

Bylaw 3656/2020

Being a Bylaw of the City of Red Deer, in the Province of Alberta, to Require the Wearing of Face Coverings in Indoor Public Places and in Public Vehicles

WHEREAS pursuant to section 7 of the *Municipal Government Act*, RSA 2000, c. M-26, a council may pass bylaws for municipal purposes 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 that is open to the public; and
- (c) businesses, business activities and persons engaged in business;

AND WHEREAS on March 11, 2020 the World Health Organization declared a global pandemic related to the spread of the COVID-19 virus;

AND WHEREAS on March 16, 2020 the Chief Medical Officer of Health for the Province of Alberta confirmed the presence in Alberta of COVID-19 and that the presence of the novel and highly infectious virus posed a significant risk to public health;

AND WHEREAS numerous public health experts including the experts at the World Health Organization, the Chief Public Health Officer for Canada and the Chief Medical Officer of Health for Alberta have all indicated that face coverings are means by which the spread of COVID-19 can be reduced when physical distancing may not be possible;

AND WHEREAS the Chief Medical Officer of Health for Alberta has strongly recommended the use of face covering when physical distancing may not be possible;

AND WHEREAS Council considers it desirable for the health, safety and welfare of residents of and visitors to the City of Red Deer to put in place temporary regulations to require persons to wear face coverings, in enclosed Public Places and in Public Vehicles;

NOW THEREFORE COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Short Title

1 This bylaw may be referred to as “The Face Covering in Public Places Bylaw”.

Purpose

2 The purpose of this bylaw is to require the wearing of Face Coverings in indoor Public Places Public Vehicles.

Definitions and Interpretation

3 In this Bylaw, the following definitions shall apply:

- (a) “Child Care Facility” means a facility where programs licensed under the *Child Care Licensing Act* are offered or provided and includes a day care program and out of school care program as defined in the *Child Care Licensing Regulation* but does not include group family day care or approved family day homes;
- (b) “City” means the City of Red Deer;
- (c) “City Manager” means the City’s Chief Administrative Officer or delegate;
- (d) “Employer” means any Person who as the owner, Proprietor, manager, or overseer 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 in that activity, business, work, trade, occupation or profession;
- (e) “Face Covering” means a medical or non-medical mask or other face covering, including a bandana, face shield, scarf or other fabric that covers the nose, mouth and chin to create a barrier that limits the transmission of respiratory droplets;
- (f) “Health Care Facilities” includes a nursing home under the *Nursing Homes Act*, a designated supportive living accommodation or a licensed supportive living accommodation under the *Supportive Living Accommodation Licensing Act*, and a lodge accommodation under the *Alberta Housing Act*.
- (g) “Hospital” means a hospital or auxiliary hospital as defined in the *Hospitals Act*;
- (h) “Municipal Tag” means a document alleging an offence issued pursuant to the authority of a bylaw of the City;
- (i) “Officer” means a Bylaw Enforcement Officer or a peace officer appointed pursuant to the *Peace Office Act*, S.A. 2006, c. P - 3.5;
- (j) “Operator” means the person responsible for the day to day operations of a Public Place or Public Vehicle and includes the Proprietor of a Public Place;
- (k) “Person” means an individual or body corporate and includes a partnership or association unless the context explicitly or by necessary implication requires otherwise;
- (l) “Proprietor” means the person who ultimately controls, governs or directs the activity carried on within a Public Place or Public Vehicle;

- (m) “Public Place” means all or any part of a building, structure or other enclosed area or substantially enclosed area, whether publicly or privately owned, to which members of the public have access as of right or by implied invitation;
 - (n) “Public Vehicle” means a taxi or other vehicle that is used to transport members of the public for a fee but does not include a Transit Vehicle;
 - (o) “School, University and College” includes a school as defined under the *Education Act* and a polytechnic institute, a public post-secondary institution and university all as defined under the *Post-Secondary Learning Act*;
 - (p) “Violation Ticket” has the same meaning as in the *Provincial Offences Procedure Act*, RSA 2000, c. P-34; and
- 4** Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.

Prohibitions

- 5** A Person must wear a Face Covering in a Public Place or Public Vehicle.

Exceptions

- 6** Section 5 does not apply to:
- (a) a Person employed in the Public Place or operating the Public Vehicle if the Person is separated from other Persons by an installed screen, shield or barrier;
 - (b) children under 9 years of age;
 - (c) Persons who are unable to place, use or remove a Face Covering safely without assistance;
 - (d) Persons with an underlying medical condition, mental concern or disability which inhibits their ability to wear a Face Covering;
 - (e) Persons consuming food or drink as part of a religious or spiritual ceremony;
 - (f) Persons consuming food or drink or while at a table, bar or other designated area before or after eating at a Public Place that offers food or beverage services;
 - (g) Persons engaging in an athletic or fitness activity;
 - (h) Persons engaging in heavy and physically demanding labour;
 - (i) Persons who are caregivers while providing care or assistance to a person with a disability in circumstances where the caregiver wearing a Face Covering would hinder the ability of the caregiver to care for or assist the person with the disability; and

- (j) Persons who are receiving a service that requires the temporary removal of their Face Covering in order for the service to be provided.

7 Section 5 does not apply to the following Public Places:

- (a) School, Universities and Colleges;
- (b) Hospitals and Health Care Facilities;
- (c) Child Care Facilities; and
- (d) areas within the Public Place or Public Vehicle exclusively accessed or used by the employees of the Public Place or operator of the Public Vehicle so long as physical barriers or physical distancing practices maintain separation between employees.

Signage

8 An Employer, Operator or Proprietor must prominently display a sign, containing the information listed in section 9, in a location that is visible to a Person immediately upon entering the Public Place or Public Vehicle.

9 In order for a sign to satisfy the requirements of section 8 the sign must:

- (a) state that Persons must wear a Face Covering while in the Public Place in accordance with this Bylaw; and
- (b) either with pictures or words indicate that the Face Covering must cover the nose, mouth and chin.

Offences

10 A Person who contravenes any provision of this Bylaw is guilty of an offence.

11 A Person who is guilty of an offence, or their Legal Guardian, is liable to a penalty in the amount set out in Schedule "A".

Municipal Tag

12 An Officer is authorized and empowered to issue a Municipal Tag to any Person who the Officer has reasonable and probable grounds to believe has contravened any provisions of this Bylaw.

13 The Municipal Tag shall be in a form approved by the City Manager and shall state:

- (a) the name of the Person;
- (b) the offence;
- (c) the specified penalty established by this Bylaw for the offence;
- (d) that the penalty shall be paid within 14 days of the issuance of the Municipal Tag; and

- (e) any other information as may be required by the City Manager.

Payment in Lieu of Prosecution

- 14** Where a Municipal Tag is issued in respect of an offence the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay the penalty specified within the time period indicated on the Municipal Tag.

Violation Ticket

- 15** If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, a Violation Ticket may be issued pursuant to the *Provincial Offences Procedure Act*.
- 16** Notwithstanding Section 12 and Section 15, a Violation Ticket may be immediately issued to any Person where there are reasonable and probable grounds to believe that Person has contravened any provision of this Bylaw.
- 17** If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
 - (a) impose the specified penalty established by this Bylaw for the offence and permit a Person to make a voluntary payment; or
 - (b) require a Person to appear in court without the alternative of making a voluntary payment.

Voluntary Payment

- 18** A Person who commits an offence and who wishes to plead guilty may:
 - (a) if a Violation Ticket has issued in respect of the offence; and
 - (b) if the Violation Ticket includes a specified penalty as established by this Bylaw for the offence;plead guilty to the offence by making a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

Powers of the City Manager

- 19** Without restricting any other power, duty or function otherwise delegated to the City Manager, the City Manager may:
 - (a) carry out any inspections to determine compliance with this Bylaw;
 - (b) take any steps or carry out any actions required to enforce this Bylaw; and
 - (c) delegate any powers, duties or functions under this Bylaw.

General

- 20 Nothing in this Bylaw relieves a Person from the requirement to comply with any Federal or Provincial law or regulation, other City Bylaws, or any requirement of any lawful permit, order or license.
- 21 Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 22 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 this Bylaw comes into effect, and includes reference to any act, regulation, code or bylaw that may be substituted in its place.

Effective Date

23 This Bylaw will come into effect on November 30, 2020.

Repeal Date

24 ¹This Bylaw is repealed on June 1, 2021 unless extended by Council.

READ A FIRST TIME IN OPEN COUNCIL this 16 day of November, 2020.
 READ A SECOND TIME IN OPEN COUNCIL this 16 day of November, 2020.
 READ A THIRD TIME IN OPEN COUNCIL this 23 day of November, 2020.
 AND SIGNED BY THE MAYOR AND CITY CLERK this 23 day of November, 2020.

‘Mayor Tara Veer’

‘Frieda McDougall’

MAYOR

CITY CLERK

¹ 3656/A-2021

**Schedule "A"
Penalties**

Section	Description of Offence	Specified Penalty
5	Fail to wear Face Covering in Public Place or Public Vehicle	\$50.00