

CITY OF ST. ALBERT

BYLAW 52/2021

FACE COVERINGS BYLAW

A Bylaw to temporarily mandate the wearing of face coverings in specified places including St. Albert Transit Property and vehicles

WHEREAS the World Health Organization, the Chief Public Health Officer for Canada and the Chief Medical Officer of Health for Alberta have identified face coverings as an important component of a public health strategy to reduce the risk of transmission of the COVID-19 virus;

AND WHEREAS pursuant to section 7 of the *Municipal Government Act* 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 the City of St. Albert wishes to mandate the wearing of face coverings in specified places open to the public, subject to exceptions set out in this bylaw;

NOW THEREFORE the Council of the City of St. Albert, duly assembled, ENACTS AS FOLLOWS:

TITLE

1. This Bylaw may be referred to as the “Face Coverings Bylaw”.

DEFINITIONS

2. In this Bylaw:
 - a. “Act” means the *Municipal Government Act*;
 - b. “City” means the municipal corporation of the City of St. Albert;
 - c. “Civic Facility” means an indoor space open to the public, within a building that is owned or leased by the City in which services or amenities to the public are provided by the City in all or part of the building, regardless of whether the indoor space is occupied by the City or by another party;

- d. "Face Covering" means a medical or non-medical mask or other face covering that fully covers the nose, mouth and chin and includes a Face Shield;
- e. "Face Shield" means a device made wholly or primarily from rigid plastic or other inflexible material, that creates a barrier over the face of a person wearing the device but does not make close contact with the wearer's skin upon or around the nose and mouth;
- f. "Peace Officer" means a peace officer as defined in the *Peace Officer Act* and also includes a bylaw enforcement officer as defined in and appointed under the authority of Bylaw 21/2003 the *Bylaw Enforcement Officer Bylaw*, and a police officer as defined in the *Police Act*;
- g. "Public Place" means an indoor space open to the public by right or by express or implied invitation regardless of who owns or occupies the indoor space, and includes the area occupied by the driver and passengers in a Vehicle for Hire as defined in Schedule C of Bylaw 43/2000 the *Business License Bylaw* but does not include an indoor space located within:
 - i. a school or other educational institution;
 - ii. a hospital or other health care facility; or
 - iii. a childcare facility;
- h. "St. Albert Transit" means the branch of City operations that provides public transportation services;
- i. "Transit Operator" means a person assigned by St. Albert Transit, or by its contracted service provider, to drive a Transit Vehicle;
- j. "Transit Property" includes a Transit Vehicle and any indoor, enclosed or semi-enclosed space or structure provided by St. Albert Transit as a place where the public may await the arrival of a Transit Vehicle;
- k. "Transit Vehicle" means a vehicle used by or on behalf of St. Albert Transit to provide public transportation; and
- l. "Violation Ticket" has the meaning defined in the *Provincial Offences Procedure Act*.

FACE COVERING REQUIREMENTS AND EXCEPTIONS

- 3. A person must wear a Face Covering at all times while in a Civic Facility, a Public Place or on Transit Property.

4. A person charged with an offence under section 3 of this bylaw shall not be found guilty if the person establishes that at the time of the offence they were:
 - a. under the age of 10 years;
 - b. unable to place, use or remove a Face Covering without assistance;
 - c. engaged in services that required the temporary removal of their Face Covering;
 - d. unable to wear a Face Covering due to a mental or physical condition, disability or limitation, or other grounds for protection from discrimination under the *Alberta Human Rights Act*;
 - e. consuming food or drink while seated in a designated food and drink seating area, or as part of a religious or spiritual ceremony;
 - f. engaged in swimming or other water activities, or engaged in physical exercise or other physical activity, within an area designated for such activities;
 - g. providing or receiving care or assistance for a mental or physical condition, disability or limitation and a Face Covering would have hindered providing or receiving that caregiving or assistance;
 - h. 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 have at all times maintained physical separation of at least 2 metres from each other;
 - i. a participant in a dance, theatrical or musical public performance, if all participants in the performance maintained at least 2 metres of physical distance from each other and did not enter the area where the public was viewing the performance; or
 - j. a Transit Operator, if barriers were in place to create physical screening between the Transit Operator and passengers in the Transit Vehicle.
5. 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 4.

ENFORCEMENT

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

7. Where an offence is of a continuing nature, a contravention of a provision of this bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues, and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such separate offence.

Fines and Penalties

8. A person who is guilty of an offence under this Bylaw is liable to:
 - a. a fine in the amount of \$100; or
 - b. upon summary conviction, in the discretion of the court a fine not exceeding \$10,000 or a period of imprisonment of not more than one year, or both.

Municipal Violation Tag

9. A Peace Officer may issue, with respect to an offence under this bylaw, a municipal violation tag specifying the fine amount established under subsection 8(a) of this bylaw as the amount payable.
10. Where a municipal violation 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

11. A Peace Officer may issue, with respect to an offence under this bylaw, a Violation Ticket:
 - a. specifying the amount set out in subsection 8(a) 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.
12. 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.

SEVERABILITY

13. Should any provision of this bylaw be found by a court to be invalid, then the invalid provision shall be severed and the remainder of this bylaw shall be maintained.

EFFECTIVE DATE

14. This bylaw comes into effect at 12:00:01 A.M. on September 10, 2021.

REPEAL OF BYLAW

15. Despite any other provision in this bylaw, this bylaw is automatically repealed at 11:59:59 P.M. on December 31, 2021.

READ a First time this 3rd day of September 2021.

READ a Second time this 3rd day of September 2021.

READ a Third and final time this 3rd day of September 2021.

SIGNED AND PASSED this _____ day of _____, 2021.

MAYOR

CHIEF LEGISLATIVE OFFICER