



TOWN OF EDSON BYLAW NO. 2266

A Bylaw of the Town of Edson in the Province of Alberta, pursuant to the provisions of the *Municipal Government Act*, being Chapter M-26 of the Statutes of Alberta 2000 and amendments thereto, to establish the mandatory use of facial coverings in all publicly accessible places.

WHEREAS pursuant to section 7 of the *Municipal Government Act* (RSA 2000, cM-26), 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.

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

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 Edson 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 Municipal Council of the Town of Edson, in the Province of Alberta, duly assembled, enacts as follows:

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1. TITLE

1.1. This Bylaw may be cited as the “Mandatory Facial Covering Bylaw”.

2. DEFINITIONS

2.1. “Town” means the municipal corporation of the Town of Edson.

2.2. “Town Manager” means the Chief Administrative Officer or designate, appointed pursuant to the MGA.

2.3. “Face Covering” means a medical or non-medical mask or other face covering that fully covers the nose, mouth, and chin, but excludes a mask with an exhalation valve.

2.4. “MGA” means the *Municipal Government Act*, RSA 2000, C. M-26, and associated regulations, as amended.

2.5. “Municipal Tag” means a tag or similar document issued by the Town pursuant to the MGA for the purpose of notifying a person that an offence has been committed, and which fine or prosecution may follow.

2.6. “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.

2.7. “Public Transportation Vehicle” means any vehicle used for the transportation of people upon the payment of a fee.

2.8. “Violation Ticket” means a Violation Ticket as defined in the *Provincial Offences Procedures Act*.

3. REGULATION OF MANDATORY FACE COVERINGS

3.1. 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.

4. EXEMPTIONS

4.1. Section 3.1 shall not apply to the following persons:

4.1.1. persons under 2 years of age;

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- 4.1.2. persons who are unable to place, use, or remove Face Coverings without assistance;
- 4.1.3. those with mental or physical concerns or limitations, or any other protected ground under the Alberta Human Rights Act that prevent them from wearing a face covering;
- 4.1.4. persons providing care or assistance to a person with a disability where a Face Covering would hinder that caregiving or assistance;
- 4.1.5. persons consuming food or drink in designated seating areas or as part of a religious or spiritual ceremony;
- 4.1.6. persons engaging in aquatic activities or physical exercise; or
- 4.1.7. persons engaging in services that require the temporary removal of a Face Covering.

4.2. Section 3.1 shall not apply to the following locations:

- 4.2.1. schools and other educational facilities;
- 4.2.2. hospitals and health care facilities;
- 4.2.3. childcare facilities; or
- 4.2.4. areas exclusively accessed or used by the Public Place's employees or the operators of a Public Transportation Vehicle, 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.

5. ENFORCEMENT

5.1. A person is guilty of an offence under this Bylaw if:

- 5.1.1. They contravene the provisions of this Bylaw.
- 5.1.2. They obstruct or hinder any person in the exercise or performance of the person's powers and duties under this Bylaw.

5.2. Penalties:

- 5.2.1. A person who is guilty of an offence is liable for a fine pursuant to Schedule "A" and issued in accordance with the MGA.

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5.3. Municipal Tag:

5.3.1. A Peace Officer is hereby authorized to issue a Municipal Tag to any person who the Peace Officer believes has contravened any provision of this Bylaw.

5.3.2. A Municipal Tag may be issued:

5.3.2.1. personally;

5.3.2.2. by mailing a copy to such person at their last known municipal address; or

5.3.2.3. by leaving it at the last known municipal address for such person.

5.3.3. The Municipal Tag shall state:

5.3.3.1. the name of the person;

5.3.3.2. the offence;

5.3.3.3. the specified penalty amount established by this Bylaw for the offence; and

5.3.3.4. that the penalty shall be paid within 7 days of the issuance and in accordance with the instructions on the Tag

5.3.3.5. Where a Municipal Tag is issued pursuant to this Bylaw, the person to whom it is issued may, in lieu of being prosecuted for the offence, pay the penalty to the Town as specified within the prescribed time indicated on the Municipal Tag.

5.4. Violation Ticket

5.4.1. Where a Municipal Tag has been issued and the specified penalty has not been paid within the prescribed time, the Peace Officer is authorized to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.

5.4.2. Notwithstanding Section 5.4(a), a Peace Officer is hereby authorized to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* to any person who the Peace Officer believes has contravened any provision of this Bylaw.

5.4.3. Where a Violation Ticket is issued in respect to a contravention of this Bylaw, the Violation Ticket may

5.4.3.1. specify the fine amount established by this Bylaw for the offence;

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- 5.4.3.2. require a person to appear in court, without the alternative of making voluntary payment.
- 5.4.4. A person who commits an offence may submit voluntary payment noting the specified penalty, on or before the initial appearance date indicated on the Violation Ticket if the Violation Ticket is issued in respect to the offence and the Violation Ticket specifies the penalty established by this Bylaw for the Offence.

6. INTERPRETATION

- 6.1. Wherever the provisions of this Bylaw are, or have deemed to be at variance with each other, the more restrictive of the provisions shall apply.
- 6.2. References to provisions of statutes, rules or regulations shall be deemed to include references to such provisions as amended, modified or re-enacted from time to time.
- 6.3. Nothing in this Bylaw relieves any person from compliance with any other bylaw or applicable federal or provincial law, regulation, or enactment.
- 6.4. The use of headings is for convenience of reference only and shall not be construed so as to affect the interpretation of this bylaw.

7. SEVERABILITY

- 7.1. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of the Bylaw is deemed valid.

8. ENACTMENT

- 8.1. The provisions of this Bylaw may only be enacted/rescinded by the Town Manager or designate when the circumstances, as described in Schedule “B” attached hereto, are met.
 - 8.1.1. The Emergency Management Advisory Committee will be advised of the Town Manager’s decision to enact this Bylaw, immediately and prior to any public announcement being made.

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9. EXPIRY

9.1. This Bylaw shall expire and cease to be in effect on December 31, 2021.

9.1.1. 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;

9.1.2. an unpaid Municipal Tag issued prior to the time of expiry may result in the issuance of a Violation Ticket after the time of expiry, which will be as valid and enforceable as though this Bylaw had not expired.

READ a first time this ____ day of ____, 20__.

Mayor

Chief Administrative Officer

READ a second time this ____ day of ____, 20__.

Mayor

Chief Administrative Officer

READ a third time and finally passed this ____ day of ____, 20__.

Mayor

Chief Administrative Officer

TOWN OF EDSON BYLAW NO. 2266**Schedule “A”**

Section	Description of Offence	Penalty, 1 st Offence	Penalty, 2 nd and Subsequent Offences
3.1	Fail to wear Facial covering where required	\$100.00	\$200.00
5.1.2	Interference with a person in the exercise or performance of the person's powers pursuant to this bylaw	\$250.00	\$500.00

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SCHEDULE “B”

Enactment

For the purpose of Bylaw No. 2266, the following items will be taken into consideration for enactment.

- There are more than 250 active cases/100,000 population (approximately 40 cases) within the Edson Region
- There is a continued and persistent spread of active cases within the community
- There is an outbreak within local schools, which may or may not result in a closure of the school(s), or other local community facility which may have the ability to impact the community as a whole
- A continued, persistent and active infection rate profile of neighboring communities (e.g. Hinton, Whitecourt, Evansburg, etc.)

Rescind

The following items will be taken into consideration for rescinding of the measures under Bylaw No. 2266.

- There are less than 250 active cases/100,000 population (approximately 40 cases) within the Edson Region for 10 consecutive days
- There is determined to be no continued and persistent spread of active cases within the community
- Local outbreaks may be weighed based on overall public risk (if the outbreak is confined to a specific facility)
- A review of spread and case counts in neighboring communities (e.g. Hinton, Whitecourt, Evansburg, etc.)