

**BYLAW NO. 11-2020**

**A BYLAW OF THE VILLAGE OF HOLDEN IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE REQUIREMENT OF WEARING FACE COVERINGS INSIDE PUBLIC PREMISES AND PUBLIC VEHICLES.**

**WHEAREAS** on 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** physical distancing may not be possible in indoor public premises and in public vehicles;

**AND WHEREAS** pursuant to section 7 of the *Municipal Government Act*, R.S.A 2000, c. M-16, a council of a municipality may pass bylaws respecting: the safety health and welfare of people and the protection of people and property and people, activities and things in, on or near a public place or place that is open to the public;

**AND WHEREAS** Council considers it expedient and desirable for the health, safety and welfare of the employees, residents, and visitors to the Village of Holden, the wearing of face coverings is required in indoor public premises and in public vehicles;

**NOW THEREFORE**, pursuant to the provisions of the *Municipal Government Act*, the Council of the Village of Holden, duly assembled, enacts as follows:

**1. SHORT TITLE**

1.1 This Bylaw shall be cited as the "Face Covering Bylaw."

**2. DEFINITIONS**

2.1 "Face Covering" means a mask or other face covering that covers the mouth, nose and chin ensuring a barrier that limits the transmission of infectious respiratory droplets;

2.2 "Operator" includes the person responsible for the day to day operations of a Public Premises or a Public Vehicle and a Proprietor of a Public Premises;

2.3 "Peace Officer" means a member of a police service as per the Police Act, R.S.A. 2000, c. P-17, a Community Peace Officer appointed by the Village as per the Peace Officer Act, S.A. 2006, c. P-3.5, and a Bylaw Officer, appointed by the Village, pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26;

2.4 "Proprietor" means the person who ultimately controls, governs or directs the activity carried on within any public premises or public vehicle referred to in this Bylaw and includes the person usually in charge thereof;

2.4 “Public Premises” means the interior area of any building or structure to which the public is invited or permitted access, either expressly or by implication regardless of whether a fee is charged for entry, in order to receive or to provide goods or services, including but not limited to the public areas of the following:

- (a) Restaurants, cafes, cafeterias, and outdoor patios associated with these establishments;
- (b) Retail establishments;
- (c) Shopping malls or similar structures that contain multiple places of businesses;
- (d) Grocery stores;
- (e) Churches or other places of worship;
- (f) Libraries, museums, art galleries, recreational facilities, concert venues, special event venues, community hall, or other similar entertainment, cultural, or leisure facilities;
- (g) Common areas of sports facilities, sports clubs, gyms, yoga studios, or other similar establishments, such as lobbies, elevators, and locker rooms/changing rooms;
- (h) Common areas of hotels, motels, and other short-term rentals, such as lobbies, elevators, meeting rooms, or other common use facilities;
- (i) Health and wellness facilities and personal services facilities;
- (j) Temporary facilities, such as construction trailers and temporary sales offices; and
- (k) Municipal facilities;

Provided that the following are not considered a public premise for the purposes of this Bylaw:

- (a) Schools, as defined by the School Act, RSA 200 c S-3;
- (b) Day Care facilities, as defined in the Village of Holden Land Use Bylaw;
- (c) Portions of buildings that are being used for the purpose of providing day camps;
- (d) Areas not open to the general public in offices of professional services providers such as lawyers and accountants where clients receive services; and
- (e) Hospitals, independent health facilities, and offices of regulated health professionals.

2.5 “Public Vehicle” means a bus, taxi, or other vehicle that is used to transport members of the public for a fee, excluding school buses;

- 2.6 “Violation Ticket” means any ticket which is authorized under the Provincial Offences Procedures Act, and any other enactment, and which is issued for any bylaw offence.

### **3. PROHIBITION**

- 3.1 A person must wear a Face Covering while in a Civic Facility or Public Premises.
- 3.2 A person must wear a Face Covering while in a Public Vehicle.

### **4. EXCEPTIONS**

- 4.1 Section 3 does not apply to:
- (a) children under 2 years of age;
  - (b) persons with an underlying medical condition or disability which inhibits their ability to wear a Face Covering;
  - (c) persons who are unable to place, use or remove a Face Covering safely without assistance;
  - (d) persons who are caregiving for or accompanying a person with a disability where wearing a Face Covering would hinder the accommodation of the person’s disability
  - (e) persons who are eating or drinking at a Public Premises that offers food or beverage services in designated seating areas;
  - (f) persons who have temporarily removed their face coverings where doing so is necessary to provide or receive a service; and
  - (g) persons engaging in an athletic, fitness or water activity, the latter being an activity where their face may be submerged in water, including but not limited to persons employed as a lifeguard.
- 4.2 A person who is employed by, or is an agent of, the Operator of a Public Premises is not obligated to wear a Face Covering while:
- (a) In an area of the Public Premises that is not designated for public access;
- Or
- (b) When located either within or behind a physical barrier, including but not limited to a Plexiglass barrier, implemented between any person not required to wear a face covering under this exception and any other person.

### **5. PENALTIES AND ENFORCEMENT**

- 5.1 A person who contravenes any provision of this Bylaw is guilty of an offence and shall be liable to the specified penalty set out in Schedule A.
- 5.2 A Peace Officer may issue a Violation Ticket with a specified penalty pursuant to the *Provincial Offences Procedure Act*, R.S.A. 2000.

- 5.3 Where a Provincial Violation Ticket is issued, a voluntary payment equal to the specified fine amount may be made as directed.
- 5.4 Nothing in this Bylaw shall preclude a Peace Officer from issuing a Violation Ticket for a mandatory court appearance to any person who contravenes any provision of this Bylaw.
- 5.5 In the case of an offence that is of an continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues, and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence.

**6. FORCE AND EFFECT**

- 6.1 This Bylaw shall come into force and effect upon receiving third reading and being signed.
- 6.2 Should any provision of this Bylaw be determined to be invalid, then such provision shall be severed and the remaining Bylaw shall remain valid and enforceable.
- 6.3 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.

**READ A FIRST TIME** this 29<sup>th</sup> day of November, 2020

**READ A SECOND TIME** this 29<sup>th</sup> day of November, 2020

**UNANIMOUS CONSENT FOR THIRD READING** this 29<sup>th</sup> day of November, 2020

**READ A THIRD TIME** and passed this 29<sup>th</sup> day of November, 2020

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Mayor

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Chief Administrative Officer