

**Bylaw No. 1062-2020**  
**FACE COVERINGS BYLAW**

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**A BYLAW OF THE CITY OF LEDUC IN THE PROVINCE OF ALBERTA, TO ESTABLISH REQUIREMENTS TO WEAR FACE COVERINGS WITHIN PUBLIC PREMISES AND PUBLIC VEHICLES**

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WHEREAS, on or about 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 pursuant to Section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-16 a Council of 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 being prepared to respond quickly and appropriately to COVID-19 are key objectives for the City of Leduc;

NOW THEREFORE COUNCIL OF THE CITY OF LEDUC ENACTS AS FOLLOWS:

**PART I – TITLE, PURPOSE AND DEFINITIONS**

**Title**

1. This Bylaw may be referred to as the "Face Coverings Bylaw".

**Purpose**

2. The Purpose of this Bylaw is to establish requirements to wear face coverings in indoor Public Premises and in Public Vehicles.

**Definitions**

3. In this Bylaw, unless the context otherwise requires:
  - (a) "**City**" means the City of Leduc;
  - (b) "**Council**" means the City's duly elected municipal council;

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- (c) **“Face Covering”** means a medical or non-medical mask or other face covering that covers the mouth, nose and chin and acts as a barrier to the transmission of infectious respiratory droplets;
- (d) **“Municipal Tag”** means a City-issued notice that alleges an offence and provides a person with the opportunity to pay an amount to the City in lieu of prosecution for the offence;
- (e) **“Peace Officer”** means an individual engaged by the City as a Community Peace Officer or a Bylaw Enforcement Officer, a peace officer as defined in the *Peace Officer Act*, RSA 2006 c. P-3.5, or a member of the Royal Canadian Mounted Police;
- (f) **“Public Premises”** means all or any part of a building, structure or other substantially enclosed area to which members of the public have access as of right or by express or implied invitation, whether or not there is an enrolment or membership requirement or a fee associated with access, but does not include any portion of any public premises to which apply specific provincial legislation or orders pertaining to Face Coverings;
- (g) **“Public Vehicle”** means:
  - i. a Leduc Transit bus;
  - ii. a taxi defined under Bylaw 782-2011;
  - iii. any other vehicle used to transport members of the public for a fee;
- (h) **“Violation Ticket”** is as defined in the *Provincial Offences Procedure Act* RSA 2000 C. P-34.

**Interpretation**

- 4. All schedules attached to this Bylaw form part of this Bylaw.
- 5. Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
- 6. 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.
- 7. 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

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jurisdiction, all other provisions of this Bylaw remain valid and enforceable.

8. Nothing in this Bylaw relieves a Person from complying with any Federal or Provincial law, regulation or Order, court Order, or any lawful permit or license.

**PART II- RESTRICTIONS AND REQUIREMENTS**

**Prohibitions**

9. A person must wear a Face Covering in a Public Premises and in a Public Vehicle.

**Exceptions**

10. Section 9 does not apply to a person:
- (a) under 5 years of age;
  - (b) unable to wear a Face Covering due to an underlying medical condition or limitation, or due to a protected ground under the *Alberta Human Rights Act* RSA 2000 c.A-25.5;
  - (c) unable to place, use or remove a Face Covering safely without assistance;
  - (d) eating or drinking at a Public Premises that offers food or beverage services;
  - (e) actively participating in an athletic or fitness activity;
  - (f) providing care or assistance to a person with a disability, where wearing a Face Covering would hinder the provision of care or assistance;
  - (g) temporarily removing his or her Face Covering in order to provide or receive a service, including but not limited to a religious or ceremonial spiritual service or a health care-related service;
  - (h) who is an employee of a business or operation, while in an area of a Public Premises designated for the exclusive use of such persons, provided that physical barriers or physical distancing measures are implemented between that person and any other person not subject to this exception.

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**PART III – OFFENCES AND PENALTIES**

**Offence**

11. A Person who contravenes this Bylaw, or authorizes or directs another Person to contravene this Bylaw, is guilty of an offence.

**Fines and Penalties**

12. Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable, on summary conviction, to the fine in the amount of \$100.00, or such other penalty or measure that the court directs.

**Continuing Offence**

13. In the case of an offence that is of a continuing nature, a contravention constitutes an offence in respect of each day, or part of a day, on which it continues.

**Municipal Tag**

14. A Peace Officer may issue a Municipal Tag to any Person where there are reasonable and probable grounds to believe the Person has committed an offence.

**Payment in Lieu of Prosecution**

15. 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 fine specified within 30 days.

**Violation Ticket**

16. If a Municipal Tag has been issued and if the specified fine has not been paid within the prescribed time, a Peace Officer may issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* RSA 2000 c.P-34.
17. Despite Section 15, 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.
18. 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) if the Violation Ticket includes a specified penalty as established by this Bylaw for the offence;

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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.

**PART IV – COMING INTO FORCE**

**Enactment**

19. This Bylaw shall come into force upon Alberta Public Health, or other duly-appointed provincial government authority, reporting that there exists 10 or more active cases of the COVID-19 virus in the City.
  
20. At any time after this Bylaw takes effect, by resolution, Council may suspend or thereafter re-engage the operation of this Bylaw.

READ A FIRST TIME this 17<sup>th</sup> day of August, 2020.

READ A SECOND TIME this 17<sup>th</sup> day of August, 2020.

READ A THIRD TIME this 17<sup>th</sup> day of August, 2020.

AND SIGNED this 17<sup>th</sup> day of August, 2020.

“Original Signed”

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Robert Young  
MAYOR

“Original Signed

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Sandra Davis  
CITY CLERK