

THE CITY OF EDMONTON

BYLAW 16481

DOWNTOWN ARENA TICKET SURCHARGE BYLAW

Whereas:

Section 7 of the *Municipal Government Act*, RSA 2000, c M-26, allows a council to pass bylaws for municipal purposes respecting the enforcement of bylaws;

Section 61(2) of the *Municipal Government Act* allows a municipality to charge fees for the use of its property; and

The City of Edmonton is the owner of the Arena;

Edmonton City Council enacts:

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

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| PURPOSE | 1 | The purpose of this bylaw is to impose a surcharge on all Tickets for Events and NHL Events held at the Arena. |
| DEFINITIONS | 2 | In this bylaw: |
| | (a) | “ Arena ” means the multipurpose sports and entertainment facility located in downtown Edmonton located north of 104 Avenue NW between 101 and 104 Street NW; |
| | (b) | “ City ” means the municipal corporation of the City of Edmonton; |
| | (c) | “ City Manager ” means the chief administrative officer of the City or delegate; |
| | (d) | “ Event ” means any event, program, or activity, other than a NHL Event, held at the Arena; |
| | (e) | “ NHL Event ” means a National Hockey League game, National Hockey League practice, or other National Hockey League event held at the Arena; |
| | (f) | “ Patron Rights ” means suite rights or other similar patron rights as designated by the City Manager, including rights to attend Arena Events or NHL Events combined with other |

amenities or benefits;

(g) **"Ticket"** means a license, ticket, or admission granted to a person in exchange for a fee thereby entitling that person to admittance to either an Arena Event or NHL Event but does not include the right to park a vehicle or Patron Rights;

(h) **"Ticket Price"** means the actual amount paid by the initial purchaser of a Ticket, exclusive of any applicable tax;

(i) **"Ticket Surcharge"** means the fee for the use of the Arena imposed on a Ticket for an Event or NHL Event in accordance with this bylaw; and

(j) **"Violation Ticket"** has the same meaning as in the *Provincial Offences Procedure Act*.

RULES FOR INTERPRETATION

3 The marginal notes and headings in this bylaw are for reference purposes only.

PART II - TICKET SURCHARGE

TICKET SURCHARGE

4 (1) Every Ticket shall be subject to a Ticket Surcharge, the rate of which shall be determined by the City Manager.

(2) Notwithstanding the above, if the Ticket Price is less than \$7.00, the rate of the Ticket Surcharge will be 0%.

COLLECTION

5 Every person who sells a Ticket must collect the Ticket Surcharge from the purchaser at the time of sale as agent and trustee of the City.

REMITTANCE

6 Every person who collects a Ticket Surcharge pursuant to this bylaw must remit the Ticket Surcharge to the City within 90 days of collection without compensation, deduction, or set off.

PART III - ENFORCEMENT

OFFENCE

7 A person who contravenes this bylaw is guilty of an offence.

CONTINUING OFFENCE

8 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such

an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.

**VICARIOUS
LIABILITY**

9 For the purposes of this bylaw, an act or omission by an employee or agent of a person is deemed to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's performance of duties on behalf of the person.

FINES

10 A person who is guilty of an offence is liable to a fine in an amount of \$1,000.

**VIOLATION
TICKET**

11 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- (a) specify the fine amount established by this bylaw for the offence; or
- (b) require the person charged to appear in court without the alternative of making a voluntary payment.

**VOLUNTARY
PAYMENT**

12 A person who commits an offence may:

- (a) if a Violation Ticket is issued in respect of the offence; and
- (b) if the Violation Ticket specifies the fine amount established by this bylaw for the offence;

make a voluntary payment equal to the specified fine.

OBSTRUCTION

13 A person shall not obstruct or hinder any person in the exercise or performance of the person's powers or duties pursuant to this bylaw.

PART IV - GENERAL

**POWERS OF CITY
MANAGER**

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Without restricting any other power, duty, or function granted by this bylaw, the City Manager may:

- (a) carry out any inspection reasonably required to determine compliance with this bylaw;
- (b) take any steps or carry out any actions required to enforce this bylaw;
- (c) approve and enter into agreements with vendors of Tickets dealing with the collection and remittance of the Ticket Surcharge, including related audit and accounting matters;
- (d) delegate any powers, duties, or functions under this bylaw to an employee of the City.

Read a first time 3rd day of July , A. D. 2013;

Read a second time 3rd day of July , A. D. 2013;

Read a third time 3rd day of July , A. D. 2013;

SIGNED AND PASSED 3rd day of July , A. D. 2013.

CITY OF EDMONTON


MAYOR


CITY CLERK