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Temporary Bylaw Requiring the Wearing of Masks in Enclosed Public Spaces

PART I – INTERPRETATION

Purpose

1. The purpose of this bylaw is to temporarily require the wearing of face coverings that limits the transmission of respiratory droplets in indoor public spaces and public vehicles.

Definitions

2. In this bylaw
 - (a) “**enclosed public space**” means any part of a building or other enclosed, or substantially enclosed, area to which members of the public have access as of right or by express or implied invitation, including
 - (i) premises or any portion thereof which are used as a place of business for the sale or offering for sale of goods or services, and includes a mall or similar structure which contains multiple places of business;
 - (ii) places of worship, including churches, mosques, synagogues, and temples;
 - (iii) community centres including indoor recreational facilities;
 - (iv) event spaces including arenas, banquet halls, convention centres and stadiums;
 - (v) libraries, art galleries, museums and other similar facilities;
 - (vi) concert venues, theatres, cinemas, casinos and other entertainment facilities;
 - (vii) premises being used as an open house, presentation centre or other facility for real estate purposes; and
 - (viii) common areas of hotels, motels and other short-term rentals, such as lobbies, elevators, meeting rooms or other common use facilities;
 - (b) “**fixed barrier**” means a physical barrier that limits the transmission of respiratory droplets and that extends from a minimum of 1.2 metres above the ground to a minimum of 2 metres above the ground;

Nomos[‡] Legislative Drafting

200-10328 81 Ave NW
Edmonton, AB T6E 1X2
nomos.lprs.ca

Tel: 587-921-2500
Fax: 416-981-3940
Email: nomos@lprs.ca

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- (c) “**mask**” means a face covering that limits the transmission of respiratory droplets and is
 - (i) a cloth that covers the nose, mouth and chin without gapping, including a surgical mask, bandana or scarf; or
 - (ii) a solid transparent face shield that covers the nose, mouth and chin that is of least 250 mm in width and that extends at least 25 mm below the chin;
- (d) “**mask policy**” means a policy adopted under section 2(1)
- (e) “**officer**” means a Bylaw Enforcement Officer appointed under a bylaw of the municipality, a peace officer appointed under the *Peace Officer Act, SA 2006, c. P-3.5*, or a police officer appointed under the *Police Act, RSA 2000, c. P-17*;
- (f) “**operator**” means the person or entity that controls the operation of the *enclosed public space* or *public vehicle*;
- (g) “**public vehicle**” means a vehicle that is used to transport members of the public for a fee, including a bus or taxi.
- (h) “**violation ticket**” has the same meaning as in the *Provincial Offences Procedure Act, RSA 2000, c. P-34*.

Headings

- 3. In this bylaw, notes and headers are not part of the bylaw but are inserted for convenience of reference only.

PART II – MANDATORY FACE COVERINGS

Prohibition

- 4. Every person in an *enclosed public space* or a *public vehicle* must wear a *mask* in a manner that covers their nose, mouth and chin unless that person is separated from other persons by a *fixed barrier*.

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Exempted individuals

5. Section 4 does not apply to:
- (a) any child 12 years of age and younger;
 - (b) any person with a medical condition rendering that individual unable to safely wear a *mask*, including breathing difficulties or cognitive difficulties;
 - (c) any person who is unable to apply or remove a *mask* without assistance;
 - (d) any person providing care or assistance to a person with a disability where a cloth mask would hinder that caregiving or assistance;
 - (e) where it is necessary to remove a mask to provide or receive a service, any person who has removed their mask while providing or receiving a service;
 - (f) any person who has removed their mask for any emergency or medical purpose; and
 - (g) any person exempted from wearing a *mask* provided by a *mask policy* adopted in conformity with this bylaw.

No proof necessary

6. No person shall be required to provide proof of any of the exemptions set out in section 5.

PART III – MASK POLICIES

Mask policy

7. (1) An *operator* of an *enclosed public space* may adopt a *mask policy* that exempts individuals from wearing a mask in circumstances authorized under this section.

Content of mask policy

- (2) Every *mask policy* adopted by an *operator* must:
- (a) exempt the persons set out in section 5 from the obligation of wearing a *mask*;
 - (b) require that employees and agents wear a *mask* when working in the public areas of the *enclosed public space* unless the employee or agent is separated from members of the public by a *fixed barrier*.

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Exempted staff and activities

- (3) Every *mask policy* adopted by an *operator* may exempt:
 - (a) any person who is employed by or is an agent of the *operator* and that person
 - (i) is in an area of the premises that is not designated for public access; and
 - (ii) physical distancing practices are implemented between persons in those premises not designated for public access;
 - (b) any person temporarily removing of a *mask* where necessary for the purpose of consuming food or drink in designated seating areas that are physically distanced from the rest of the *enclosed public space*;
 - (c) any person actively engaging in an athletic or fitness activity; or
 - (d) any person actively engaging in a water-based activity, including swimming, wading, or sliding.

Exempted facilities

8. Section 7(2) does not apply to the following *enclosed public spaces*:

- (a) schools and post-secondary institutions;
- (b) childcare facilities; or
- (c) public hospitals, private hospitals, surgical facilities and offices of regulated health professionals.

Mandatory staff training

9. Every *operator* of an *enclosed public space* that has adopted a *mask policy* must ensure that all persons working at any *enclosed public space* of the *operator* are trained in the requirements of the *mask policy*.

Availability of a copy of the mask policy

10. (1) Every *operator* of an *enclosed public space*, upon request, must provide a copy of the *mask policy* to a person authorized to enforce the provisions of this bylaw.

Web posted policies

- (2) For greater certainty, a copy of the *mask policy* may be provided as a URL linking to a copy of the *mask policy*.

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PART IV – NOTICE REQUIREMENTS

Mandatory written public notice

11. Every *operator* of an *enclosed public space* must post, at every public entrance to the premises, prominent and clearly visible signage that contains the following messages:

All persons entering or remaining in these premises must wear a mask or face covering that covers the nose, mouth, and chin as required by BYLAW...

Mandatory oral public notice

12. Every *operator* of an *enclosed public space* must require that employees and agents
- (a) inform any person entering an *enclosed public space* without a *mask* that a municipal bylaw requires all persons entering the *enclosed public space* to wear a *mask*; and
 - (b) provide a verbal reminder to any person in an *enclosed public space* removing their *mask* for extended periods of time that a municipal bylaw requires all persons in the enclosed public space to wear a *mask*.

PART V – ENFORCEMENT

Offences

13. Any person who contravenes any provision of this bylaw, by doing any act that the person is prohibited from doing or omits from doing any act the person is required to do, is guilty of an offence under this bylaw.

Fines – General

14. (1) A person found guilty of an offence under this bylaw is liable to a fine in an amount not less than \$100.

Fines – Written notice

- (2) A person found guilty of contravening section 11 of this bylaw is liable to a fine in an amount not less than \$200.

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Enforcement by violation ticket

15. (1) 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*.

Enforcement by laying an information

- (2) For greater certainty, subsection (1) does not prohibit 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.

PART VI – COMING INTO FORCE AND REPEAL

Coming into force

16. This bylaw comes into force on...

Repeal

17. This bylaw is repealed effective May 1, 2021.