

BEING A BY-LAW OF THE TOWN OF WESTLOCK IN THE PROVINCE OF ALBERTA TO TEMPORARILY MANDATE THE WEARING OF FACE COVERINGS IN INDOOR PUBLIC PLACES AND PUBLIC VEHICLES

WHEREAS the World Health Organization, the Chief Public Health Officer of Canada and the Chief Medical Officer of Health for Alberta have identified Face Coverings as a way to reduce the transmission of the COVID-19 virus; and

WHEREAS pursuant to Section 7 of the Municipal Government Act, RSA 2000, c. M-16, 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 the Council of the Town of Westlock considers it appropriate to mandate the wearing of Face Coverings in Public Places and Public Vehicles subject to exceptions set out in this bylaw;

NOW THEREFORE the Council of the Town of Westlock, in the Province of Alberta, duly assembled, HEREBY ENACTS as follows:

1. SHORT TITLE

1.1 This Bylaw may be cited as the "Mandatory Face Coverings Bylaw."

2. PURPOSE

2.1 The purpose of this Bylaw is to establish requirements to wear Face Coverings in Public Places and Public Vehicles subject to exceptions set out in this bylaw.

3. DEFINITIONS

3.1 In this bylaw, unless the context otherwise requires;

3.1.1 **CAO** – the Chief Administrative Officer or designate, appointed to the Town of Westlock pursuant to the MGA.

3.1.2 **COUNCIL** – the Council of the Town of Westlock.

3.1.3 **FACE COVERING** – a medical or non-medical mask or other face covering that fully covers the nose, mouth, and chin, ensuring a barrier that limits the transmission of infectious respiratory droplets.

3.1.4 **MGA** – the *Municipal Government Act*, RSA 2000, C. M-26, and associated regulations, as amended.

3.1.5 **MUNICIPAL TAG** – a tag whereby the person alleged to have committed a breach of a provision of this bylaw is given the opportunity to pay a voluntary penalty to the Town in lieu of prosecution for an offence.



- 3.1.6 **PEACE OFFICER** – shall have the same definition as contained in the *Provincial Offences Procedure Act*.
- 3.1.7 **PUBLIC PLACE** - 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.
- 3.1.8 **PUBLIC VEHICLE** – a motor vehicle used or offered for the transportation of at least one passenger in return for a fee and includes but is not limited to motor vehicles typically referred to as buses, taxis, shuttles, tow truck carrying a passenger, transportation network vehicles, and limousines.
- 3.1.9 **VIOLATION TICKET** –as defined in the *Provincial Offences Procedures Act*.
- 3.1.10 **WATCH** – the designation of a region by the Government of Alberta as defined in their Relaunch Status Protocols.

4. INTERPRETATION

- 4.1 The headings, titles and margin notes in this bylaw are for ease of reference only.
- 4.2 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.
- 4.3 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.

5. IN EFFECT

- 5.1 The provisions of this bylaw come into effect upon passing of this bylaw.

6. FACE COVERINGS

- 6.1 A person must wear a Face Covering at all times while in an indoor, enclosed, or substantially enclosed Public Place or in a Public Vehicle.

7. EXCEPTIONS

- 7.1 Section 6.1 does not apply to the following persons:
 - 7.1.1 persons under the age of 10;
 - 7.1.2 persons who are unable to place, use, or remove a Face Covering without assistance;
 - 7.1.3 persons unable to wear a Face Covering due to a mental or physical concern or limitation;
 - 7.1.4 persons consuming food or drink in designated seating areas or as part



of a religious or spiritual ceremony;

- 7.1.5 persons engaged in physical activities, water activities, or the paid supervision of water activities, or attending within a sauna or steam room;
- 7.1.6 persons providing care or assistance to a person with a disability where a Face Covering would hinder that caregiving or assistance;
- 7.1.7 persons engaging in services that require the temporary removal of a Face Covering;
- 7.1.8 persons participating in a theatrical dance or theatrical or musical public performance, if all participants in the performance are able to maintain at least two-metres of physical distance from each other and do not enter the areas where the public is viewing the performance;
- 7.1.9 persons providing or receiving a service that requires personal consultation if that activity occurs in a closed office or meeting room and all participants in the personal consultation are able to maintain physical separation of at least two-metres from each other; and
- 7.1.10 persons separated from others by physical barriers or shields such as plexiglass.

7.2 No person shall in any manner harass or attempt to intimidate a person who is not wearing a Face Covering as a result of any provision of section 7.1.

7.3 Section 6.1 does not apply to the following places:

- 7.3.1 schools and other educational facilities;
- 7.3.2 child-care facilities
- 7.3.3 area exclusively accessed or used by the Public Place's employees or a Public Vehicle operator provided that physical barriers or physical distancing practices are implemented between any person not required to wear a Face Covering by operation of this exception and any other person; and
- 7.3.4 platforms or stage areas in places of worship during worship services, provided that physical barriers or physical distancing practices are implemented between any person not required to wear a Face Covering by operation of this exception and any other person.



8. OFFENCES and PENALTY

8.1 No person shall contravene or fail to comply with any provision of this Bylaw.

8.2 Any person who contravenes this Bylaw is guilty of an offence.

8.3 Notwithstanding the foregoing, the minimum fine payable in respect of a contravention of this Bylaw shown for any offence referred to in Column 1 and Column 2 of Schedule "A" to this Bylaw is the immediately adjacent amounts shown in Column 3 and Column 4 of same Schedule.

8.4 Notwithstanding the foregoing, the fine amounts set out in Schedule "A" of this Bylaw are established as specified penalties for use on Municipal Tags and Violation Tickets.

8.5 A contravention of this Bylaw constitutes a separate offence in respect of each day or part of a day on which it continues. A person guilty of such offence is liable to a fine in an amount not less than that established by this bylaw for each such day. No proceedings may be instituted under this Bylaw more than two (2) years after the last occurrence of the alleged offence.

8.6 Notwithstanding the foregoing, the minimum fine and specified penalty payable in respect of a second or subsequent contravention of the same section of this Bylaw committed within twenty-four (24) months shall be double the minimum fine and specified penalty of the previous offence.

9. VICARIOUS LIABILITY

9.1 In this Bylaw, employees, employers, principals, and agents, are each severally liable and each guilty of the offence for any contravention of or any failure to comply with this Bylaw committed in the course of employment or in the course of the agent's exercising powers or performing duties on behalf of their principal. When a corporation contravenes or fails to comply with this Bylaw, every principal, director, officer, manager, employee or agent of the corporation who authorized, assented to, acquiesced, or participated in the act or omission that constitutes the offence is severally liable and guilty of the offence.

9.2 In this Bylaw, the legal and beneficial owners of any land are each severally liable and each guilty of the offence if the tenant(s), lessee(s), or occupier(s) of such land contravene or fail to comply with this Bylaw in relation to such land.

10. INSPECTING AND REMEDYING CONTRAVENTIONS

10.1 On behalf of the Town of Westlock, any Peace Officer of the Town of Westlock may enter upon any parcel of land within the Town of Westlock and take any actions or measures deemed necessary by such person(s) to achieve any of the following purposes:

10.1.1 to enforce this Bylaw; or

10.1.2 to prevent a re-occurrence of any contravention of this Bylaw.



10.2 All expenses, costs, and legal costs on a solicitor-client basis incurred by the Town of Westlock or its agents for any such action or measure performed pursuant to this Bylaw or the *Municipal Government Act*, RSA 2000, c M-26, and all amendments thereto, are amounts owing to the Town of Westlock by the person who was required to do something by the Order to Remedy, shall be paid within 30 days of any such person receiving notice of the amount due by registered mail served and effective in the same manner as the Order to Remedy, and are amounts which may be added to the property tax roll, the business tax roll, or both pursuant to the *Municipal Government Act*, RSA 2000, c M-26, and all amendments thereto.

10.3 No person shall obstruct, hinder or interfere with any other person in the exercise or performance of that person's powers pursuant to this Bylaw.

11. MUNICIPAL TAGS

11.1 Any Peace Officer, in that Officer's sole discretion, is hereby authorized and empowered to issue a Municipal Tag to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened or failed to comply with any provision of this Bylaw.

11.2 A Municipal Tag may be issued to any Person either;

11.2.1 personally;

11.2.2 by placing a copy of the Municipal Tag upon a vehicle registered to such a person; or

11.2.3 by mailing a copy to such Person by registered or ordinary mail to their last known mailing address.

11.3 A Municipal Tag shall be in a form approved by the Town and shall include:

11.3.1 the name of the Person

11.3.2 the date upon which the offence was committed

11.3.3 the section number(s) of this Bylaw which were contravened

11.3.4 the appropriate specified penalty or minimum fine for the offence as prescribed by this Bylaw;

11.3.5 the time within which the entire penalty must be paid to the Town of Westlock.

11.4 If payment is received by the Town of Westlock within the period of time permitted by any such Violation Tag, no Information or Violation Ticket may be issued against the same offender for the same offence.

11.5 Except where a Municipal Tag has been paid as prescribed herein, nothing in this Bylaw shall limit a Peace Officer's discretion to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, RSA 2000, and all amendments thereto, or instead lay an Information pursuant to the *Criminal Code*, RSC 1985, and all

amendments thereto, at any time within 2 years of the last occurrence of the offence, regardless of whether or not a Violation Tag has been issued.

11.6 Any Peace Officer, in that Officer's sole discretion, is authorized to issue a Violation Ticket which permits the voluntary payment of the fine or specified penalty indicated thereon in the manner specified by the *Provincial Offences Procedure Act*, RSA 2000, and all amendments and regulations thereto.

11.7 Any fine or penalty imposed upon conviction for any offence occurring within the Town of Westlock enures to the benefit of the Town of Westlock.

12. AMENDMENTS

12.1 The Council for the Town of Westlock may, by bylaw, alter, amend or repeal any or all of the Schedules, which form part of this bylaw.

13. SEVERABILITY

13.1 Should any provision of this Bylaw be invalid, then such invalid provisions shall be severed, and the remaining bylaw shall be maintained.

14. EFFECTIVE

14.1 This Bylaw shall come into force and take effect on Wednesday, October 28, 2020.


READ A FIRST TIME THIS 26th DAY OF OCTOBER 2020.

READ A SECOND TIME THIS 26th DAY OF OCTOBER 2020.

UNANIMOUS CONSENT FOR THIRD READING ON THIS 26th DAY OF OCTOBER 2020.

READ A THIRD AND FINAL TIME AND PASSED THIS 26th DAY OF OCTOBER 2020.

Signed by Mayor and CAO this 26th day of October 2020.


MAYOR, Ralph Leriger


CAO, Simone Wiley

"Schedule "A"'"**OFFENCE PENALTIES**

Offence	Section	Municipal Tag Column 3 (Minimum Fine and Specified Penalty in Dollars)	Violation Ticket Column 4 (Minimum Fine and Specified Penalty in Dollars)
Contravene Face Covering Bylaw	8.0	\$100.00	\$1,000.00

