

BYLAW NO. 20/024

BEING A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO REGULATE AND CONTROL THE WEARING OF FACE COVERINGS WITHIN THE REGIONAL MUNICIPALITY OF WOOD BUFFALO

WHEREAS on March 11, 2020, the World Health Organization declared a global pandemic related to the spread of the COVID-19 virus and because COVID-19 continues to remain a global health risk;

AND WHEREAS the World Health Organization, Chief Public Health Officer for Canada and the Chief Medical Officer of Health for Alberta have identified face coverings as a preventative measure to help reduce the risk of spreading COVID-19 in circumstances where physical distancing may not be possible;

AND WHEREAS physical distancing may not be possible in Public Places and in Public Vehicles;

AND WHEREAS pursuant to section 7 of the *Municipal Government Act*, RSA 2000, c. M-26 a council of a municipality may pass bylaws respecting:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) people, activities and things in, on or near a public place or place that is open to the public;
- (c) transport and transportation systems; and
- (d) businesses, business activities and persons engaged in business.

AND WHEREAS Council deems it desirable and necessary for the health, safety, and welfare of its citizens of the Regional Municipality of Wood Buffalo to require the wearing of a Face Covering in Public Places and in Public Vehicles;

NOW THEREFORE, the Council of the Regional Municipality of Wood Buffalo, duly assembled, hereby enacts as follows:

Short Title

1. This Bylaw may be cited as the "Face Covering Bylaw".

Definitions

2. In this Bylaw:

- (a) "Act" means the *Municipal Government Act*, RSA 2000, c. M-26;

- (b) "Employer" means any person(s) who as the owner, proprietor, manager, superintendent of any activity, business, work, trade, occupation or profession, has control over or direction of, or is directly or indirectly responsible for the employment of a person and responsible for the day to day operations of a Public Place or Public Vehicle;
- (c) "Face Covering" means a mask or other covering that covers the mouth, nose and chin ensuring a barrier that limits the transmission of respiratory droplets;
- (d) "Municipal Tag" means a document prepared by the Municipality alleging an offence issued pursuant to this Bylaw;
- (e) "Municipality" means the Regional Municipality of Wood Buffalo;
- (f) "Officer" means a Bylaw Enforcement Officer appointed pursuant to the *Enforcement Officer Bylaw 20/005*, a peace officer appointed pursuant to the *Peace Officer Act*, RSA 2006, c. P-3.5, or a police officer appointed pursuant to the *Police Act*, RSA 2000, c. P-17;
- (g) "Operator" includes the person responsible for the day to day operations of a Public Place or Public Vehicle and a proprietor of a Public Place;
- (h) "Proprietor" means the person who controls, governs or directs the activity carried on within any Public Places or Public Vehicle referred to in this Bylaw and includes the person usually in charge thereof;
- (i) "Public Place" means any part of a building, structure or other enclosed area within the Municipality, whether privately or publicly owned, to which the public reasonably has or is permitted to have access, whether upon payment or otherwise.
- (j) "Public Vehicle" means a bus operated by the Regional Municipality of Wood Buffalo, or a vehicle for hire as defined in the *Vehicle for Hire Bylaw 13/001*;
- (k) "Violation Ticket" means a ticket issued pursuant to the current *Provincial Offences Procedure Act*, RSA 2000 c P-34, as amended or replaced and regulations thereunder;

Interpretation

3. Nothing in this Bylaw relieves a person from complying with any provision of any Federal, Provincial or Municipal law or regulation or any requirement of any lawful permit, order or license.
4. Should any section, subsection, clause or provision of this Bylaw be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Bylaw as a whole, or any part thereof, other than the part so declared to be invalid.

Prohibition

5. A person must wear a Face Covering while in a Public Place or a Public Vehicle.
6. No person shall harass or intimidate a person who is not wearing a Face Covering as a result of any provision in Section 8.
7. No person shall hinder or impede any Officer in the performance of their powers and duties under this Bylaw.

Exceptions

8. Section 5 does not apply to:
 - (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.

Signage

9. An Employer, Operator or Proprietor must prominently display a sign, in the form and containing the content set out in Schedule “A”, in a location that is visible to a person immediately upon entering the Public Place or a Public Vehicle.

Offence and Penalty

10. There will be efforts to educate prior to taking enforcement action against a person who contravenes this Bylaw.
11. A person who contravenes this Bylaw is guilty of an offence.
12. In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence in respect of each day, or party of a day, on which it continues, and a person guilty of such an offence is liable, upon summary conviction, to a fine in an amount not less than that established by this Bylaw for each such day.
13. A person who is guilty of an offence under this Bylaw is liable to:
 - (a) a fine in the amount as prescribed in Schedule “B”; or
 - (b) a fine in an amount determined in accordance with the *Provincial Offences Procedures Act*, RSA 2000, c. P-34.

Municipal Tag

14. A Peace Officer may issue, with respect to an offence under this Bylaw, a Municipal Tag specifying the fine amount as prescribed in Schedule “B” of this Bylaw as the amount payable.
15. Where a municipal tag is issued, the amount payable may be paid in accordance with the instructions on the tag, and if paid a Violation Ticket shall not be issued for that offence.

Violation Ticket

16. A Peace Officer may issue, with respect to an offence under this Bylaw, a Violation Ticket:
 - (a) specifying the amount set out in Schedule “B” of this Bylaw as the fine for the offence; or
 - (b) requiring an appearance in court without specifying a fine amount and without the option of making a voluntary payment.

17. Where a Violation Ticket specifies a fine amount, a voluntary payment equal to the specified fine amount may be made as directed on the Violation Ticket.

Coming into Force

18. This Bylaw comes into effect when it is passed.

Review

19. This Bylaw shall be reviewed by Council no later than January 31, 2021.
20. (1) The provisions of this bylaw are only in effect if the number of active cases of COVID-19 infections in the Municipality are reported by Alberta Health Services to be fifty (50) or more.
- (2) If the provisions of this bylaw have been enacted in accordance with Section 20(1) they may only be reverted if thirty (30) days have elapsed since the bylaw provisions came into effect and if the number of active cases of COVID-19 infections in the Municipality are reported by Alberta Health Services to be less than fifty (50).
- (3) Notwithstanding sections 20(1) and 20(2), the provisions of this Bylaw apply and remain in full force and effect for persons on Public Vehicles with the exception of vehicles for hire as defined in the *Vehicle for Hire Bylaw 13/001*, irrespective of the number of cases of COVID-19 in the Municipality reported by Alberta Health Services from time to time.

READ a first time this 14th day of September, A.D. 2020.

READ a second time this 14th day of September, A.D. 2020.

READ a third and final time this 13th day of October, A.D. 2020.

SIGNED and PASSED this 14th day of October, A.D. 2020.

Section 17 (1) FOIP

Mayor

Section 17 (1) FOIP

Chief Legislative Officer

SCHEDULE "A"

SCHEDULE "A"

Face Covering NOTICE

Wearing a face covering is mandatory in all indoor public places and in public vehicles when 50 active cases have been reported within the Regional Municipality of Wood Buffalo.



The Face Covering Bylaw 20/024



Visit rmwb.ca/covid19
for more information



REGIONAL MUNICIPALITY
OF WOOD BUFFALO

SCHEDULE "B"

PENALTIES

Section	Description of Offence	Specified Penalty
5	Failure to wear Face Covering where required.	First offence: \$100 Second and concurrent offences: \$200
9	Failure to display prescribed signage.	\$200
6	Harassment and Intimidation	First offence: \$100 Second and concurrent offences: \$200