

BYLAW NO. 20/010 – REDLINE VERSION WITH PROPOSED AMENDMENT

A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO PROTECT AGAINST THE SPREAD OF COVID-19 IN THE FORT CHIPEWYAN COMMUNITY

WHEREAS the Alberta Chief Medical Officer of Health ("CMOH") recommended to the Lieutenant Governor in Council that a public health emergency be declared due to the presence of pandemic COVID-19 in Alberta and such emergency was declared pursuant to the *Public Health Act*, RSA 2000 c P-37, on March 17, 2020;

AND WHEREAS on March 27, 2020 in the interest of enforcing "social distancing" measures which would limit the spread of COVID-19, the CMOH ordered (CMOH Order 07-2020) that most non-essential businesses were no longer permitted to offer services to the public at a location accessible to the public;

AND WHEREAS CMOH Order 07-2020 also ordered the following in both outdoor and indoor locations:

1. Prohibition on the gathering of persons in excess of 15 people in a group, unless they are members of the same household; and
2. Requiring that any persons who gather must maintain a spatial separation of a minimum of 2.0 metres distance from one another.

AND WHEREAS other Canadian Provinces have disallowed gatherings of 5 or more people in order to further limit the spread of COVID-19;

AND WHEREAS the potential spread of COVID-19 requires urgent measures be taken to protect the health of all residents of the Regional Municipality of Wood Buffalo ("RMWB");

AND WHEREAS despite the orders of the CMOH, persons of all ages within the Fort Chipewyan community are still seen to be gathering in groups in public places, including at evenings and late at night, and are thereby failing to abide by the CMOH's orders limiting the size of public gatherings and maintaining a separation distance of 2.0 metres;

AND WHEREAS the Council for the Regional Municipality of Wood Buffalo unanimously approved a motion at its meeting on March 27, 2020 that "the Interim [Chief Administration Officer] and the [Director of Emergency Management] address those matters raised by the leadership of the indigenous and rural communities to address the pandemic in an expeditious manner";

AND WHEREAS the leadership of the Athabasca Chipewyan First Nation, the Mikisew Cree First Nation, and Métis Nation of Alberta Local 125 are in agreement that enforcement of "social distancing" in the Fort Chipewyan community is required to minimize the spread of COVID-19;

NOW THEREFORE the Council for the Regional Municipality of Wood Buffalo in open meeting assembled enacts as follows:

SHORT TITLE

- 1) This Bylaw may be cited as the "**Fort Chipewyan Social Distancing Enforcement Bylaw**".

DEFINITIONS AND INTERPRETATION

2) In this Bylaw:

- a) "**Curfew**" means the period of time commencing at 10:00 p.m. and continuing to the following 6:00 a.m.;
- b) "**Director**" means the Director of Emergency Management for the Regional Municipality of Wood Buffalo;
- c) "**Emergency**" means an unforeseen combination of circumstances or the resulting event that requires immediate action. This includes but is not limited to a fire, natural disaster, a motor vehicle collision, or any situation beyond the control of any person and requiring immediate action to prevent injury or death;
- d) "**Household**" means a group of individual persons who reside together in the same residence or dwelling unit;
- e) "**Minimum Distance**" means the minimum distance that must be maintained between two persons for the duration of the Public Health Emergency, as prescribed by the Province of Alberta, which currently is 2.0 metres, as amended from time to time;
- f) "**Provincial Notice**" means any official communication or document made by the Province of Alberta, including but not limited to any agency, board, commission or other delegated authorities;
- g) "**Public Health Emergency**" means the state of public health emergency imposed by the Province of Alberta pursuant to the *Public Health Act* through Order in Council 80/2020; and
- h) "**Public Place**" means a place to which the public have or are permitted to have access following the CMOH's orders including, but not limited to streets,

highways, parks, health care facilities, buildings, grocery stores, and other essential retail outlets and transportation facilities.

EMERGENCY PROHIBITIONS

- 3) No person in the Fort Chipewyan community shall be within the Minimum Distance of another person.
- 4) No person in the Fort Chipewyan community shall participate in a gathering in a Public Place in excess of 5 people in a group.
- 5) No person in the Fort Chipewyan community shall be in a Public Place during a Curfew.

ENFORCEMENT

- 6) A person who contravenes this Bylaw is guilty of an offence, unless the contravening act:
 - a) is made while addressing an ongoing Emergency;
 - b) is committed by persons who are in the same Household;
 - c) is permitted by an order made by a Provincial Notice clarifying, amending, or adding orders made by the Province pursuant to the Public Health Emergency; or
 - d) is made while accessing essential services, or for the purpose of traditional hunting or fishing, or to carry out employment.
- 7) For clarity, nothing in this Bylaw shall limit the enforcement of any orders or other enactments made pursuant to the Public Health Emergency.
- 8) For their first offence under this Bylaw, a person may be issued:
 - a) a warning; or
 - b) a violation ticket with a fine of \$100.
- 9) A person shall be issued a violation ticket with a fine of \$200 for a second offence; \$500 for a third offence; and \$1000 for the fourth and each subsequent offence under this Bylaw.

COMING INTO FORCE

10) This Bylaw shall be effective when passed.

11) This Bylaw shall cease to be in force when the Province of Alberta terminates the Public Health Emergency.

READ a first time this 14th day of April, 2020.

READ a second time this _____ day of _____, 2020.

READ a third and final time this _____ day of _____, 2020.

SIGNED and PASSED this _____ this day of _____, 2020.

Mayor

Chief Legislative Officer