

Bylaw 3654/2020

Being a Bylaw of the City of Red Deer, in the Province of Alberta, to Require the Wearing of Face Coverings on Transit Vehicles;

WHEREAS pursuant to section 7 of the *Municipal Government Act*, RSA 2000, c. M-26, a council may 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 that is open to the public; and
- (c) businesses, business activities and persons engaged in business;

AND WHEREAS on March 11, 2020 the World Health Organization declared a global pandemic related to the spread of the COVID-19 virus;

AND WHEREAS on March 16, 2020 the Chief Medical Officer of Health for the Province of Alberta confirmed the presence in Alberta of COVID-19 and that the presence of the novel and highly infectious virus posed a significant risk to public health;

AND WHEREAS numerous public health experts including the experts at the World Health Organization, the Chief Public Health Officer for Canada and the Chief Medical Officer of Health for Alberta have all indicated that face coverings are means by which the spread of COVID-19 can be reduced when physical distancing may not be possible;

AND WHEREAS the Chief Medical Officer of Health for Alberta has strongly recommended the use of face covering when physical distancing may not be possible;

AND WHEREAS Council considers it desirable for the health, safety and welfare of residents of and visitors to the City of Red Deer to put in place temporary regulations to require persons to wear face coverings on Transit Vehicles as physical distancing is often not possible on Transit Vehicles;

NOW THEREFORE COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Short Title

1 This bylaw may be referred to as “The Transit Face Covering Bylaw”.

Purpose

2 The purpose of this bylaw is to require the wearing of Face Coverings on Transit Vehicles.

Definitions and Interpretation

3 In this Bylaw, the following definitions shall apply:

- (a) “City” means the City of Red Deer;
- (b) “City Manager” means the City’s Chief Administrative Officer or delegate;

- (c) “Face Covering” means a medical or non-medical mask or other face covering, including a bandana, scarf or other fabric that covers the nose, mouth and chin to create a barrier that limits the transmission of respiratory droplets;
 - (d) “Municipal Tag” means a document alleging an offence issued pursuant to the authority of a bylaw of the City;
 - (e) “Officer” means a Bylaw Enforcement Officer or a peace officer appointed pursuant to the *Peace Office Act*, S.A. 2006, c. P - 3.5;
 - (f) “Person” means an individual or body corporate and includes a partnership or association unless the context explicitly or by necessary implication requires otherwise;
 - (g) “Transit Vehicle” means a vehicle operated by or on behalf of Red Deer Transit including vehicles used in providing the Action Bus service; and
 - (h) “Violation Ticket” has the same meaning as in the *Provincial Offences Procedure Act*, RSA 2000, c. P-34.
- 4 Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.

Prohibition

- 5 A Person must wear a Face Covering on a Transit Vehicle.

Exceptions

- 6 Section 5 does not apply to:
- (a) children under 9 years of age;
 - (b) Persons who are unable to place, use or remove a Face Covering safely without assistance;
 - (c) Persons with an underlying medical condition, mental concern or disability which inhibits their ability to wear a Face Covering; and
 - (d) Persons who are caregivers while providing care or assistance to a person with a disability in circumstances where the caregiver wearing a Face Covering would hinder the ability of the caregiver to care for or assist the person with the disability.

Offences

- 7 A Person who contravenes any provision of this Bylaw is guilty of an offence.
- 8 A Person who is guilty of an offence, or their Legal Guardian, is liable to a penalty in the amount set out in Schedule “A”.

Municipal Tag

- 9** An Officer is authorized and empowered to issue a Municipal Tag to any Person who the Officer has reasonable and probable grounds to believe has contravened any provisions of this Bylaw.
- 10** The Municipal Tag shall be in a form approved by the City Manager and shall state:
- (a) the name of the Person;
 - (b) the offence;
 - (c) the specified penalty established by this Bylaw for the offence;
 - (d) that the penalty shall be paid within 14 days of the issuance of the Municipal Tag; and
 - (e) any other information as may be required by the City Manager.

Payment in Lieu of Prosecution

- 11** Where a Municipal Tag is issued in respect of an offence the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay the penalty specified within the time period indicated on the Municipal Tag.

Violation Ticket

- 12** If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, a Violation Ticket may be issued pursuant to the *Provincial Offences Procedure Act*.
- 13** Notwithstanding Section 9 and Section 12, a Violation Ticket may be immediately issued to any Person where there are reasonable and probable grounds to believe that Person has contravened any provision of this Bylaw.
- 14** If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a) impose the specified penalty established by this Bylaw for the offence and permit a Person to make a voluntary payment; or
 - (b) require a Person to appear in court without the alternative of making a voluntary payment.

Voluntary Payment

- 15** A Person who commits an offence and who wishes to plead guilty may:
- (a) if a Violation Ticket has issued in respect of the offence; and
 - (b) if the Violation Ticket includes a specified penalty as established by this Bylaw for the offence;

plead guilty to the offence by making a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

Powers of the City Manager

- 16** Without restricting any other power, duty or function otherwise delegated to the City Manager, the City Manager may:
- (a) carry out any inspections to determine compliance with this Bylaw;
 - (b) take any steps or carry out any actions required to enforce this Bylaw; and
 - (c) delegate any powers, duties or functions under this Bylaw.

General

- 17** Nothing in this Bylaw relieves a Person from the requirement to comply with any Federal or Provincial law or regulation, other City Bylaws, or any requirement of any lawful permit, order or license.
- 18** Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 19** 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 this Bylaw comes into effect, and includes reference to any act, regulation, code or bylaw that may be substituted in its place.

Effective Date

- 20** This Bylaw comes into effect on August 31, 2020.

Repeal Date

- 21** This Bylaw is repealed on December 31, 2020.

READ A FIRST TIME IN OPEN COUNCIL this 17 day of August 2020.

READ A SECOND TIME IN OPEN COUNCIL this 17 day of August 2020.

READ A THIRD TIME IN OPEN COUNCIL this 17 day of August 2020.

AND SIGNED BY THE MAYOR AND CITY CLERK this 17 day of August 2020.

"Mayor Tara Veer"

MAYOR

"Frieda McDougall"

CITY CLERK

**Schedule “A”
Penalties**

Section	Description of Offence	Specified Penalty
5	Fail to wear Face Covering on a Transit Vehicle	\$50.00