

A Bylaw of the Town of High Prairie in the Province of Alberta, pursuant to the provisions of the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26* (MGA) to establish the mandatory use of facial coverings in all publicly accessible places.

WHEREAS, pursuant to Section 7 of the MGA, 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) business, business activities and persons engaged in business.

AND WHEREAS, on March 11, 2020 the World Health Organization declared a global pandemic related to the novel coronavirus and the spread of COVID-19, and the COVID-19 pandemic remains a health risk;

AND WHEREAS, the World Health Organization, the Chief Public Health Officer for Canada and the Chief Medical Officer of Health for Alberta have identified face coverings as a means to reduce the spread of the COVID-19 virus;

AND WHEREAS, Council considers it expedient and desirable for the safety, health and welfare of the residents of the Town and the visiting public to make compulsory the wearing of face coverings in Public Places and in Public Transportation Vehicles, subject to the exceptions and circumstances set out in this Bylaw.

NOW THEREFORE, the Council of the Town, duly assembled, enacts as follows:

A. TITLE

- (1) This Bylaw may be cited as the "Mandatory Face Coverings Bylaw".

B. DEFINITIONS

- (2) In this Bylaw:
 - (a) **"CAO"** means the Chief Administrative Officer or designate, appointed pursuant to the MGA;
 - (b) **"Council"** means the Council of the Town;
 - (c) **"Face Covering"** means a medical or non-medical mask or other face covering that fully covers the nose, mouth, and chin and acts as a barrier to the transmission of infectious respiratory droplets;

- (d) **"MGA"** means the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26*;
- (e) **"Officer"** means:
- i. a person who is an employee of the Town who has been appointed to carry out the duties of enforcing the Bylaws,
 - ii. a person who is a community peace officer as defined under the *Peace Officer Act, Statutes of Alberta 2006, Chapter P-3.5*, or
 - iii. a person who is a member of the Royal Canadian Mounted Police;
- (f) **"Person"** means an individual and includes partnership, corporation, trustee, executor, joint venture, proprietorship, association, society and any other legal entity;
- (g) **"Public Place"** means any property, whether publicly or privately owned, to which members of the public have access as of right or by express or implied invitation, whether on payment of any fee or not;
- (h) **"Public Transportation Vehicle"** means any vehicle used for the transportation of people upon the payment of a fee;
- (i) **"Town"** means the municipal corporation of the Town of High Prairie;
- (j) **"Violation Tag"** means a ticket issued by the Town pursuant to the MGA for breach of its Bylaws;
- (k) **"Violation Ticket"** has the same meaning as in the *Provincial Offences Procedure Act, Revised Statutes of Alberta, 2000 Chapter P-34*.

C. GENERAL INTERPRETATION

- (1) All schedules attached to this Bylaw form part of this Bylaw.
- (2) Headings or subheadings in this Bylaw are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
- (3) Words in the singular include the plural and words in the plural include the singular.
- (4) Where this Bylaw cites or refers to any act, regulation, code or other bylaw, the citation or reference to the act, regulation, code or other bylaw includes any amendments thereto 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, and severable from, all other provisions and if any provision is declared invalid or unenforceable 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 license.

D. REGULATION OF MANDATORY FACE COVERINGS

All persons shall wear a Face Covering at all times while in an indoor, enclosed, or substantially enclosed Public Place or in any Public Transportation Vehicle.

E. EXEMPTIONS

- (1) Section D shall not apply to the following persons:
 - i. persons under 9 years of age;
 - ii. persons who are unable to place, use, or remove Face Coverings without assistance;
 - iii. persons providing care or assistance to a person with a disability where a Face Covering would hinder that caregiving or assistance;
 - iv. persons consuming food or drink in designated seating areas or as part of a religious or spiritual ceremony; or
 - v. persons engaging in aquatic activities or physical exercise; or
 - vi. persons engaging in services that require the temporary removal of a Face Covering.
- (2) Section D shall not apply to the following locations:
 - i. schools and other educational facilities;
 - ii. hospitals and health care facilities;
 - iii. childcare facilities; or
 - iv. areas exclusively accessed or used by the Public Place's employees, provided that physical barriers or physical distancing practices are implemented between any person not required to wear a Face Covering under this exemption and any other person.

F. SIGNAGE

- (1) A Public Place 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 Place or a Public Transportation Vehicle.

G. ENFORCEMENT

- (1) A Person who contravenes this Bylaw is guilty of an offence.
- (2) A Person shall not obstruct or hinder any person in the exercise or performance of the person's powers and duties under this Bylaw.
- (3) An Officer may, upon producing proper identification, enter a Public Place to carry out inspections, examinations, investigations and inquiries for the purpose of enforcing this Bylaw.
- (4) 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, Revised Statutes of Alberta, 2000 Chapter P-34*.
- (5) This section shall not prevent an officer from issuing a Violation Ticket requiring a Court appearance of the defendant pursuant to the *Provincial Offences Procedure Act* or from laying an information instead of a Violation Ticket.

H. PENALTIES:

- (1) A Person who is guilty of an offence is liable for a fine pursuant to Schedule "B" and issued in accordance with the MGA.
- (2) A Violation Ticket issued prior to the time of expiry of this Bylaw, remains valid and the Person to whom the Violation Ticket was issued remains as fully liable to pay the specified penalty or to other legal process as the case may be, as though this Bylaw had not expired;
- (3) In this section, a specified penalty means an amount that can be paid by a person who is issued a Violation Ticket and is authorized to make voluntary payment without a Court appearance.
 - (a) Any Person that contravenes any provision of this Bylaw and is guilty of an offence and shall be liable, upon summary conviction, to a fine as set out at Schedule "B" to this Bylaw, as amended by Council from time to time.
 - (b) Where a Violation Ticket has been issued to a Person under this Bylaw, that person may enter a plea of guilt by making a voluntary payment in the amount of shown

on the ticket to a Provincial Court Office. The recording of the payment by the Clerk of the Court is an acceptance of the guilty plea and constitutes a conviction.

- (4) Where an Officer has reasonable grounds to believe that a Person has contravened any provision of this Bylaw, the Officer may issue a Violation Tag to that person by serving it:
 - (a) personally; or
 - (b) by mailing a copy to such person at his or her last known residential or post office address.
- (5) A Violation Tag issued pursuant to Section 4 shall be in a form approved by the CAO and shall state:
 - (a) the name of the person to whom it is issued;
 - (b) the offense;
 - (c) the appropriate penalty for the offense as specified at Schedule "B" of this Bylaw;
 - (d) and the penalty shall be paid within 30 days of the issuance of the Violation Tag to avoid prosecution; and any other information as may be required by the CAO.
- (6) Where a Violation Tag has been issued, the Person to whom the Violation Tag has been issued, may in lieu of being prosecuted for the offence, pay to the Town, the penalty specified on the Violation Tag.
- (7) In those cases where a Violation Tag has been issued and the penalty specified on the tag has not been paid within the prescribed time, then an Officer is hereby authorized and in power to issue a Violation Ticket pursuant to part 2 or 3 of the *Provincial Offences Procedure Act, R.S.A. 2000, c P-34*.
- (8) Notwithstanding Section (7) of this Bylaw, an Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to part 2 or part 3 of the *Provincial Offences Procedure Act, R.S.A. 2000, c P-34*, to any person whom the Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

I. ENACTMENT

- (1) The provisions of this Bylaw may only be enacted by the CAO when the active COVID-19 cases within Big Lakes County is reported by Alberta Health Services to be 15 or more.
- (2) If the provisions of this Bylaw have been enacted in accordance with Section I(1), they may only be reverted if 30 days have elapsed since the Bylaw provisions came into effect, and if the active COVID-19 cases within Big Lakes County is reported by Alberta Health Services to be less than 15.



(3) Council may, by resolution, implement the provisions of this Bylaw at any time.

J. EXPIRY

(1) This Bylaw shall expire and cease to be in effect on December 31, 2021;

READ a first time this 27th day of October, 2020. .

READ a second time this 27^h day October, 2020.

READ a third time and finally passed on this 10th day of November, 2020.

Mayor Brian Panasiuk

CAO Rod Risling

Schedule "A"



**BYLAW 18-2020
Mandatory Face Coverings
Town of High Prairie**

COVID-19 INFORMATION



Effective October **, 2020, All persons shall wear a Face Covering at all times while in an indoor, enclosed, or substantially enclosed Public Place or in any Public Transportation Vehicles.

For more information on this Bylaw visit our website
www.highprairie.com

Schedule "B"

Section	Description of Offence	Penalty, 1st Offence	Penalty, 2nd and Subsequent Offences
F.1	Failure to wear Face Covering where required	\$100.00	\$200.00
F.2	Failure of a business to display prescribed signage.	\$200.00	\$400.00
F.3	Interference with a person in the exercise or performance of the person's powers pursuant to this Bylaw	\$250.00	\$500.00