

BYLAW 6239

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A BYLAW OF THE CITY OF LETHBRIDGE  
TO IMPOSE TEMPORARY REGULATIONS REQUIRING THE WEARING OF MASKS OR  
OTHER FACE COVERINGS WITHIN PUBLIC SPACES AND PUBLIC VEHICLES

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**WHEREAS** the Municipal Government Act, R.S.A 2000 Chapter M-26 as amended authorizes municipalities to pass bylaws for municipal purposes 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** Novel Coronavirus is present within the City of Lethbridge, and it causes the disease COVID-19 that is readily communicable from person to person and carries a risk of serious complications such as pneumonia or respiratory failure, and may result in death; 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** it is believed that the existence of an enforceable temporary by-law requirement will help to educate the public on the importance of a properly worn mask or face covering and encourage voluntary compliance;

**NOW THEREFORE, THE COUNCIL OF THE CITY OF LETHBRIDGE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:**

**NAME OF THE BYLAW**

1. This Bylaw may be cited as the "Temporary Mandatory Face Coverings Bylaw".

**DEFINITIONS**

2. For the purpose of this bylaw, the following words mean:
  - (a) "City Manager" means the City's chief administrative officer or delegate;
  - (b) "Council" means the Municipal Council of the City;
  - (c) "Face Covering" means a medical or non-medical mask or other face covering that fully covers the nose, mouth and chin;

- (d) "Municipal Tag" means a ticket alleging an offence, issued pursuant to the authority of a bylaw of the City;
- (e) "Public Places" means any property, whether publically or privately owned, to which members of the public have access as of right or by express or implied invitation, whether on payment of a fee or not;
- (f) "Public Vehicle" means a bus, school bus, Access-A-Ride van, taxi or other vehicle that is used to transport members of the public for a fee;
- (g) "Social Distancing" means the practice of maintaining a greater than usual physical distancing (such as six feet or more) from other people or of avoiding direct contact with people or objects in public places during the outbreak of a contagious disease in order to minimize exposure and reduce the transmission of infection;
- (h) "Violation Ticket" has the same meaning as in the Provincial Offences Procedure Act R.S.A. 2000, c 34 as amended;

## **REQUIREMENTS**

- 3. A person must wear a face covering at all times while in an indoor, enclosed, or substantially enclosed public place or in a public vehicle.
- 4. A person accompanying a child of at least two years of age shall ensure that the child wears a face covering while in public place or a public vehicle.
- 5. A person who owns, occupies or is in control of an indoor, enclosed, or substantially enclosed public place shall post signage prominently, in the form and containing the content set out in Schedule A, in a location that is visible to a person immediately upon entering the public place.

## **EXEMPTIONS**

- 6. Sections 3 does not apply to a person who is:
  - (a) a person under the age of 2;
  - (b) persons unable to place, use, or remove a face covering without assistance;
  - (c) persons unable to wear a face covering by reason of an underlying medical condition or disability or other protected ground under the Alberta Human Rights Act;
  - (d) persons consuming food or drink in designated areas or as part of a religious or spiritual ceremony;
  - (e) persons engaged in aquatic activities or physical exercise;
  - (f) persons providing care or assistance to a person with a disability where a face covering would hinder that caregiving or assistance;
  - (g) persons engaging in services that require the temporary removal of a face covering;
  - (h) a person who is sleeping or in bed at a homeless shelter,
  - (i) an individual leading in worship, provided physical distancing of at least 2m is possible.

7. Section 4 does not apply to a parent, guardian, caregiver or person accompanying a child who is older than two (2) years of age but is younger than five (5) years of age chronologically or developmentally and who refuses to wear a face covering and cannot be persuaded to do so by their caregiver.
8. Sections 3 and 4 do not apply to the following places:
  - (a) schools and other educational facilities;
  - (b) hospitals and health care facilities;
  - (c) child care facilities; and
  - (d) areas exclusively accessed or used by the public place's employees or a public vehicle operator provided that physical barriers or physical distancing practices are implemented between any person not required to wear a face covering by operation of this exception and any other person;

#### **FINE AND PENALTY**

9. A person who contravenes this bylaw, who suffers or permits any act or thing to be done in contravention of anything required to be done, by any of the provisions of this bylaw or who does any act which contravenes any provisions of this bylaw, is guilty of an offence.
10. Where the City Manager believes on reasonable and probable grounds that an offence has been committed under this bylaw, they may serve upon such persons a Municipal Tag, or they may commence proceedings by issuing a summons by means of a Violation Ticket in accordance with the Provincial Offences Procedure Act R.S.A. 2000, Chapter 34 as amended;
11. The specified penalty for any contravention of this bylaw shall be a fine in the amount of ONE HUNDRED (\$100.00) DOLLARS.
12. Upon production of any such Municipal Tag or Violation Ticket within twenty-one (21) days from the date of service of such notice, together with the payment of the sum specified to a person authorized by the City or Province of Alberta to receive such payment, an official receipt for such payment shall be issued and subject to the provisions of this section such payment shall be accepted in lieu of prosecution. If the person upon whom any such notice or ticket is served fails to pay the said sum within the time allotted, the provisions of this section shall no longer apply.

#### **GENERAL**

13. The City Manager may carry out any inspection necessary to determine compliance with this bylaw.
14. Each separate provision of this Bylaw shall be deemed independent of all other provisions herein and if any provisions of this Bylaw be declared invalid all other provisions shall remain valid and enforceable.
15. 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.

16. This bylaw shall come into full force and effect on the date of final passing thereof.
17. This bylaw is deemed to no longer be in effect and shall be revoked after the first regularly scheduled Council meeting following December 31, 2020, unless it is extended by Council resolution.

READ A FIRST TIME this 10<sup>th</sup> day of August 2020.

C.A. Spearman (Sgd.)  
MAYOR

B.L. Hilford (Sgd.)  
CITY CLERK

READ A SECOND TIME this 10<sup>th</sup> day of August 2020.

C.A. Spearman (Sgd.)  
MAYOR

B.L. Hilford (Sgd.)  
CITY CLERK

READ A THIRD TIME this 24 day of AUGUST 2020.

C.A. Spearman  
MAYOR

A. D. Sanfield  
CITY CLERK

## SCHEDULE A

# Face Covering Required

A person must wear a face covering at all times while in an indoor, enclosed or substantially enclosed public place or in a public vehicle.

City of Lethbridge Bylaw 6239



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

Visit [lethbridge.ca/covid19](https://lethbridge.ca/covid19) for more information.



CITY OF  
*Lethbridge*