

BYLAW 2020-20

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, 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*, R.S.A. 2000, c. M-16 a council of 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 expedient and desirable for the health, safety, and welfare of the residents of and visitors to Canmore to require the wearing of face coverings in indoor public premises and in public vehicles;

NOW THEREFORE the Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

1. This bylaw shall be known as the "Mandatory Mask Bylaw."

INTERPRETATION

2. 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 therein;
 - (b) "Face covering" means a mask or other face covering that fully covers the mouth, nose, and chin ensuring a barrier that limits the transmission of infectious respiratory droplets;
 - (c) "Operator" includes the person responsible for the day to day operations of a public premises or public vehicle and a proprietor of a public premises;

Bylaw approved by: 

- (d) “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;
- (e) “Public premises” means the interior area of any building or structure to which the public is invited or permitted access, either expressly or by implication regardless of whether a fee is charged for entry, in order to receive or to provide goods or services, including but not limited to the public areas of the following:
 - (i) Restaurants, cafés, cafeterias, and outdoor patios associated with these establishments;
 - (ii) Retail establishments;
 - (iii) Shopping malls or similar structures that contain multiple places of businesses;
 - (iv) Grocery stores;
 - (v) Churches, mosques, synagogues, temples, or other places of worship;
 - (vi) Libraries, museums, art galleries, recreational facilities, cinemas, theatres, concert venues, special event venues, convention centers, or other similar entertainment, cultural, or leisure facilities;
 - (vii) Common areas of sports facilities, sports clubs, gyms, yoga studios, or other similar establishments, such as lobbies, elevators, and locker rooms/changing rooms;
 - (viii) Common areas of hotels, motels, and other short-term rentals, such as lobbies, elevators, meeting rooms, or other common use facilities;
 - (ix) Health and wellness facilities and personal services facilities;
 - (x) Temporary facilities, such as construction trailers and temporary sales offices;
 - (xi) Municipal facilities; and,
 - (xii) Other businesses, organizations and places that are permitted to operate in accordance with the Government of Alberta’s Relaunch Strategy.

Provided that the following are not considered a public premise for the purposes of this Bylaw:

- (i) Schools, as defined by the *School Act*, RSA 200 c S-3;
 - (ii) Day Care and Day Home facilities, as defined in the Town of Canmore’s Land Use Bylaw;
 - (iii) Portions of buildings that are being used for the purpose of providing day camps;
 - (iv) In areas not open to the general public in offices of professional service providers such as lawyers and accountants where clients receive services;
 - (v) Hospitals, independent health facilities, and offices of regulated health professionals; and
 - (vi) School Bus.
- (f) “Public vehicle” means a bus, taxi, or other vehicle that is used to transport members of the public for a fee or free of charge;



- (g) "Peace Officer" means:
- (i) a person appointed as a bylaw enforcement officer pursuant to the *Municipal Government Act*, as amended;
 - (ii) a person appointed as a peace officer pursuant to the *Peace Officer Act*, as amended; or
 - (iii) a police officer.
- (h) "violation ticket" means a ticket issued pursuant to the *Provincial Offences Procedures Act*, as amended, and the regulations thereunder;
3. Where a bylaw references a Town staff position, department or committee, the reference is deemed to be to the current name that the staff position, department or committee is known by.

PROVISIONS


4. A person must wear a face covering in a public premises.
5. A person must wear a face covering in a public vehicle, unless the person is separated from other persons by an installed screen, shield, or other barrier.
6. Sections 4 and 5 do not apply to:
- (a) children under 2 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, use or remove a face covering safely without assistance;
 - (d) persons who are eating or drinking at a public premises that offers food or beverage services in designated seating areas once in the designated seating areas;
 - (e) persons engaging in an athletic, fitness or water activity, the latter being an activity where their face may be submerged in water, including but not limited to persons employed as a lifeguard;
 - (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.

7. A person who is employed by, or is an agent of, the operator of a public premise is not obligated to wear a mask while:
 - (a) In an area of the public premises that is not designated for public access; or
 - (b) When located either within or behind a physical barrier including but not limited to an installed screen, shield, or other barrier, implemented between any person not required to wear a face covering under this exception and any other person.
8. An employer, operator or proprietor must prominently display a sign at every entrance in a location that is visible to a person immediately upon entering the public premises or a public vehicle that contains the following messages:

All persons must wear a mask or face covering that fully covers the nose, mouth, and chin in indoor public premises as required by Town of Canmore Bylaw 2020-20.
9. For the purposes of section 8 of this bylaw:
 - (a) a sign posted in a public premises must be at least 20 cm by 26 cm and must have a surface area of not less than 520 cm².
 - (b) a sign posted in a public vehicle must be at least 10 cm by 10 cm and must have a surface area of not less than 100 cm².

ENFORCEMENT AND PENALTIES

10. Any person who contravenes the provisions of this bylaw is guilty of an offence and shall be liable for a minimum specified penalty of \$100.00 and not exceeding \$10,000.00.
11. Where a peace officer believes that a person has contravened any provision of this Bylaw, the 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.
12. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such offence is liable to a fine in an amount not less than that established by this bylaw.
13. 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.
14. 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.

Bylaw approved by: 

ENACTMENT/TRANSITION

15. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

16. This bylaw comes into force at 12:00 p.m. on August 7, 2020.

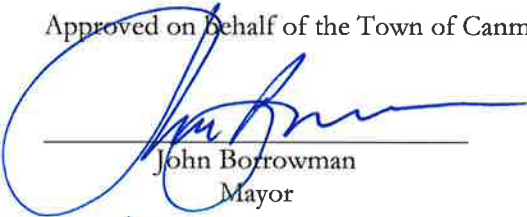
FIRST READING: August 4, 2020

SECOND READING: August 4, 2020

THIRD READING: August 4, 2020


DATE IN FORCE: August 7, 2020

Approved on Behalf of the Town of Canmore:



John Borrowman
Mayor

August 6, 2020
Date



Cheryl Hyde
Municipal Clerk

August 6, 2020
Date

Bylaw approved by: 