

BYLAW 31-20
A BYLAW OF THE TOWN OF OKOTOKS
IN THE PROVINCE OF ALBERTA
TO REQUIRE THAT MASKS BE WORN IN INDOOR PUBLIC
SPACES TO LIMIT THE SPREAD OF COVID-19

WHEREAS COVID-19 was declared a pandemic by the World Health Organization on March 11, 2020; and

WHEREAS COVID-19 continues to pose a health risk to persons in Alberta, including those in the Town of Okotoks; and

WHEREAS Alberta Health Services encourages the use of masks and physical distancing as some of the methods to reduce the risk of the spread of COVID-19; and

WHEREAS physical distancing may not be possible in Indoor Public Places (as defined below); and

WHEREAS section 7 of the *Municipal Government Act*, RSA 2000 c. M-26 allows Council to pass bylaws for municipal purposes respecting matters including:

- 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;
- c. Businesses, business activities, and persons engaged in business; and

WHEREAS Council deems it prudent to require people to wear Masks in Indoor Public Places for the purpose of promoting the safety, health, and welfare of people during the COVID-19 pandemic.

NOW THEREFORE the Council of the Town of Okotoks enacts the following:

1. SHORT TITLE

- 1.1. This Bylaw may be known as the "COVID-19 Mask Bylaw".

2. DEFINITIONS

- 2.1. In this Bylaw, the following terms shall have the following meanings:

- (a) **"Chief Administrative Officer (CAO)"** is the person appointed to the position of the chief administrative officer for the Town of Okotoks, within the meaning of the *Municipal Government Act*;

(b) **“Indoor Public Place”** means all or part of a building, structure, or other enclosed area to which the public has access as of right or by invitation, express, or implied, regardless of whether a fee is charged for entry, and for clarification includes but is not limited to:

- (i) eating and drinking establishments;
- (ii) Public Vehicles;
- (iii) entertainment establishments, amusement arcades, bingo establishments, adult entertainment establishments, and theatres;
- (iv) markets, retail stores, garden centres, shopping centres, and other places where goods or services are made available to the public;
- (v) places of worship, community facilities, recreational facilities, and places where people gather for cultural purposes;
- (vi) gyms, studios, and other exercise facilities;
- (vii) indoor or enclosed parking facilities;
- (viii) premises used as an open house, presentation centre, or other facility for real estate purposes;
- (ix) common areas of hotels, motels, and other short term rentals;
- (x) medical clinics; and
- (xi) offices to which the public has access;

but does not include buildings or portions of buildings being used exclusively for the following purposes:

- (i) schools and education programs governed by the *Education Act* SA 2012 c. C-0.3;
- (ii) daycares and other childcare facilities including those governed by the *Child Care Licensing Act*, SA 2007 c. C-10.5;
- (iii) children’s day camps;
- (iv) post-secondary institutions;
- (v) hospitals, independent health facilities, and offices of regulated health professionals; and

- (vi) private offices not open to the general public where clients receive services from professional service providers such as lawyers and accountants;
- (c) “**Mask**” means a medical mask, cloth, or paper non-medical mask, or other face covering such as a bandana or scarf;
- (d) “**Operator**” means the person who controls or manages activities or is in charge of activities within an Indoor Public Place;
- (e) “**Peace Officer**” means a peace officer as defined in the *Provincial Offences Procedure Act*, RSA 2000 c. P-34; and
- (f) “**Public Vehicle**” means a bus, taxi, or other vehicle that is used to transport members of the public for a fee.

3. REQUIREMENT TO WEAR MASKS

- 3.1. Every person must, when in an Indoor Public Place, wear a Mask that fits securely against their face, covers their mouth and nose, and creates a barrier that filters respiratory droplets.

4. EXEMPTIONS

- 4.1. The following persons shall be exempt from the requirement to wear a Mask under this Bylaw:
 - (a) Children under the age of two (2) years;
 - (b) Children under the age of five (5) years who refuse to wear a Mask and cannot be persuaded to do so by the caregiver accompanying them;
 - (c) Persons with a medical condition or disability that inhibits their ability to safely wear a Mask;
 - (d) Persons who are unable to safely put on, use, or remove a Mask without assistance;
 - (e) Persons who are actively consuming food or drink at an Indoor Public Place that offers food or beverage services;
 - (f) Persons who have temporarily removed their Masks for the purposes of:
 - (i) receiving or providing services that require removal of the Mask;
 - (ii) actively engaging in an athletic or fitness activity; or

- (iii) for emergency or medical purposes;
- (g) Persons who require accommodation in accordance with the *Alberta Human Rights Act*, RSA 2000 c. A-25.5;
- (h) Employees working at an Indoor Public Place within an area designated for them where public access is prohibited; and
- (i) Employees working at an Indoor Public Place who are within or behind a physical barrier that separates them from the public and creates a barrier that blocks respiratory droplets.

4.2. Operators shall not request proof that an exemption applies.

5. DUTY OF OPERATOR

5.1. The Operator of an Indoor Public Place shall prominently display a sign at the entrance of or in a location visible to persons immediately upon entering an Indoor Public Place as set out in Schedule "A".

6. ENFORCEMENT, OFFENCES, AND PENALTIES

6.1. Any person who contravenes any provision of this Bylaw by:

- (a) doing any act or thing which the person is prohibited from doing; or
- (b) failing to do any act or thing which the person is required to do

is guilty of an offence and is liable on summary conviction to a fine of not more than ten thousand dollars (\$10,000.00).

6.2. Where there is a specified penalty listed for an offence in Schedule "B" to this Bylaw, that amount is the minimum specified penalty for the offence. A higher fine amount may be imposed upon conviction if the Court is satisfied that the circumstances surrounding the offence indicate an increased endangerment of public health.

6.3. If a Peace Officer believes that a person has committed an offence pursuant to this Bylaw, the Peace Officer may issue and serve to that person:

- (a) a violation tag allowing a payment of the specified penalty listed in Schedule "B" to the Town; or
- (b) a violation ticket in accordance with the *Provincial Offences Procedure Act*, RSA 2000 c. P-34.

6.4. Service of a violation tag will be sufficient if it is:

- (a) personally served;
- (b) served by regular mail to the person's last known mailing address; or
- (c) in the case of an offence by the Operator of an Indoor Public Place, personally served to an employee or manager who appears to be an adult or served by registered mail to the address of the Indoor Public Place.

6.5. A violation ticket issued in respect of an offence may:

- (a) specify the fine amount established by this Bylaw for the offence; or
- (b) require the person to appear in Court without the option of making a voluntary payment.

6.6. Nothing in this Bylaw shall prevent a Peace Officer from providing information instead of issuing a violation ticket.

6.7. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence for each day or part of a day on which it continues.

6.8. The levying and payment of any fine provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges, or costs from which that person is liable under the provisions of this Bylaw or any other bylaw.

7. INTERPRETATION

7.1. Where a statute is referenced in this Bylaw, it means that statute as amended from time to time.

7.2. Where the singular or masculine form of a term is used in this Bylaw, it shall include the plural, feminine or neutral as the context may require.

7.3. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and that if any provision is declared invalid, all other provisions shall remain valid and enforceable.

8. COMING INTO FORCE

8.1. The provisions of this Bylaw will be enacted by the CAO if the number of active cases of COVID-19 are reported by Alberta Health Services to be 15 or more in the Town of Okotoks.

8.2. If the provisions of this Bylaw have been enacted in accordance with Section 3.1, the provisions remain in force until the number of active COVID-19 cases in

Okotoks are reported by Alberta Health Services to be less than 15 for 30 consecutive days and as declared by the CAO.

READ A FIRST TIME this 17th day of August, 2020.

READ A SECOND TIME this 17th day of August, 2020.

READ A THIRD TIME AND PASSED this 17th day of August, 2020.

--- Original Signed ---

Mayor

--- Original Signed ---

Chief Administrative Officer

NOTICE

Mask is required!

All persons must wear a
mask on these premises as
required under
Town of Okotoks Bylaw 31-20



Masks must fit securely against the face,
cover the mouth and nose, and create a
barrier that filters respiratory droplets.

Exceptions include children under 2 and persons with a medical
condition or disability that inhibits their ability to safely wear a mask.

SCHEDULE “B” – SPECIFIED PENALTIES

SECTION	OFFENCE	PENALTY
3.1	Failure to wear Mask in Indoor Public Place	\$100.00
5.1	Failure to display sign at Indoor Public Place	\$200.00