

BYLAW 1513/20
TEMPORARY MANDATORY FACE COVERINGS BYLAW
STURGEON COUNTY, MORINVILLE, ALBERTA

A BYLAW OF STURGEON COUNTY, IN THE PROVINCE OF ALBERTA, TO TEMPORARILY MANDATE THE WEARING OF FACE COVERINGS IN INDOOR PUBLIC PLACES AND PUBLIC VEHICLES

WHEREAS, the World Health Organization, the Chief Public Health Officer of Canada and the Chief Medical Officer of Health for Alberta have identified Face Coverings as a way to reduce the transmission of the COVID-19 virus;

AND WHEREAS, pursuant to section 7 of the *Municipal Government Act*, RSA 2000, c. M-16, 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; and
- c. businesses, business activities and persons engaged in business;

AND WHEREAS, Council considers it appropriate to mandate the wearing of Face Coverings in Public Places and Public Vehicles subject to exceptions set out in this bylaw;

NOW THEREFORE, the Council of Sturgeon County, in the Province of Alberta, duly assembled, enacts as follows:

1. Title

- 1.1. This Bylaw may be referred to as the “Temporary Mandatory Face Coverings Bylaw”.

2. Purpose

- 2.1. The purpose of this Bylaw is to establish requirements to wear Face Coverings in Public Places and Public Vehicles subject to exceptions set out in this bylaw.

3. Definitions

- 3.1. In this Bylaw, unless the context otherwise requires:
 - (a) “Council” means the Council of Sturgeon County;
 - (b) “County” means Sturgeon County;
 - (c) “County Commissioner” means the Chief Administrative Officer of Sturgeon County;
 - (d) “Face Covering” means a medical or non-medical mask or other face covering that fully covers the nose, mouth and chin;
 - (e) “Public Place” means any property; whether publicly or privately owned, to which members of the public have access as of right or by express or implied invitation, whether on payment of any fee or not;
 - (f) “Public Vehicle” means a motor vehicle used or offered for the transportation of at least one passenger in return for a fee, and includes but is not limited to motor vehicles

typically referred to as buses, taxis, shuttles, transportation network vehicles, and limousines; and

(g) "Violation Ticket" has the same meaning as defined in the *Provincial Offences Procedure Act*, RSA 2000, c. P-34.

4. Interpretation

- 4.1. The headings, titles, and margin notes in this bylaw are for ease of reference only.
- 4.2. Where this bylaw cites or refers to any act, regulation, code or other bylaw, the citation or reference is to the act, regulation, code or other bylaw as amended, whether amended before or after the commencement of this bylaw, and includes reference to any act, regulation, code or other bylaw that may be substituted in its place.
- 4.3. Nothing in this bylaw relieves a person from complying with any federal or provincial law, regulation or order, court order, or any lawful permit or license.

5. Face Coverings Mandatory

- 5.1. A person must wear a Face Covering at all times while in an indoor, enclosed, or substantially enclosed Public Place or in a Public Vehicle.

6. Exceptions

- 6.1. Section 5.1 does not apply to the following persons:
 - (a) persons under the age of 10;
 - (b) persons who are unable to place, use, or remove a Face Covering without assistance;
 - (c) persons unable to wear a Face Covering due to a mental or physical concern or limitation, or protected ground under the *Alberta Human Rights Act* RSA 2000, c. A-25.5;
 - (d) persons consuming food or drink in designated seating areas or as part of a religious or spiritual ceremony;
 - (e) persons engaged in physical activities, water activities, or the paid supervision of water activities, or attending within a sauna or steam room;
 - (f) persons providing care or assistance to a person with a disability where a Face Covering would hinder that caregiving or assistance;
 - (g) persons engaging in services that require the temporary removal of a Face Covering;
 - (h) persons participating in a theatrical dance or theatrical or musical public performance, if all participants in the performance are able to maintain at least

two metres of physical distance from each other and do not enter the areas where the public is viewing the performance;

- (i) persons providing or receiving a service that requires personal consultation if that activity occurs in a closed office or meeting room and all participants in the personal consultation are able to maintain physical separation of at least two metres from each other; and
- (j) persons separated from others by physical barriers or shields such as plexiglass.

6.2. No person shall in any manner harass or attempt to intimidate a person who is not guilty of an offence while not wearing a Face Covering as a result of any provision of section 6.1.

6.3. Section 5.1 does not apply to the following places:

- (a) schools and other educational facilities;
- (b) child-care facilities;
- (c) areas exclusively accessed or used by the Public Place's employees or a public vehicle operator provided that physical barriers or physical distancing practices are implemented between any person not required to wear a Face Covering by operation of this exception and any other person; and
- (d) platforms or stage areas in places of worship during worship services, provided that physical barriers or physical distancing practices are implemented between any person not required to wear a Face Covering by operation of this exception and any other person.

7. Enforcement

7.1. A person who contravenes a provision of this bylaw is guilty of an offence.

7.2. A person found guilty of an offence under this bylaw is liable to a fine in the amount of \$100.

8. Violation Ticket

8.1. If a Violation Ticket is issued for an offence under this bylaw, the Violation Ticket may:

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

8.2. A person who commits an offence may, if a violation ticket is issued specifying the fine amount established by this bylaw for the offence, make a voluntary payment equal to the specified fine amount.

9. Enactment

- 9.1. The provisions of this bylaw may only be enacted by the County Commissioner if the Government of Alberta places the Sturgeon region under a Watch as per their existing COVID-19 case thresholds.

- 9.2. If the provisions of this bylaw have been enacted in accordance with section 9.1, they may only be reverted if the Government of Alberta rescinds the Watch designation on the County and it remains free of such for a period of 14 (fourteen) consecutive days.

10. Effective Date

- 10.1. This bylaw shall come into force and take effect on the date that it is passed.

11. Repeal Date

- 11.1. This bylaw is repealed on December 31, 2020.

Read a first time this 20th day of August, 2020.

Read a second time this 20th day of August, 2020.

Read a third time this 20th day of August, 2020.

"Original Signed"

Alanna Hnatiw
MAYOR

"Original Signed"

Reegan McCullough
COUNTY COMMISSIONER (CAO)

August 20, 2020

DATE SIGNED

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.