

OFFICE CONSOLIDATION

BYLAW NUMBER 26M85

**BEING A BYLAW OF THE CITY OF CALGARY
TO ESTABLISH AND CONTROL THE MALL
BETWEEN SECOND STREET S.E. AND FIRST
STREET S.E. ON EIGHTH AVENUE**

(As Amended by Bylaw Number's 23M87, 58M96, 52M99, 42M2004)

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

1. This Bylaw may be cited as "The Mall Between Second Street S.E. and First Street S.E. on Eighth Avenue Bylaw".
2. In this bylaw,
 - (a) "Act" means the *Municipal Government Act*, as amended;
 - ~~(b) "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 therefore;~~
 - (c) "City" means the City of Calgary or where the context so requires means the area contained within the boundaries thereof;
 - (d) REPEALED BY B/L 52M99, 1999 OCTOBER 4.
 - (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 Manager permitting the use of the vehicle on the mall;
 - (e) any class or classes of vehicles approved by the Manager for use on the mall;

(B/L 23M87, 1987 MAY 19)
(B/L 58M96, 1996 NOVEMBER 12)

~~(h) “Street Bylaw” means the Street Bylaw, being Bylaw Number 9022 of the City, as amended, and includes any bylaw passed in substitution therefore.~~

(B/L 23M87, 1987 MAY 19)
(B/L 58M96, 1996 NOVEMBER 12)

(i) “Manager” as used in subsections (g) and (h), means the Manager of Facilities of the City of Calgary Parks and Recreation Department.

(B/L 23M87, 1987 MAY 19)
(B/L 58M96, 1996 NOVEMBER 12)

(j) “Traffic Engineer” means the designated officer position of Traffic Engineer established pursuant to the Calgary Traffic Bylaw 26M96.

3. (1) Those portions of Eighth Avenue East 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 “Mall Between Second Street S.E. and First Street S.E. on Eighth Avenue”.

~~(2) Except as provided in this bylaw, the Mall shall not be subject to the Street bylaw.~~

4. (1) Except as specifically provided in this Bylaw, the City Manager 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 area hereby delegated to the City Manager or his designate.

(2) Without restricting the generality of subsection (1), the City Manager or his designate may, from time to time, allow vehicular traffic on a portion of the Mall, for such periods of time as the City Manager or his designate may specify, for the purpose of allowing vehicular access to the Calgary Centre for the Performing Arts.

(3) REPEALED BY B/L 52M99, 1999 OCTOBER 4.

(B/L 42M2004, 2004 JUNE 21)

5. (1) Except as otherwise provided in this Bylaw, the Mall may be used by all pedestrians for all purposes or 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

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- (i) used by a member of the Calgary Police Service, or
- (ii) authorized for use on the Mall
 - (A) as part of the parade authorized pursuant to this Bylaw, or
 - (B) pursuant to any other Bylaw of the City,

(c) a service vehicle,

(B/L 23M87, 1987 MAY 19)

~~(d) a bicycle except when prohibited by Section 8(9).~~

6. (1) The Mall is declared to be a mall that is subject to Section 8 of the Calgary Traffic Bylaw.

(B/L 23M87, 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.~~

Mall. (2) The Calgary Traffic Bylaw 26M96 and the Street Bylaw 20M88 apply to the

(3) In the event of the 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 City Manager or his designate, in writing, for such parade.

(2) Permission for a parade on the Mall may be given by the City Manager or his designate subject to such terms and conditions as the City Manager or his designate may require.

(B/L 42M2004, 2004 JUNE 21)

8. (1) No person shall 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 deface, damage or destroy any object, fixture 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, no person shall remove from the Mall any object

(a) belonging to the City, or

(b) placed on the Mall by the City.

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- (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 City Manager or his designate for such activity.
- (5) No person, on the Mall, shall beg or ask for gifts.
- (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) No person shall
 - (a) use a skateboard, or
 - (b) roller skate on the Mall.
- ~~(9) No person shall operate a bicycle on the mall between the hours of 11:00 o'clock in the forenoon and 2:00 o'clock in the afternoon on any day except Saturday and Sunday.~~

(B/L 42M2004, 2004 JUNE 21)
- (9) A person must not ride a bicycle on the Mall.**
- (10) Notwithstanding subsection (9), the Traffic Engineer may designate those portions of the Mall the riding of bicycles is permitted.**
- (11) Where the Traffic Engineer has designated portions of the Mall the riding of bicycles is permitted, the Traffic Engineer may impose restrictions in respect of:**
 - (i) the times of day when the riding of bicycles is permitted; and**
 - (ii) the maximum speed at which bicycles may be ridden.**

- (12) Where the Traffic Engineer has designated portions of the Mall where the riding of bicycles is permitted, a person must not ride a bicycle in a manner that interferes with a pedestrian.
- ~~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.~~
(B/L 23M87, 1987 MAY 19)
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) The specified fine for a contravention of subsection 8(9) is \$75.00.
- (3) The specified fine for a contravention of subsection 8(12) is \$150.00.
10. This Bylaw shall come into force upon receiving third reading.

READ A FIRST TIME THIS 24TH DAY OF JUNE, 1985.

READ A SECOND TIME, THIS 24TH DAY OF JUNE, 1985.

READ A THIRD TIME, THIS 24TH DAY OF JUNE, 1985.

(Sgd.) T. Baxter
DEPUTY MAYOR

(Sgd.) J. Woodward
CITY CLERK

SCHEDULE "A"

To the Mall Between Second Street S.E. and First Street S.E. On Eighth Avenue Bylaw

The Mall shall include the following portions of Eighth Avenue East in the City of Calgary which are described as follows:

FIRSTLY: PLAN CALGARY "A"
THAT PORTION OF STEVEN AVENUE (MUNICIPALLY KNOWN AS 8TH AVENUE S.E.) WHICH LIES EAST OF A STRAIGHT LINE DRAWN FROM THE SOUTHWEST CORNER OF LOT 40 IN BLOCK 52 TO THE NORTHWEST CORNER OF LOT 1 IN BLOCK 61 AND WHICH LIES WEST OF A STRAIGHT LINE DRAWN FROM THE SOUTHEAST CORNER OF LOT 21 IN BLOCK 52 TO THE NORTHEAST CORNER OF LOT 20 IN BLOCK 61 ALL AS SHOWN ON PLAN "A"

EXCEPTING THEREOUT ALL MINES AND MINERALS

SECONDLY: PLAN CALGARY 3332 J.K.
CORNER CUT-OFF

EXCEPTING THEREOUT ALL MINES AND MINERALS