



Legislation Text

File #: AR-20-326, **Version:** 1

TAMRMS#: B06

Face Coverings Bylaw Update

Presented by: Percy Janke, Director of Emergency Management, EOC

RECOMMENDED MOTIONS

1. That Bylaw 38/2020, a bylaw to amend the Face Coverings Bylaw, be read a first time
2. That Bylaw 38/2020 be read a second time
3. That unanimous consent be given for consideration of third reading of Bylaw 38/2020
4. That Bylaw 38/2020 be read a third time
5. That Administration be instructed to present a further report and recommendations on the Face Coverings Bylaw, at the last regular Council meeting in December 2020 so that Council may determine a future course of action before the Face Coverings Bylaw is automatically repealed on December 31, 2020.

PURPOSE OF REPORT

On August 4, 2020 Council approved bylaw 32/2020 requiring the use of face coverings. The bylaw contains a provision that causes it to be automatically repealed at one minute before midnight on December 31, 2020. At that time the bylaw was passed, Administration was directed to report back to Council no later than October 5, 2020 regarding the experience to date with the bylaw and any recommended amendments to the bylaw.

ALIGNMENT TO PRIORITIES IN COUNCIL'S STRATEGIC PLAN

N/A

ALIGNMENT TO LEVELS OF SERVICE DELIVERY

N/A

ALIGNMENT TO COUNCIL DIRECTION OR MANDATORY STATUTORY PROVISION

On August 4, 2020 Council passed motion (BL-20-033); Bylaw 32/2020 was approved, requiring mandatory face coverings until December 31, 2020.

BACKGROUND AND DISCUSSION

The Chief Medical Officer of Health of Alberta continues to recommend the use of face coverings. The Government of Alberta website update on August 12, 2020 indicates: "Albertans are encouraged to wear non-medical masks in public when it's difficult to maintain physical distancing of 2 metres at all times."

With the return to school and indoor sport, Alberta is upward trending in terms of number of cases. With flu season quickly approaching, it is recommended that the Face Coverings Bylaw remain in effect which Administration continues to monitor the situation and take prudent measures to attempt to reduce the spread of the COVID-19 virus.

As of September 15, 2020 Municipal Enforcement Officers have conducted 388 site visits and issued 1 ticket related to the enforcement and education of the Face Coverings Bylaw. There have been 19 requests by residents and 3 requests from business to Municipal Enforcement asking for an officer to patrol certain areas of the community. There have been no requests from residents to Municipal Enforcement to investigate incidents of harassment.

There have been relatively few negative interactions between Officers and the public regarding the education or enforcement of the Bylaw when taking into consideration that they have had over 250 conversations with people who were not wearing a mask.

In conversation with the St Albert RCMP, we are aware that there has been at least 1 public disturbance incident that they were called to where two customers were arguing over the wearing of a mask at a local business.

Two identified key learnings are:

- The definition of "Face Covering" in St Albert's bylaw could be interpreted to include rigid face shields. However, face shields are not Alberta Health Services recommended types of face covering, and this could create issues if more people begin wearing rigid shields as a substitute for flexible cloth or cloth-like masks that fit snugly to the skin on the face. As per the published document on PPE, "there is no current evidence that shows wearing a face shield alone adequately protects others from the wearer's respiratory droplets... and should not be used as a substitute for a mask."
<https://www.alberta.ca/assets/documents/covid19-types-of-masks-eye-protection.pdf>
- St Albert's bylaw does not require a business to post a sign telling customers that masks are required. This has led to some patrons not masking and claiming that they were not aware that a bylaw was in place.

According to the September 21, 2020 national weekly survey conducted by Leger (Association for Canadian Studies), 83% say governments should make it mandatory to wear masks when in indoor public spaces and 87% of Canadians say wearing a mask "protects others and is a civic responsibility".

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

Several other communities within the Edmonton Metropolitan Region, and across Alberta have passed forms of face covering bylaw, although some of those bylaws come into force only upon the occurrence of specified triggering events.

Within the region:

- Edmonton: Masks are mandatory in all indoor public places and public vehicles - Aug 1, 2020. This bylaw is in effect until December 31, 2020.
- Strathcona County: Mandatory on transit and in public county-owned facilities - Aug 4, 2020. Temporary Mandatory Face Covering Bylaw passed on Aug 6, 2020 mandates face coverings in all indoor public places and public vehicles when Alberta Health Services reports 25 or more active COVID-19 cases in the municipality.
- Leduc: Mandatory on transit - Aug 1, 2020. On Aug 17, 2020 council passed a bylaw that will make face coverings in all indoor public places if Leduc reaches a threshold of 10 confirmed cases.
- Spruce Grove: Mandatory on transit - Aug 1, 2020. On August 17, 2020 it became mandatory to wear masks in all public accessible indoor spaces in City Facilities, a threshold of 18 active cases has been identified for face coverings to be required in all indoor public spaces.
- Fort Saskatchewan: Effective Aug 10, 2020 face coverings are required in all City operated indoor facilities for persons 10 years of age and over. A City-wide face covering bylaw will be in effect only if 10 active cases are confirmed.

Within the province:

- Calgary: Mandatory in all indoor public areas and public vehicles - Aug 1, 2020
- Banff: Mandatory in all enclosed indoor spaces and outside in downtown pedestrian zones - July 31, 2020
- Lethbridge: Effective Aug. 24, 2020 face coverings are mandatory in all indoor, enclosed, or substantially enclosed public places or in a public vehicle.
- Airdrie: A masking bylaw was approved on Aug 17, 2020 with an established trigger of the province designating the City's status level as "Enhanced."
- Okotoks: Effective Aug 24, 2020 masks are required in all indoor public spaces if the number of active cases reaches a threshold of 15. Masks are currently mandatory in all indoor municipal spaces.
- Red Deer: Effective Aug 31, 2020 masks are required on public transit. Council tabled a

mandatory masking for public places bylaw until Red Deer is under a provincially defined "Covid-19 "watch" between now and December 31, 2020.

- Grande Prairie: On Sept 8, 2020 Council identified a threshold of 100 active cases between the City and County or the relaunch status changing to "enhanced" for a mandatory indoor public areas and public vehicles face covering bylaw to go into effect.
- Regional Municipality of Wood Buffalo: Third reading of a proposed masking bylaw did not pass, so the masking bylaw will not be considered again until to Oct. 13, 2020. Masks are currently encouraged for public transit, and mandatory for students in grades 4 to 12 to align with school re-entry plans.

The City will work with Economic Development and the Chamber of Commerce to continue to provide education on the Face Covering Bylaw including distributing our information toolkit for businesses. This toolkit includes access to downloadable posters that they can display in their business.

IMPLICATIONS OF RECOMMENDATION(S)

Financial:

N/A

Legal / Risk:

N/A

Program or Service:

N/A

Organizational:

N/A

ALTERNATIVES AND IMPLICATIONS CONSIDERED

1. Council could leave the Face Coverings Bylaw in place as it is now, unamended
2. Council could repeal the Face Coverings Bylaw
3. Council could direct Administration to bring forward an additional amendment to the Face Coverings Bylaw to require businesses to post signage informing patrons/customers of the requirements of the Face Covering Bylaw

Report Date: October 5, 2020

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