



**TOWN OF HIGH LEVEL
FACE COVERINGS BYLAW
BYLAW NO. 1013-20**

PURPOSE to enforce the wearing of face coverings in public premises in the Town of High Level.

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 inhabitants of The Town of High Level to require the wearing of face coverings in indoor public premises and in public vehicles;

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF HIGH LEVEL ENACTS AS FOLLOWS:

SHORT TITLE

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

DEFINITIONS AND INTERPRETATION

2. (1) 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 covers the mouth, nose and chin ensuring a barrier that limits the transmission of infectious respiratory droplets;

(c) “facemask” means a medical procedural mask or a non-medical cloth mask made of a minimum of two layers of tightly woven material such as cotton or linen. The facemask must fit securely to the head with ties or ear loops and must be large enough to completely cover the nose, mouth and chin without gaping;

(d) “face shield” means a transparent plastic barrier worn in front of the face and attached to the head by a band or clips. The face shield must extend from above the eyes to below the chin;

(e) “indoor public premises” means an indoor space open to the public by right or by express or implied invitation regardless of who owns or occupies the indoor space, but does not include indoor space located within:

- i. a school or other educational institution;
- ii. a hospital or other health care facility;
- iii. a licensed child care facility; or
- iv. any facility operated by the federal or provincial government.

(f) “officer” means a Bylaw Enforcement Officer appointed pursuant to Bylaw 60M86, a peace officer appointed pursuant to the Peace Officer Act, S.A. 2006, c. P-3.5, or a police officer appointed pursuant to the Police Act, R.S.A. 2000, c. P-17;

(g) “operator” includes the person responsible for the day to day operations of a public premise or public vehicle and a proprietor of a public premise;

(h) “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;

(i) “public vehicle” means a taxi or other vehicle that is used to transport members of the public for a fee.

(2) All schedules attached to this Bylaw form part of this Bylaw.

(3) Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.

(4) 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 the commencement of this Bylaw, and includes reference to any act, regulation, code or other bylaw that may be substituted in its place.

(5) Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.

(6) 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 licence.

IN EFFECT

3. (1) Sections 4 to 8 of this Bylaw activate when:

- (a) the total active case count exceeds 100 cases in Area 1 of the North Zone of Alberta Health Services; or
- (b) a relaunch status change by either municipality to Enhanced status as per the Government of Alberta.

(2) Sections 4 to 8 of this Bylaw deactivate when the relaunch status is Open for Area 1 of the North Zone of Alberta Health Services for a period not less than fourteen (14) consecutive days, as reported by the Government of Alberta.

PROHIBITION

4. A person must at all times wear a facemask while in an indoor public premises or a public vehicle.

EXCEPTIONS

5. Section 4 does not apply to:

- (a) children 9 years of age or younger;
- (b) persons with an underlying certified 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;
- (e) persons engaging in swimming or other water activities, or engaged in physical exercise or other physical activity, within an area designated for such activities;
- (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;
- (g) persons who have temporarily removed their face covering where doing so is necessary to provide or receive a service;
- (h) persons who are employed by, or are an agent of, the Operator of a public premises or a public vehicle while:
 - i. in an area of the public premises that is not designated for public access; or
 - ii. when located either within or behind a physical barrier; or

- iii. wearing face shield or separated from the general public by 2 metres.

TEMPORARY SUSPENSION OF PROHIBITION

6. An employer, operator or proprietor may designate a length of time, not to exceed two (2) hours, immediately prior to the end of normal working hours when facemasks are not required for persons entering public premises, provided that:

(a) a sign stating the designated time is clearly displayed, 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 premises, and

(b) the provisions of Section 5 (h) are adhered to.

SIGNAGE

7. An employer, operator or proprietor must prominently display a sign, 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 premises or a public vehicle.

OFFENCES

8. 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 the person is required to do, is guilty of an offence pursuant to this Bylaw.

ENFORCEMENT

9. (a) Where an 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.

(b) This section shall not prevent an officer from issuing a violation ticket requiring a court appearance of the defendant pursuant to the Provincial Offences Procedures Act or from laying an information instead of issuing a violation ticket.

PENALTY

10. (a) Where there is a specified penalty listed for an offence in Schedule B to this Bylaw, that amount is the specified penalty for the offence.

(b) 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.

(c) 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.

COMING INTO FORCE

That this Bylaw shall take effect on the date of the third and final reading.

READ A FIRST TIME this 28th day of September 2020.

READ A SECOND TIME this day of 2020.

READ A THIRD AND FINAL TIME this day of 2020.

SIGNED AND PASSED this day of 2020.

Mayor

Municipal Secretary

PROPOSED

SCHEDULE A

1) Poster informing public facemasks must be worn

FACE COVERING REQUIRED

In order to reduce the risk of COVID-19 Transmission, masks are now required to enter indoor public premises and public vehicles. Please ensure your mask is properly secured prior to entering this building.

Exceptions include children under two years of age, persons with underlying conditions, or a disability that inhibits their ability to wear a face covering.

The Town of High level passed a Face Covering Bylaw at their ___ Meeting.



For more information please visit
www.highlevel.ca.

SCHEDULE B

PENALTIES

Section	Description of Offense	Penalty
3	Fail to wear face covering where required	\$100
5	Fail to display prescribed signage	\$200

PROPOSED