

# PROPOSED

C2023-0279  
ATTACHMENT 1

## BYLAW NUMBER 17M2023

### BEING A BYLAW OF THE CITY OF CALGARY TO CREATE SAFE AND INCLUSIVE ACCESS TO RECREATION FACILITIES AND LIBRARIES

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**WHEREAS** Council has considered report C2023-0279 and deems it necessary to enact a bylaw to ensure safe and inclusive access to recreation facilities and libraries;

**AND WHEREAS** pursuant to section 7 of the Municipal Government Act, RSA 2000, c. M-26, Council may pass bylaws respecting:

- (a) the safety, health and welfare of people and the protection of people and property; and
- (b) people, activities and things in, on or near a public place or place that is open to the public;

**AND WHEREAS** pursuant to section 3 of the Municipal Government Act, RSA 2000, c. M-26, the purposes of a municipality are to:

- (a) provide services, facilities or other things that, in the opinion of council, are necessary or desirable for all or a part of the municipality; and
- (b) develop and maintain safe and viable communities;

**AND WHEREAS** pursuant to section 4 of the Human Rights Act, RSA 2000 c. A-25.5 The City of Calgary must not discriminate against any person or class of persons with respect to any services or facilities that are customarily available to the public;

**AND WHEREAS** the Human Rights Act, RSA 2000 c. A-25.5 recognizes that in Alberta as a fundamental principle and as a matter of public policy that all persons are equal in dignity, rights and responsibilities without regard to race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation;

**AND WHEREAS** Council policy CP2019-01 seeks to reduce barriers and continually improve delivery of services to all Calgarians, considering aspects of diversity;

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

### SHORT TITLE

1. This Bylaw may be cited as the “Safe and Inclusive Access Bylaw”.

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## DEFINITIONS AND INTERPRETATION

2. (1) In this Bylaw:
- (a) “*City*” means The City of Calgary, a municipal corporation in the province of Alberta, or the area contained within the boundaries of the City of Calgary, as the context may require;
  - (b) “*library*” means a Calgary Public Library listed in Schedule “B”;
  - (c) “*officer*” means a Bylaw Enforcement Officer appointed pursuant to Bylaw 60M86, a peace officer appointed pursuant to the *Peace Officer Act*, S.A. 2006, c. P-3.5, or a member of the Calgary Police Service;
  - (d) “*operational hours*” means the posted hours of the *recreation facility* or *library*;
  - (e) “*publicly accessible property*” means all or any part of a building, structure, or parcel of land to which members of the public have access as of right or by express or implied invitation;
  - (f) “*recreation facility*” means
    - (i) a *City* operated swimming pool, hockey or skating rink, fitness centre, or gymnasium;
    - or
    - (ii) any facility listed in Schedule “B”; and
  - (g) “*specified protest*” means an expression of objection or disapproval towards an idea or action related to race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation by any means, including graphic, verbal, or written means, but does not include messaging at an event scheduled by a *library* or *recreation facility*.
- (2) All schedules attached to this Bylaw form part of this Bylaw.
- (3) Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
- (4) Where this Bylaw cites or refers to any act, regulation, code or other bylaw, the citation or reference is to the act, regulation, code or other bylaw as amended, whether amended before or after the commencement of this Bylaw, and includes reference to any act, regulation, code or other bylaw that may be substituted in its place.

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- (5) Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
- (6) Nothing in this Bylaw relieves a person from complying with any provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or licence.

### **PROHIBITIONS**

3.
  - (1) A person must not engage in *specified protest* on *publicly accessible property* within 100 metres of an entrance to a *recreation facility* or a *library*.
  - (2) A person must not engage in *specified protest* anywhere inside a *recreation facility* or a *library*.
  - (3) A person must not physically impede or attempt to impede the passage of a person, to or from an entrance to a *recreation facility* or *library*.
4.
  - (1) Section 3 only applies during the time period:
    - (a) commencing one hour before; and
    - (b) ending one hour after;

*operational hours*.
  - (2) Despite subsection (1) above, the prohibitions in section 3 continue to apply if the *recreation facility* or *library* remains open for a scheduled event outside of *operational hours* in which case the prohibition applies during the time period commencing one hour before the scheduled event and ending one hour after the end of the event.
5. Where a *recreation facility* or *library* is located in a building containing a complex of interlocking offices, stores or other facilities, the prohibitions in subsections 3(1) and 3(3) apply to the entrance of the complex and the prohibition in subsection 3(2) applies to the area inside the complex as a whole.

### **OFFENCES**

6.
  - (1) Any person who contravenes any provision of this Bylaw by doing any act or thing which the person is prohibited from doing, or by failing to do any act or thing the person is required to do, is guilty of an offence pursuant to this Bylaw.
  - (2) Any person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00 or imprisonment for not more than one year, or both.

### **ENFORCEMENT**

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7. (1) Where an *officer* believes that a person has contravened any provision of this Bylaw, the *officer* may commence proceedings against the person by issuing a violation ticket in accordance with the Provincial Offences Procedure Act, RSA 2000, c. P-34.
- (2) This section shall not prevent an *officer* from issuing a violation ticket requiring a court appearance of the defendant pursuant to the Provincial Offences Procedures Act or from laying an information instead of issuing a violation ticket.

## PENALTY

8. (1) Where there is a specified penalty listed for an offence in Schedule “A” to this Bylaw, that amount is the specified penalty for the offence.
- (2) Where there is a minimum penalty listed for an offence in Schedule “A” to this Bylaw, that amount is the minimum penalty for the offence.
- (3) In this section, “specified penalty” means an amount that can be paid by a person who is issued a violation ticket and is authorized to make a voluntary payment without a Court appearance.
- (4) Despite subsections 8(1) and 8(2):
  - (a) where any person has been convicted of a contravention of the same provision of this Bylaw twice within one 24-month period, the minimum penalty payable in respect of the second conviction is double the minimum penalty amount shown in Schedule “A” of this Bylaw in respect of that provision, and
  - (b) where any person has been convicted of a contravention of the same provision of this Bylaw three or more times within one 24-month period, the minimum penalty payable in respect of the third or subsequent conviction is triple the minimum penalty amount shown in Schedule “A” of this Bylaw in respect of that provision.

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## COMING INTO FORCE

9. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME ON \_\_\_\_\_

READ A SECOND TIME ON \_\_\_\_\_

READ A THIRD TIME ON \_\_\_\_\_

\_\_\_\_\_  
MAYOR

SIGNED ON \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

SIGNED ON \_\_\_\_\_

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## SCHEDULE "A"

### PENALTIES

<b>SECTION</b>	<b>OFFENCE</b>	<b>MINIMUM PENALTY</b>	<b>SPECIFIED PENALTY</b>
3(1)	<i>specified protest on publicly accessible property within 100 metres of an entrance to a recreation facility or a library</i>	\$500	\$1000
3(2)	<i>specified protest anywhere inside a recreation facility or a library</i>	\$1000	\$2000
3(3)	physically impede or attempt to impede the passage of a person, to an entrance to a recreation facility or library	\$500	\$1000

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## SCHEDULE "B"

### INCLUDED FACILITIES

#### Calgary Public Libraries

Fish Creek Library (11161 Bonaventure Drive SE)  
Central Library (800 3 Street SE)  
Country Hills Library (11950 Country Village Link NE)  
Crowfoot Library (8665 Nose Hill Drive NW)  
Bowness Library (6532 Bowness Road NW)  
Forest Lawn Library (4807 8 Avenue SE)  
Giuffre Family Library (3223 14 Street SW)  
Judith Umbach Library (6617 Centre Street N)  
Louise Riley Library (1904 14 Avenue NW)  
Nicholls Family Library (1421 33 Street SW)  
Memorial Park Library (1221 2 Street SW)  
Nose Hill Library (1530 Northmount Drive NW)  
Quarry Park Library (108 Quarry Park Road SE)  
Rocky Ridge Library (11300 Rocky Ridge Road NW)  
Saddletowne Library (150 7555 Falconridge Boulevard NE)  
Sage Hill Library (19 Sage Hill Passage NW)  
Seton Library (4995 Market Street SE)  
Shawnessy Library (333 Shawville Boulevard SE)  
Southwood Library (924 Southland Drive SW)  
Signal Hill Library (5994 Signal Hill Centre SW)  
Village Square Library (2623 56 Street NE)

#### Included Facilities

<b>YMCA facilities</b>	Brookfield Residential YMCA at Seton (4995 Market St SE) Melcor YMCA at Crowfoot (8100 John Laurie Blvd NW) Remington YMCA in Quarry Park (108 Quarry Park Rd SE) Saddletowne YMCA (180 - 7555 Falconridge Blvd NE) Shane Homes YMCA at Rocky Ridge (11300 Rocky Ridge Rd NW)
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	Shawnessy YMCA (400 - 333 Shawville Blvd SE) South Health Campus YMCA (4448 Front St SE)
<b>Other sports and recreation facilities</b>	Trico Centre for Family Wellness (11150 Bonaventure Dr SE) MNP Community & Sports Centre (2225 Macleod Trail SE) Vivo for Healthier Generations (11950 Country Village Link NE) Westside Recreation Centre (2000 - 69 St SW) The Genesis Centre (#10, 7555 Falconridge Blvd NE) Cardel Rec South (#100 - 333 Shawville Blvd SE) Vecova Centre for Disability Services and Research (3304 33 St NW) Bowview Outdoor Pool (1910 6 Avenue NW) Forest Lawn Outdoor Pool (1706 39 Street SE) Highwood Outdoor Pool (25 Holmwood Avenue NW) Millican Ogden Outdoor Pool (2094 – 69 Avenue SE) Mount Pleasant Outdoor Pool (2310 6 Street NW) Silver Springs Outdoor Pool (5720 Silver Ridge Drive NW) South Calgary Outdoor Pool (3130 16 Street SW) Stanley Park Outdoor Pool (4011 1a Street SW)
<b>Art centres</b>	North Mount Pleasant Arts Centre (523 - 27 Ave NW) Wildflower Arts Centre (3363 Spruce Dr SW)