

Subject: Bylaw No. 21/017 - Repeal of Face Covering Bylaw No. 20/024

APPROVALS:

Jamie Doyle

Director

Chief Administrative Officer

Recommended Motion:

1. THAT Bylaw No. 21/017, being a Bylaw to repeal the Face Covering Bylaw No. 20/024, be read a first time.
2. THAT Bylaw No. 21/017, be read a second time.
3. THAT Bylaw No. 21/017, be considered for third and final reading.
4. THAT Bylaw No. 21/017, be read a third and final time.

Summary:

On October 14, 2020, Council passed the *Face Covering Bylaw No. 20/024* (Bylaw). The Bylaw's provisions were delayed until such time as the number of active cases of COVID-19 infections in the Regional Municipality of Wood Buffalo (Municipality) was reported by Alberta Health Services to be fifty (50) or more, which occurred on October 26, 2020.

On January 26, 2021, Council reviewed the Bylaw and approved a motion that the Bylaw remain in effect.

The Bylaw further required that the number of active cases be reviewed at thirty (30) day intervals, which have been found to have remained above the fifty (50) active cases threshold on all occasions. Since December 13, 2020, the Province of Alberta has required that all persons in Alberta must wear a face mask at all times while attending an indoor public place (unless they meet the criteria of one of the enumerated exceptions). This mandate currently remains in effect.

On April 26, 2021, the Municipality declared a State of Local Emergency (SOLE), following a resolution of Council, due to the rising number of COVID-19 infections in the Region. Council directed that the SOLE be repealed at its meeting on June 8, 2021. On June 9, 2021, the SOLE was terminated.

Following the Province of Alberta's increased percentage of first dose vaccination roll out and its three-stage "Open for Summer Plan" announced on May 26, 2021, the number of active cases in the Region has significantly decreased. The Province has stated it will enact the final stage of its' relaunch strategy when 70 per cent of eligible Albertans (aged 12+) are vaccinated. At this stage the Province plans to lift all provincial restrictions, including the provincial mask mandate. This is predicted to occur in early July, 2021.

Background:

The first case of the COVID-19 was detected in Alberta on March 5, 2020. As of June 14, 2021, there have been 112,743 confirmed cases in the province, with 3,089 active cases and 1,345 deaths in the province directly attributed to COVID-19. As of June 14, 2021, there are 139 active cases in the Municipality, and have been thirteen (13) deaths attributed to COVID-19. The table below illustrates the active cases at the end of each month in the Municipality and in Alberta since March 2020.

Active Cases	Alberta	RMWB
March 31, 2020	566	3
April 23, 2020	2295	9
May 31, 2020	584	4
June 30, 2020	547	28
July 31, 2020	1,408	13
August 31, 2020	1,370	28
September 30, 2020	1,596	49
October 31, 2020	5,172	51
November 30, 2020	16,628	233

December 31, 2020	14,555	219
January 31, 2021	7,387	91
February 28, 2021	4,674	44
March 31, 2021	8,653	166
April 30, 2021	22,504	1,382
May 31, 2021	6,771	456
June 13, 2021	3,089	139

One of the recommended means of mitigating the spread of COVID-19 has been the widespread use of face coverings while in public areas. The federal government first began recommending the use of face coverings in April 2020. Quebec adopted the first province-wide face covering requirement on July 18, 2020. Since then, every province and the Yukon have implemented a provincial or territory-wide face covering requirement. Edmonton and Calgary introduced municipal face covering bylaws on August 1, 2020, and the RMWB implemented its own bylaw on October 14, 2020. Alberta was the last province to make face coverings mandatory provincial-wide on December 13, 2020.

RMWB Bylaw Status:

The RMWB passed the *Face Covering Bylaw No. 20/024* on October 14, 2020. This required all people in the Municipality to wear a face covering while in any indoor public place or public vehicle, with exceptions for:

- (a) children under 5 years of age;
- (b) persons who are unable to place, use, or remove a face covering safely without assistance;
- (c) persons unable to wear a face covering due to a mental or physical limitation, or on the basis of a protected ground under the Alberta *Human Rights Act*;
- (d) persons who are caregiving for or accompanying a person with a disability where wearing a face covering would hinder that caregiving or assistance; or
- (e) persons who have temporarily removed their face covering in a public place:

- i. to provide or receive a service;
- ii. while consuming food or drink in a designated seating area;
- iii. while engaged in an athletic or fitness activity; or
- iv. while attending or leading a religious or worship activity.

The Bylaw also requires employers, business operators and proprietors to prominently display a prescribed sign such that it is visible to all persons entering the indoor place detailing the face covering requirements.

Provincial COVID-19 Measures:

Even with a repeal of the municipal Bylaw, the Province of Alberta “Chief Medical Officer of Health Order” (CMOH Order) 33-2021 (as amended) will continue to apply. Parts 3 and 4 of CMOH Order 33-2021 sets out the current provincial face covering requirements and exceptions. The CMOH Order’s core face covering requirement is that “a person must wear a face mask at all times while attending an indoor public place”. The CMOH Order also sets out a list of exceptions.

Many of the current posted face covering signs in the Region reference the municipal Bylaw No. 20/024. Businesses and public places may elect to retain such signage pending the repeal or amendment of CMOH 33-2021.

With a reversion to a provincial-only masking requirement, and subject to provincial order, the Municipality’s Bylaw Enforcement Officers may not enforce the provincial requirements. Only officers with the “Community Peace Officer” designation may enforce provincial laws such as a CMOH Order (depending on the authorization provided by the provincial government). The Municipality’s Community Peace Officers are authorized to enforce the *Public Health Act*, which is the provincial statute which formally empowers the CMOH Orders. However, only ten (10) of the Municipality’s twenty (20) Bylaw Services officers currently have this designation.

The provincial restrictions will be in place until rescinded by the Chief Medical Officer of Health. Individuals or businesses who violate CMOH Order 33-2021 or other existing public health orders may be fined \$1,000 per offence, and if prosecuted successfully for contravening a public health order, up to \$100,000 for a first offence and \$500,000 for a subsequent offence.

Alternatives:

1. Leave the Bylaw in its current form, as approved. The masking provisions of the Bylaw will continue to apply in the Region until active cases of COVID-19 infections in the Municipality are reported by Alberta Health Services to be less than fifty (50). Council has the option, at any time, to have the Bylaw brought back for reconsideration.

2. Direct Administration to bring forward an amendment to Bylaw No. 20/024 should Council desire amendments.
3. Direct Administration to repeal Bylaw No. 20/024 in its entirety.

Strategic Priorities:

Responsible Government

Attachments:

1. **Bylaw No. 21/017 Repealing Face Covering Bylaw No. 20/024**
2. **Bylaw No. 20/024 Face Covering Bylaw**