

**MUNICIPALITY OF JASPER
BYLAW #228**

BEING A BYLAW OF THE SPECIALIZED MUNICIPALITY OF JASPER IN THE PROVINCE OF ALBERTA TO MAKE COMPULSORY THE WEARING OF FACE COVERINGS IN INDOOR PUBLIC PLACES IN THE TOWN OF JASPER.

WHEREAS pursuant to section 7 of the *Municipal Government Act* (RSA 2000, cM-26), 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;

WHEREAS pursuant to section 8(a) of the *Municipal Government Act* (RSA 2000, cM-26) a Council of a Municipality may pass a bylaw to regulate an activity;

WHEREAS pursuant to section 9(a) of the *Municipal Government Act* (RSA 2000, cM-26) a Council of a Municipality is empowered to respond to present and future issues in their municipality;

WHEREAS on March 11, 2020 the World Health Organization declared a global pandemic related to the novel coronavirus and the spread of COVID-19, which pandemic remains a health risk;

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 a means to reduce the spread of the COVID-19 virus;

AND WHEREAS Council considers it expedient and desirable for the safety, health and welfare of the residents of Jasper and the visiting public to make compulsory the wearing of face coverings in indoor public places;

NOW THEREFORE the Council of the Specialized Municipality of Jasper, in the Province of Alberta, duly assembled, enacts:

1. Citation

- 1.1 This Bylaw may be cited as the "Jasper Temporary Compulsory Face Covering Bylaw".

2. Definitions and Interpretation

- 2.1 In this Bylaw:

- 2.1.1 "*Employer*" includes any person who, as 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;
- 2.1.2 "*Face covering*" means a mask or other face covering that covers the mouth, nose and chin ensuring a barrier which limits the transmission of infectious respiratory droplets;
- 2.1.3 "*Indoor public place*" means all or any part of a building, structure or other enclosed area to which members of the public have access as of right or by express or implied invitation, and includes outdoor patios, decks or verandas associated with such *indoor public places*;
- 2.1.4 "*Officer*" means a person appointed by the Chief Administrative Officer as a Bylaw Enforcement Officer pursuant to the *Jasper Municipal Enforcement Officer Bylaw #045*; a Peace Officer; a park warden appointed pursuant to the *Canada National Parks Act*, while that person is in the exercise or discharge of that person's powers or duties in a national park established under that Act; or a regular member of the Royal Canadian Mounted Police.
- 2.1.5 "*Operator*" includes the person responsible for the day to day operations of an *indoor public place*, and a proprietor of an indoor public place;
- 2.1.6 "*Proprietor*" means the person who ultimately controls, governs, or directs the activity carried on within an *indoor public place*;

2.1.7 "Town" and "Town of Jasper" shall mean the Town of Jasper as defined in the *Agreement for the Establishment of Local Government in Jasper* dated June 13, 2001;

2.2 Words importing the masculine gender only include the feminine gender whenever the context so requires and vice versa.

2.3 Words importing the singular shall include the plural whenever the context so requires and vice versa.

2.4 All schedules attached to this Bylaw form part of this Bylaw.

3. Compulsory Face Covering

3.1 A person must, in an *indoor public place*, wear a face covering in a manner which covers the nose, mouth and chin, unless the person is separated from other persons in the *indoor public place* by a physical barrier or shield designed and intended to prevent, limit or reduce the transmission of respiratory droplets.

4. Exemptions

4.1 Section 3.1 does not apply to:

4.1.1 children under the age of 2 years;

4.1.2 persons with medical conditions, disabilities, including cognitive disabilities, which prevent, limit or restrict the person's ability to wear a *face covering*;

4.1.3 persons who are unable to place, use or remove a *face covering* without assistance;

4.1.4 persons who are hearing impaired or who are communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication;

4.1.5 persons who are consuming food or drink at assigned seating within the *indoor public place* from which the person obtained the food or drink;

4.1.6 persons who have temporarily removed their face covering in order to receive or provide a service, including an emergency medical service.

5. Signage

5.1 An employer, operator, or proprietor must display, at every entrance to the *indoor public place* used by the public, a sign or signs which prominently, clearly and visibly contain the following words:

"All persons entering and remaining within these premises must wear a face covering which covers the nose, mouth and chin as required pursuant to Municipality of Jasper Bylaw #228"

6. Enforcement

6.1 Enforcement of this Bylaw shall be the sole responsibility of an *Officer*.

7. Offences and Penalties

7.1 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 which the person is required to do, is guilty of an offence pursuant to this Bylaw and liable on conviction to a fine as prescribed in Schedule 'A' herein.

8. Municipal Violations Ticket

8.1 A Municipal Enforcement Officer, Peace Officer or regular member of the Royal Canadian Mounted Police is hereby authorized and empowered to issue a Municipal Violation Ticket to any person the officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.

8.2 A Municipal Violation Ticket shall be deemed to be sufficiently served:

- 8.2.1 if served personally on the accused; or
- 8.2.2 if mailed to the accused by registered mail.

8.3 The Municipal Violation Ticket shall be in a form approved by the Chief Administrative Officer of the Municipality of Jasper or his/her designate and shall state:

- 8.3.1 the name of the Person alleged to have committed the offence;
- 8.3.2 the offence;
- 8.3.3 the municipal or legal description of the land on or near where the offence took place;
- 8.3.4 the penalty for the offence as specified in Schedule 'A' of this bylaw;
- 8.3.5 that the penalty shall be paid within 30 days of the issuance of the Municipal Violation Ticket; and
- 8.3.6 any other information as may be required by the Chief Administrative Officer or designate.

8.4 Where a Municipal Violation Ticket is issued pursuant to this bylaw, the Person to whom such ticket is issued may, in lieu of being prosecuted for the offence, pay to the Municipality the penalty specified within the time period indicated on the Municipal Violation Ticket.

9. Provincial Violation Ticket

- 9.1 In those cases where a Municipal Violation Ticket has been issued and the penalty specified on such ticket has not been paid within the prescribed time, an officer is hereby authorized and empowered to issue a Provincial Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act* (RSA 2000, cP-34) as amended.
- 9.2 Nothing in this bylaw shall prevent an *Officer* from immediately issuing a violation ticket pursuant to Part II of the *Provincial Offences Procedure Act* (RSA 2000, cP-34), as amended, to any Person who the *Officer* has reasonable grounds to believe has contravened any provision of this bylaw.

10. Severability

- 10.1 If any provision herein is adjudged by a Court of competent jurisdiction to be invalid for any reason, then that provision shall be severed from the remainder of this Bylaw and all other provisions of this Bylaw shall remain valid and enforceable.

11. Coming into Force

- 11.1 This Bylaw shall come into force and effect on the final day of passing thereof.
- 11.2 If any provision herein is adjudged to be repugnant to any federal or provincial legislation or regulation, this Bylaw shall continue in full force and effect but any such repugnant provision shall be of no force or effect until such time as the repugnancy is removed by repeal or amendment of the federal or provincial legislation or regulation.

READ for a first time this 4th day of August, 2020.

READ for a second time this 4th day of August, 2020.

READ for a third time and finally passed this 4th day of August, 2020.

Mayor

Chief Administrative Officer

SCHEDULE A

PENALTIES

Section	Description of Offence	Specified Penalty
3	fail to wear <i>face covering</i> where required	\$250.00
5	fail to display prescribed signage	\$250.00