



**CITY OF EDMONTON**

**REXALL PLACE TICKET SURCHARGE**

**BYLAW 10841**

**(CONSOLIDATED ON JULY 1, 2016)**

**THE CITY OF EDMONTON**

**BYLAW 10841**

**REXALL PLACE TICKET SURCHARGE BYLAW**

(S.2, Bylaw 12906, November 6, 2001)

(S.2, Bylaw 17607, July 1, 2016)

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 Rexall Place;

Edmonton City Council enacts:

(S.1, Bylaw 11336, September 24, 1996)

(S.3, Bylaw 17607, July 1, 2016)

**PART I - PURPOSE, DEFINITIONS AND INTERPRETATION**

- |                    |   |   |
|--------------------|---|---|
| <b>PURPOSE</b>     | 1 | The purpose of this bylaw is to impose a surcharge on all Tickets for Events held at Rexall Place.  |
| <b>DEFINITIONS</b> | 2 | In this bylaw: <ul style="list-style-type: none"><li>(a) <b>“City”</b> means the municipal corporation of the City of Edmonton;</li><li>(b) <b>“City Manager”</b> means the chief administrative officer of the City or delegate;</li><li>(c) <b>“Event”</b> means any event, program, or activity held at Rexall Place, but does not include any event held at Rexall Place during the summer festival K-Days, or such other name as may be designated from time to time, for which the admission fee is included in the general admission fee</li></ul> |

for K-Days;

- (d) **“Rexall Place”** means the sports and recreational facility located in northeast Edmonton on the lands legally described as:

PLAN 3258 TR, BLOCK 1-A AND PLAN XCVIII, BLOCK 1, LOTS 1, 2, 3, 28, 29, AND 30 AND CLOSED PORTION OF NORTH SOUTH LANE, EXCEPTING ROAD PLAN 1647 TR, EXCEPTING THEREOUT ALL MINES AND MINERALS;

- (e) **“Ticket”** means a licence, ticket, or admission granted to a person in exchange for a fee thereby entitling that person to admittance to an Event, but does not include the right to park a vehicle;
- (f) **“Ticket Price”** means the actual amount paid by the purchaser of a Ticket, exclusive of any applicable tax;
- (g) **“Ticket Surcharge”** means the fee for the use of Rexall Place imposed on a Ticket for an Event in accordance with this bylaw and which was formerly referred to and hereby replaces the Supplemental Coliseum Admission Surcharge;
- (h) **“Violation Ticket”** has the same meaning as in the *Provincial Offences Procedure Act*.

(S.3-6, Bylaw 12906, November 6, 2001)

**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:
  - (i) if the Ticket Price is less than \$7.00, the rate of the Ticket Surcharge will be 0%; and
  - (ii) the Ticket Surcharge for Events cannot exceed 7%.

- 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.
- REPORTING** 7 Every person who sells Tickets must, within 7 days of a written request by the City Manager, submit the following information to the City Manager:
- (a) the number of Events held at Rexall Place during the preceding year for which that person sold Tickets;
  - (b) the actual attendance at each such Events;
  - (c) the actual Ticket Price(s) for each such Events;
  - (d) the number of Tickets sold at each Ticket Price for each such Events;
  - (e) the total fund generated from sale of Tickets for such Events;
  - (f) the total Ticket Surcharge collected for such Events on behalf of the City.

(S.2-3 Bylaw 11336, September 24, 1996)

(S.1-2, Bylaw 11823, as amended, June 23, 1998)

(S.7-10, Bylaw 12906, November 6, 2001)

### **PART III - ENFORCEMENT**

- OFFENCE** 8 A person who contravenes this bylaw is guilty of an offence.
- CONTINUING OFFENCE** 9 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** 10 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.

- |                                     |    |   |
|-------------------------------------|----|---|
| <b>FINES</b>                        | 11 | A person who is guilty of an offence is liable to a fine in the amount of \$1,000.  |
| <b>VIOLATION TICKET</b>             | 12 | <p>If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:</p> <ul style="list-style-type: none"><li>(a) specify the fine amount established by this bylaw for the offence; or</li><li>(b) require the person charged to appear in court without the alternative of making a voluntary payment.</li></ul> |
| <b>VOLUNTARY PAYMENT</b>            | 13 | <p>A person who commits an offence may:</p> <ul style="list-style-type: none"><li>(a) if a Violation Ticket is issued in respect of the offence; and</li><li>(b) if the Violation Ticket specifies the fine amount established by this bylaw for the offence;</li></ul> <p>make a voluntary payment equal to the specified fine.</p>  |
| <b>OBSTRUCTION</b>                  | 14 | 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.  |
| <b>OCCUPANT DEEMED TO BE VENDOR</b> | 15 | Absent evidence to the contrary, any person in apparent possession or control of Rexall Place on the date of an Event, whether by contract or conduct, is deemed to be a person who has sold Tickets for that Event.  |

**PART IV - GENERAL**

<b>POWERS OF CITY MANAGER</b>	16	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.
<b>EFFECTIVE DATE</b>	17	This bylaw comes in to force on July 1, 2016.

(NOTE: Consolidation made under Section 69 of the *Municipal Government Act*, R.S.A. 2000, c.L-21 and Bylaw No. 12005, and printed under the City Manager's authority)

Bylaw 10841, passed by Council August 4, 1994

Amendments

Bylaw 11336, September 24, 1996

Bylaw 11823, June 23, 1998

Bylaw 12906, November 6, 2001

Bylaw 17607, July 1, 2016