

**TOWN OF DRUMHELLER
BYLAW NUMBER 20.20**

BEING A BYLAW OF THE TOWN OF DRUMHELLER 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 Drumheller;

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, the *Municipal Government Act* provides that a municipality may pass bylaws to regulate, prohibit and impose a system of licenses, permits or approvals.

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 Drumheller, in the Province of Alberta, duly assembled, enacts as follows:

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) "**Bylaw Violation Tag**" is a ticket or summons issued for an allegation of a Bylaw infraction and is issued by a Peace Officer and only enforceable in the Town.

(b) "**Chief Administrative Officer (CAO)**" means the person appointed to the position of the chief administrative officer for the Town of Drumheller, within the meaning of the *Municipal Government Act*;

(c) "**Director of Emergency Management (DEM)**" means the person appointed to the position of Director of Emergency Management, or Deputy Director of Emergency Management by motion of Council.

(d) "**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;

(e) **"Mask"** means a medical mask, cloth, or paper non-medical mask, or other face covering that fully covers the nose, mouth and chin.

(f) **“Municipal Enforcement Officer”** means for the purposes of this bylaw a municipal enforcement officer duly appointed of the Town of Drumheller and empowered to enforce all bylaws,

(g) **“Operator”** means the person who controls or manages activities or is in charge of activities within an Indoor Public Place;

(g) **“Peace Officer”** means a peace officer as defined in the *Provincial Offences Procedure Act*, RSA 2000 c. P-34;

(h) **“Public Vehicle”** means a bus, taxi, or other vehicle that is used to transport members of the public for a fee.

(i) **“Town Facility”** means an indoor space open to the public, within a building that is owned or leased by the Town of Drumheller in which services or amenities to the public are provided by the Town in all or part of the building, regardless of whether the indoor space is occupied by the Town or by another party.

(j) **“Violation Ticket”** means a provincial violation ticket as defined in the *Provincial Offences Procedure Act of Alberta*.

3. REQUIREMENT TO WEAR MASKS

3.1. A person must wear a Mask at all times while in an indoor, enclosed, or substantially enclosed Public Place, Indoor Workplace, or in a Public Vehicle where other people are present.

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 bona fide 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 Where a Peace Officer believes that a person has contravened any provision of this bylaw, the Peace Officer may issue a Violation Ticket in accordance with the Provincial Offences Procedure Act, RSA 2000, c P-34.

6.2 If a Violation Ticket is issued for an offence under this bylaw, the Violation Ticket may:

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

6.3 A person who commits an offence may, if a Violation Ticket is issued specifying the fine amount established by this bylaw for the offence, make a voluntary payment equal to the specified fine amount

6.4. A bylaw violation tag may be served by either a peace officer or a municipal enforcement officer and service of it 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 provincial 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 and issuing a violation ticket instead of a bylaw violation tag.

- (a) a municipal enforcement officer shall only issue a bylaw violation tag.

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.

6.9. Any unpaid municipal violation tag issued prior to the time of repeal or declaration may result in issuance of a Violation Ticket after the time of repeal will be as valid and enforceable as though this bylaw had not been repealed.

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.

8. SEVERABILITY

8.1. If any provision of this bylaw shall be held invalid or unenforceable, the invalidity or unenforceability shall attach only to that provision and shall not in any manner affect or render invalid or unenforceable any other provision, and this bylaw shall be interpreted and enforced as if the invalid or unenforceable provision were not contained herein.

9. COMING INTO FORCE

9.1. A person must wear a Mask at all times while in a Town Facility effective the day this Bylaw is signed by the Chief Elected Official and the Chief Administrative Officer.

9.2. The full provisions of this Bylaw will be enacted by the CAO or DEM given the following circumstances:

- (i) the number of active cases of COVID-19 as reported by Alberta Health Services to be 10 or more in the Town of Drumheller; or
- (ii) the number of active cases rate per 100,000 population of COVID-19 as reported by Alberta Health Services to be 50 or more in any County bordering the municipal boundaries of the Town of Drumheller.

9.3. If the provisions of this Bylaw have been enacted in accordance with Section 9.2, the provisions remain in force until the number of active COVID-19 cases in Drumheller are reported by Alberta Health Services to be less than 10 for 30 consecutive days and as declared by the CAO or DEM.

9.4. The provisions of this Bylaw enacted in accordance with Section 9.1 shall remain in force until repealed by Council.

Read a first time this 23rd day of November, 2020.

Read a second time this 23rd day of November, 2020.

Read a third time this 23rd day of November, 2020.

Signed this 23rd day of November, 2020 at Drumheller, Alberta.


Deputy Mayor

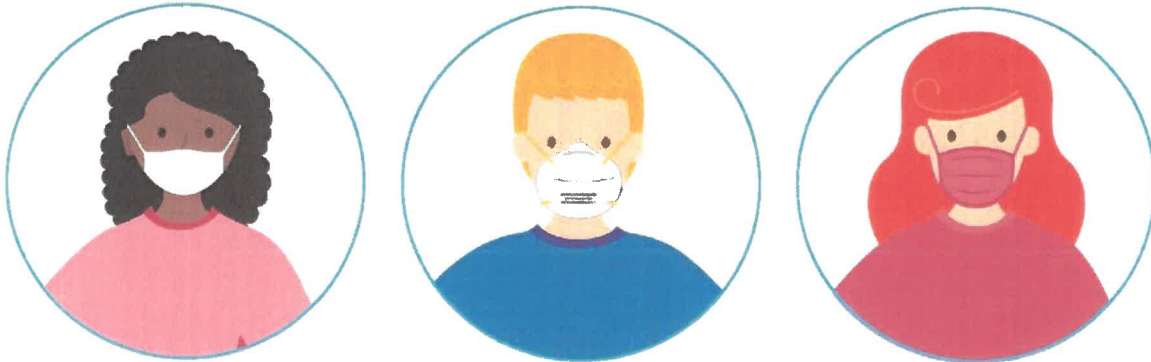

Chief Administrative Officer

SCHEDULE "A" – SPECIFIED SIGNAGE

NOTICE

Mask is Required!

ALL PERSONS MUST WEAR A MASK ON THESE PREMISES AS REQUIRED BY TOWN OF DRUMHELLER BYLAW NO 20.20



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

Exemptions include children under 2, anyone who has temporarily removed their mask to participate in an athletic or fitness activity or people with a medical condition or disability that inhibits their ability to safely wear a mask.

SCHEDULE "B" – SPECIFIED PENALTIES

SECTION	OFFENCE	PENALTY
3.1	Fail to wear mask in indoor public place	\$100.00
5.1	Failure to Display sign at indoor public place	\$200.00