

**CITY OF AIRDRIE
PROVINCE OF ALBERTA
BYLAW NO. B-31/2020**

Being a bylaw of the City of Airdrie to require the wearing of face coverings in indoor public premises and in public vehicles

WHEREAS on March 11, 2020, the World Health Organization declared a global pandemic related to the spread of the COVID-19 virus and the COVID-19 pandemic remains a 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 way to 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 indoor public premises and in public vehicles; and

WHEREAS pursuant to Section 7 of the *Municipal Government Act*, Revised Statutes of Alberta, 2000, Chapter M-26, and amendments thereto, a Council may pass bylaws for municipal purposes respecting the:

- 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 space or place that is open to the public;
- c) businesses, business activities and persons engaged in business; and

WHEREAS Council considers it expedient and desirable for the health, safety and welfare of the inhabitants to the City of Airdrie to require the wearing of face coverings in indoor public premises and in public vehicles;

NOW, THEREFORE, the Council of the City of Airdrie, in Council duly assembled, enacts as follows:

1. Title

- 1.1 This Bylaw may be cited as the "Temporary COVID-19 Face Coverings Bylaw".

2. Definitions and Interpretation

2.1 In this Bylaw:

- a. **"employer"** includes any person who, as the owner, proprietor, manager, superintendent 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;

- b. **“face covering”** means a mask balaclava, bandana, scarf, cloth or other similar item that covers the mouth, nose and chin without gapping ensuring a barrier that limits the transmission of infectious respiratory droplets;
- c. **“officer”** means a Bylaw Enforcement Officer appointed pursuant to Bylaw B-07/1997, a peace officer appointed pursuant to the *Peace Officer Act*, S.A. 2006, c. P93.5, or a police officer appointed pursuant to the *Police Act*, R.S.A. 2000, c. P-17;
- d. **“operator”** includes the person responsible for the day-to-day operations of a public premises or public vehicles and a proprietor of a public premises;
- e. **“Peace Officer”** means a member of the Royal Canadian Mounted Police, a Peace Officer, a Community Peace Officer or a Bylaw Enforcement Officer of the City;
- f. **“proprietor”** means the person who ultimately controls, governs or directs the activity carried on within any public premises or public vehicle referred to in this Bylaw and includes the person usually in charge thereof;
- g. **“public premises”** means all or any part of a building, structure or other enclosed area to which members of the public have access as a right or by express or implied invitation but excludes any premises for which there is an enrolment or membership requirement in order to access it; and
- h. **“public vehicle”** means a bus, taxi or other vehicle that is used to transport members of the public for a fee.

2.2 All schedules attached to this Bylaw form a part of this Bylaw.

2.3 Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.

2.4 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.

2.5 Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.

2.6 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.

3. Face Covering Required

3.1 A person must wear a face covering in a public premises or a public vehicle unless the person is separated from other persons by an installed screen, shield or other barrier.

4. Exceptions to Requirement to Wear a Face Covering

4.1 Section 3 does not apply to:

- a. children under five (5) years of age;
- b. persons with an underlying medical condition or disability which inhibits their ability to wear a face covering;
- c. persons who are unable to place or remove a face covering safely without assistance;
- d. persons who are seated at a table or bar at a public premises that offers food or beverage services;
- e. persons engaging in an athletic or fitness activity;
- f. persons who are caregiving for or accompanying a person with a disability where wearing a face covering would hinder the accommodation of the person's disability; or
- g. persons who have temporarily removed their face covering where doing so is necessary to provide or receive a service or at the request of an operator or proprietor for security purposes.

4.2 Employees or members of the public are not required to provide proof to an employer, operator or proprietor of any of the exceptions set out in Section 4.1. A Peace Officer has the discretion to request proof of an exception set out in Section 4.1.

5. Signage

5.1 An employer, operator or proprietor must prominently display a sign:

- a. in the form and containing the content; or
- b. with substantially the same form and content

as set out in Schedule "A" in a location that is visible to a person immediately upon entering the public premises or a public vehicle.

6. Offences

6.1 Any person who contravenes any provision of this Bylaw by doing any act or thing which the person is prohibited from doing or by failing to do any act or thing the person is required to do is guilty of an offence pursuant to this Bylaw.

7. Enforcement

7.1 Where a Peace Officer believes that a person has contravened any provision of this Bylaw, the Peace Officer may commence proceedings against the person by

issuing a violation ticket in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c P-34.

- 7.2 This section shall not prevent an officer from issuing a violation ticket requiring a court appearance of the defendant pursuant to the *Provincial Offences Procedure Act* or from laying an information instead of issuing a violation ticket.

8. Penalty

- 8.1 Where there is a specified penalty listed for an offence in Schedule "B" to this Bylaw, that amount is the specified penalty for the offence.
- 8.2 Upon conviction, if the totality of the circumstances surrounding any contravention of this bylaw indicate a marked endangerment or increased risk of endangering public health, the Justice may deviate from the specified penalty when determining the appropriate fine amount.
- 8.3 In this section, "specified penalty" means an amount that can be paid by a person who is issued a violation ticket and is authorized to make a voluntary payment without a Court appearance.

9. Coming Into Force

- 9.1 The requirement for mandatory face coverings will commence upon the Province of Alberta designating a status level of Enhanced on the COVID-19 Relaunch Status Map for the City of Airdrie region.
- 9.2 This requirement for mandatory face coverings will cease fourteen (14) days after the City of Airdrie region Enhanced designation is removed by the Province of Alberta on the COVID-19 Relaunch Status Map.
- 9.3 This bylaw will remain in full force and effect until such time as the Province of Alberta discontinues use of the COVID-19 Relaunch Status Map.

READ a first time on the 17th day of August, 2020.

READ a second time on the 17th of August, 2020.

READ a third time on the 17th day of August, 2020.

EXECUTED this 18th day of August, 2020.

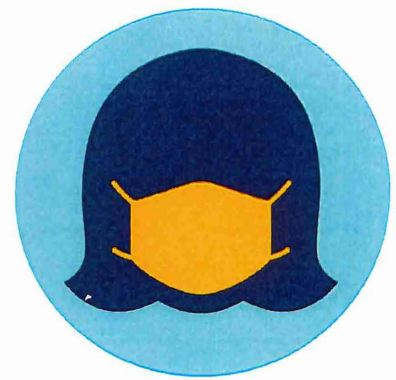
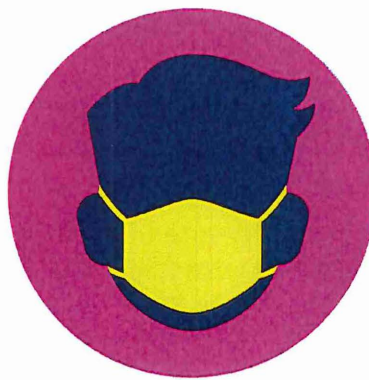
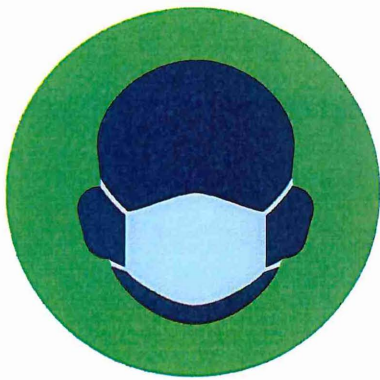


Mayor



Acting City Clerk

Face covering REQUIRED



**ALL PERSONS MUST WEAR A FACE
COVERING IN INDOOR PUBLIC
PREMISES AND IN PUBLIC VEHICLES.**

City of Airdrie BYLAW NO. B-31/2020

Exceptions include children under five years of age, or persons with an underlying medical condition or disability which inhibits their ability to wear a face covering.

SCHEDULE "B"

Section	Description of Offence	Specified Penalty
3.1	Fail to wear face covering where required	\$100
5.1	Fail to display prescribed signage	\$200