Calgary in the three-year time period studied.

### Bylaw Statistics for Playing on the Street:

Year	2019	2020	2021
Citizen Complaints	9	11	2
Education/Verbal Warnings	1	1	0
Tickets Written	0	0	0
Written Warnings	1	1	0
No Problem Found by Officer	5	5	2

### 2. Sports Equipment on the Street

The City Street Bylaw 20M88 does not expressly reference sports equipment (e.g. hockey nets and basketball hoops). However, "Material" in the Streets Bylaw is defined as: "any object or article, animal waste, ashes, building waste, dry refuse, garbage, industrial chemical waste, refuse and yard waste as defined in The Waste Bylaw, and includes sand, gravel, earth and building products". Thus, sports equipment would be included in the term "Material" for the purposes of the bylaw.

Under the Street Bylaw it states that:

17 (4). No person shall place, dispose, direct or allow to be placed, directed, or disposed, any Material belonging to that person or over which that person exercises control on a portion of a Street unless authorized to do so:

(a) by the Traffic Engineer pursuant to this Bylaw or pursuant to the Calgary Traffic Bylaw 26M96;  
or

(b) by any other Bylaw."

18. A Landowner shall ensure that Material on his property or on property in his control is stored, placed or disposed of in such a way that the Material does not enter onto the Street by any means including Natural Forces.

"Street" in the Bylaw is defined as "any thoroughfare, highway, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway, or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes Sidewalks."

"Sidewalk" in the Bylaw is defined as: "A portion of a Street set aside for the use of and ordinarily used by pedestrians, whether or not the surface of such portion is covered with grave, concrete, asphalt, or other type of paving"

Sports equipment is thus not permitted on sidewalks, boulevards or roadways. This restricts sporting equipment to only be on private property.

#### **Bylaw Statistics for Sports Equipment on the Street:**

<b>Year</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Citizen Complaints	130	240	239
Education/Verbal Warnings	12	63	80
Tickets Written	0	1	0
Written Warnings	37	63	65
No problem found by Officer	54	67	47
Items Impounded	1	1	2