

PEDESTRIAN MALL BYLAW

EFFECTIVE JULY 15, 1986

AMENDED JUNE 25, 1997

Summary of Bylaw Amendments at end of Bylaw

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTETOWN PURSUANT TO SECTIONS 21 AND 64 OF THE CHARLOTTETOWN AREA MUNICIPALITIES ACT, R.S.P.E.I., CAP. C-4.1 AS FOLLOWS:

PART I:

1. 1.1 This Bylaw may be cited as the “**Pedestrian Mall Bylaw**”.

PART II: DEFINITIONS

2. 2.1 “**City**” means the City of Charlottetown established under Section 3 of the *Charlottetown Area Municipalities Act*.
- 2.2 “**Council**” means the Council of the City;
- 2.3 “**Emergency Vehicle**” includes an ambulance responding to an emergency call, a vehicle carrying rescue or first aid equipment responding to an emergency call, a vehicle carrying fire-fighting equipment responding to an alarm of fire, or a vehicle driven by a peace officer other City employee in discharge of this duty or in the course of his employment and which is required to enter onto the pedestrian mall to correct a condition, render a service or to carry out an operation which is not otherwise permitted on the pedestrian mall;
- 2.4 “**License Holder**” means the person granted a license pursuant to this Bylaw;
- 2.5 “**License Inspector**” means the person or persons appointed by the City to administer and enforce this Bylaw;
- 2.6 “**Mall Committee**” means the Committee appointed from time to time under Section 4.1 of this Bylaw;
- 2.7 “**Pedestrian Mall**” means that street or part thereof designated by resolution of Council under Section 3.1 of this Bylaw;

PEDESTRIAN MALL BYLAW

- 2.8 **“Person”** means a natural person or a body corporate and includes a partnership and a group of persons acting in concert or an association unless the context expressly or by necessary implication otherwise requires;
- 2.9 **“Vehicle”** means a device in, upon, or by which a person or thing may be transported or drawn.

PART III: ESTABLISHMENT OF THE PEDESTRIAN MALL

3. 3.1 Council may, by resolution from time to time, close to vehicular traffic for a period set by Council in the resolution any street or part thereof for the purposes of establishing a Pedestrian Mall thereon.
- 3.2 Council may, by resolution from time to time, set the days and hours during which a Pedestrian Mall may operate.
- 3.3 Except as otherwise provided in the Bylaw, the Pedestrian Mall shall not be subject to the “Traffic Bylaw” in the City of Charlottetown.

PART IV: GENERAL CONTROL OF THE MALL

4. 4.1 This Bylaw shall be administered and enforced by such Licensing Inspector(s) as appointed by the City from time to time.

PART V: ACTIVITIES ON THE PEDESTRIAN MALL

5. 5.1 Except as otherwise provided in the Bylaw, the pedestrian 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 pedestrian mall may be used pursuant to this Bylaw.
- 5.2 Any person who wishes to carry on any activity, render any service, or set up any display on a pedestrian mall, which is not specifically permitted or prohibited by this Bylaw must make application for a license to the Mall Committee. The Mall Committee shall review the application and shall make such recommendations as are appropriate to Council. Council upon receipt of the recommendation of the Mall Committee, shall make the final decision regarding the issuance of a license and may, in its sole discretion, require the applicant to enter into an agreement which may include, but is not limited to the following:
- (a) liability insurance;
 - (b) the dates during which the Pedestrian Mall may be used;

PEDESTRIAN MALL BYLAW

- (c) any fees to be charged for use of the Pedestrian Mall; and
 - (d) hours of operation.
- 5.3 Notwithstanding anything in Section 5.2 of this Bylaw, any person who has been issued a license or permit to carry on business on the pedestrian mall under the City's Street Vendors' Bylaw, as amended from time to time, need not apply for a permit under this Bylaw to carry on the business he is authorized to carry on under the license issued under that Bylaw.
- 5.4 A license granted by Council shall be subject to compliance by the License Holder with the provisions of this Bylaw, any agreements made pursuant to this Bylaw, and all other applicable federal, provincial and municipal laws and regulations.
- 5.5 Failure to comply with Section 5.4 may result in a revocation or suspension of a license granted by the Licensing Inspector, and upon a license being suspended or revoked by the Licensing Inspector, the Licensing Inspector shall notify the License Holder thereof by delivering a notice to him personally or by mailing a double registered letter to the address provided by the License Holder and after that notice has been delivered the License Holder shall not carry on his business until a new license is issued or his suspended license is reinstated.
- 5.6 Notwithstanding any other provisions of this Bylaw, the following activities are prohibited on the pedestrian mall:
- (a) skateboarding;
 - (b) roller skating;
 - (c) the riding of bicycles; and
 - (d) the throwing of projectiles of any nature or kind.
- 5.7 No person shall bring, ride, or leave standing any horse or any other animal of any kind whatsoever onto the pedestrian mall excepting a seeing eye dog.
- 5.8 Except as specifically provided in the Bylaw, no person shall bring, drive, operate or leave standing any vehicle on the pedestrian mall.
- 5.9 Section 5.6 of this Bylaw does not apply to:
- (a) a baby carriage;
 - (b) a stroller;
 - (c) a wheelchair whether manually or

PEDESTRIAN MALL BYLAW

mechanically operated;

- (d) a push cart for which a license plate has been issued and which is permitted to be brought onto the pedestrian mall under the City's Street Vendors' Bylaw, as amended from time to time.
 - (e) an emergency vehicle responding to an emergency; or
 - (f) a seeing eye dog.
- 5.10 Any person whose license has been suspended or revoked by the Licensing Inspector may appeal such suspension or revocation to Council.
- (a) An appeal to Council shall be in writing, shall be filed with the Chief Administrative Officer within fifteen (15) days of the receipt by the License Holder of the notice of the suspension or revocation as provided by Section 5.5.
 - (b) The Council shall hear such appeals at such time and place as it may determine and, on an appeal under this Bylaw, Council may confirm, reverse or vary the decision of the Licensing Inspector.

PART VI: GENERAL

6. 6.1 No person shall do anything to destroy, injure, deface or damage any tree, shrub, flower, grass or other natural growing thing placed on the pedestrian mall or any portion thereof.
- 6.2 No person shall deface, damage, destroy or remove any device, object, or decoration placed on the pedestrian mall by or with the permission of the City.
- 6.3 Unless otherwise directed or permitted to do so by the City, no person shall remove from the pedestrian mall any object belonging to the City whether attached to the pedestrian mall or otherwise, and which has been placed there by the City.
- 6.4 No person shall place, deposit, discard, leave, throw or scatter on any part of the pedestrian mall any bottles, dirt, filth, litter or rubbish of any kind whatsoever except in a receptacle provided for such purpose.
- 6.5 Except as permitted by this Bylaw or any other Bylaw of the City, no person shall obstruct or cause any obstruction to be placed upon any emergency or fire lane established and maintained on the pedestrian mall lane established by the City. Any person who obstructs or causes an obstruction on any such emergency or fire lane shall forthwith upon notice remove it and, if the obstruction is not so removed, and peace officer appointed by the City may

PEDESTRIAN MALL BYLAW

cause it to be removed at the expense of the person and maintained on the pedestrian mall by the City. Any person who obstructs or causes an obstruction shall forthwith upon notice remove it and, if the obstruction is not so removed, any peace officer appointed by the City may cause it to be removed at the expense of the person causing the obstruction.

PART VII: PENALTIES

7. 7.1 A person who contravenes any provision of this Bylaw is liable upon summary conviction to a fine not exceeding \$500.00 and not less than \$200.00 and in default of payment to a reasonable imprisonment or term not exceeding 30 days until the fine imposed and costs have been paid.
- 7.2 In lieu of or in addition to the penalty imposed by Section 7.1 any person contravening a provision of this Bylaw may be required by a police officer appointed by the City to forthwith leave the pedestrian mall and to cease contravening this Bylaw or both.

PEDESTRIAN MALL BYLAW

PEDESTRIAN MALL AGREEMENT

BETWEEN:

(Hereinafter called the "Owner")

AND:

**THE CITY OF CHARLOTTETOWN
(Hereinafter called the "City")**

WHEREAS the Owner has located a business in the Pedestrian Mall;

AND WHEREAS to make sure that the Owner and the City use their best efforts for a successful venture they mutually covenant and agree as follows:

THE OWNER COVENANTS AND ACKNOWLEDGES:

1. To follow all directives and resolutions of the Mall Committee or the City of Charlottetown.
2. To have read the Street Vendors Bylaw and the Pedestrian Mall Bylaw in their entirety.
3. To operate only from _____ to _____ from _____ in each year to _____ in each year from Monday to _____.
4. To elect no more than three people to be their spokesman for all concerns.

CITY COVENANTS:

1. To listen to all suggestions and recommendations from the Mall owners to make the Mall a better place to conduct business.

DATE: _____ **AT:** _____

OWNER

**CITY ADMINISTRATOR
CITY OF CHARLOTTETOWN**

PEDESTRIAN MALL BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
<p>Amendments that would allow the City Council, by resolution, to amend the dates of operation, the days of operation, and hours of operation</p>	<p>WHEREAS THE <u>City of Charlottetown Act</u> provides for the establishment and regulation of a pedestrian mall within the City;</p> <p>Now therefore, Council of the City of Charlottetown enacts as follows:</p>	<p><u>Repeal</u>: "WHEREAS THE <u>City of Charlottetown Act</u> provides for the establishment and regulation of a pedestrian mall within the City;</p> <p>Now therefore, Council of the City of Charlottetown enacts as follows:"</p> <p><u>Replace with</u>: "BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTETOWN PURSUANT TO SECTIONS 21 AND 64 OF THE CHARLOTTETOWN AREA MUNICIPALITIES ACT, R.S.P.E.I. 1988, CAP. C-41 AS FOLLOWS:"</p>	16-Jun-97	25-Jun-97	25-Jun-97
	<p>2(a) "<u>City</u>" means the corporation of the City of Charlottetown where the context so requires, means the area contained in the boundaries thereof;</p> <p>2(b) "<u>Council</u>" means the Municipal Council of the City;</p>	<p><u>Repeal</u>: sections 2(a) and 2(b) and replace with the following:</p> <p>2.1 "City" means the City of Charlottetown established under Section 3 of the Charlottetown Area Municipalities Act</p> <p>2.2 "Council" means the Council of the City</p>			
	<p><i>Nothing</i></p>	<p><u>Add</u> the following definition:</p> <p>"License Holder" means the person granted a license pursuant to this Bylaw;</p>			
	<p><i>Nothing</i></p>	<p><u>Add</u> the following definition:</p> <p>"License Inspector" means the person or persons appointed by the City to administer and enforce this Bylaw;</p>			
	<p>3(a) Council may, by resolution from time to time, close to vehicular traffic for the period commencing on June 15th and ending on September 15th in any year any street or part thereof for the purposes of establishing a pedestrian mall thereon.</p> <p>3(b) Except as otherwise provided in this Bylaw, the pedestrian mall shall not be subject to the <u>Highway Traffic Act</u>, R.S.P.E.I. 1974, Cap. H-6 or a Bylaw to Regulate Traffic in the City of Charlottetown, being Bylaw No. 46.</p>	<p><u>Repeal</u>: sections 3(a) and 3(b) and replace with the following:</p> <p>3.1 Council may, by resolution from time to time, close to vehicular traffic for a period set by Council in the resolution any street or part thereof for the purposes of establishing a Pedestrian Mall thereon.</p> <p>3.2 Council may, by resolution from time to time, set the days and hours during which a Pedestrian Mall may operate.</p> <p>Add the following section:</p> <p>3.3 Except as otherwise provided in the Bylaw, the Pedestrian Mall shall not be subject to the Traffic Bylaw</p>			

PEDESTRIAN MALL BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<p>4(a) Except as otherwise specifically provided in this Bylaw or any other Bylaw of the City, a Committee of Council consisting of three (3) shall have control and direction of all things which are allowed or permitted to be done on the pedestrian mall and of all things which are prohibited, restricted or regulated on the pedestrian mall and shall be responsible for enforcement of this Bylaw and all necessary administrative and executive powers of Council in respect thereto are hereby delegated to that Committee.</p>	<p><u>Delete</u> section 4(a) and <u>replace</u> with the following: 4.1 This Bylaw shall be administered and enforced by such Licensing Inspector(s) as appointed by the City from time to time.</p>			
	<p>4(b) Notwithstanding anything in paragraph 4(a) of this Bylaw, the Mall Committee shall not have the control and direction of, or the responsibility for, those things which have been provided for in the City's Street Vendors' Bylaw, as amended from time to time.</p>	<p><u>Delete</u> section 4(b)</p>			
		<p>Renumber section 5 to 5.1 and continue renumbering accordingly</p>			
	<p>6(a) Any person who wishes to carry on any activity, render any service, or set up any display on the pedestrian mall which is not specifically permitted or prohibited by this Bylaw may make application to the Mall Committee for permission to do so.</p>	<p><u>Delete</u> section 6(a) and <u>replace</u> with the following as section 5.2: 5.2 Any person who wishes to carry on any activity, render any service, or set up any display on a Pedestrian Mall, which is not specifically permitted or prohibited by this Bylaw must make application for a license to the Mall Committee. The Mall Committee shall review the application and shall make such recommendations as are appropriate to Council. Council upon receipt of the recommendation of the Mall Committee, shall make the final decision regarding the issuance of a license and may, in its sole discretion, require the applicant to enter into an agreement which may include, but is not limited to the following: (a) liability insurance; (b) the dates during which the Pedestrian Mall may be used; (c) any fees to be charged for use of the Pedestrian Mall; and (d) hours of operation</p> <p>Renumber former section 6(b) to section 5.3</p>			

PEDESTRIAN MALL BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<i>Nothing</i>	<p><u>Add</u> the following section: 5.4 A license granted by Council shall be subject to compliance by the License Holder with the provisions of this Bylaw, any agreements made pursuant to this Bylaw, and all other applicable federal, provincial and municipal laws and regulations</p>			
	<i>nothing</i>	<p><u>Add</u> the following section: 5.5 Failure to comply with section 5.4 may result in a revocation or suspension of a license granted by the Licensing Inspector, and upon a license being suspended or revoked by the Licensing Inspector, the Licensing Inspector shall notify the License Holder thereof by delivering a notice to him personally or by mailing a double registered letter to the address provided by the License Holder and after that notice has been delivered the License Holder shall not carry on his business until a new license is issued or his suspended license is reinstated</p>			
	<p>8. Permission granted by the Mall Committee pursuant to this Bylaw shall be subject to compliance by the applicant with the provisions of this Bylaw, and all other applicable federal, provincial and municipal laws and regulations.</p> <p>9. (a) Where the Mall Committee has refused to grant any permission required by this Bylaw, the applicant for such permission may within 15 days of the date of the delivery or mailing of the decision of the Mall Committee appeal to Council by filing a Notice of Appeal in writing with the City Administrator.</p> <p>(b) On an appeal under this Section Council may confirm or reverse the decision of the Mall Committee.</p>	<p><u>Delete</u> sections 8 and 9 and <u>replace</u> with sections 5.10, 5.10(a) and 5.10(b) as follows: 5.10 Any person whose license has been suspended or revoked by the Licensing Inspector may appeal such suspension or revocation to Council.</p> <p>(a) An appeal to Council shall be in writing, shall be filed with the Chief Administrative Officer within fifteen (15) days of the receipt by the License Holder of the notice of the suspension or revocation as provided by section 5.5.</p> <p>(b) The Council shall hear such appeals at such time and place as it may determine and, on an appeal under this Bylaw, Council may confirm, reverse or vary the decision of the Licensing Inspector</p>			