

This document is consolidated into a single publication for the convenience of users. The Official Bylaw and all amendments thereto are available from the Legislative Services Department and should be consulted in interpreting and applying this Bylaw. In the case of any dispute, the original Mandatory Facial Covering Bylaw and amendments must be consulted.



A BYLAW OF THE CITY OF FORT SASKATCHEWAN, IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE MANDATORY USE OF FACIAL COVERINGS IN ALL PUBLICLY ACCESSIBLE PLACES.

BYLAW NO. C29-20

WHEREAS, the City seeks to take all reasonable and practical steps within its jurisdiction to ensure the health and safety of the public.

NOW THEREFORE, the Council of the City of Fort Saskatchewan in the Province of Alberta, duly assembled, hereby enacts:

1. TITLE

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

2. DEFINITIONS

2.1 “City” means the municipal corporation of the City of Fort Saskatchewan.

2.2 “City 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 City 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:

- a. persons 9 years of age and younger;
- b. persons who are unable to place, use, or remove Face Coverings without assistance;
- c. ¹persons unable to wear a face covering due to a mental or physical condition, disability or limitation, or other protected ground under the *Alberta Human Rights Act*;
- d. persons providing care or assistance to a person with a disability where a Face Covering would hinder that caregiving or assistance;
- e. persons consuming food or drink in designated seating areas or as part of a religious or spiritual ceremony;
- f. persons engaging in aquatic activities or physical exercise; or
- g. 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:

- a. schools and other educational facilities;
- b. hospitals and health care facilities;
- c. child care facilities; or
- d. area 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

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required to wear a Face Covering by operation of this exemption and any other person.

5. **ENFORCEMENT**

5.1 Offences:

- a. A person who contravenes this Bylaw is guilty of an offence.
- b. A person shall not obstruct or hinder any person in the exercise or performance of the person's powers and duties under this Bylaw.

5.2 Offences:

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

5.3 Municipal Tag:

- a. 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.
- b. A Municipal Tag may be issued:
 - i. personally;
 - ii. by mailing a copy to such person at their last known municipal address; or
 - iii. by leaving it at the last known municipal address for such person.
- c. The Municipal Tag shall be in a form approved by the City Manager and shall state:
 - i. the name of the person;
 - ii. the offence;
 - iii. the specified penalty established by this Bylaw for the offence;
 - iv. that the penalty shall be paid within 7 days of the issuance; and
 - v. any other information as may be required by the City Manager.
- d. 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 City as specified within the prescribed time indicated on the Municipal Tag.

5.4 Violation Ticket:

- a. 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*.
- b. 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.
- c. Where a Violation Ticket is issued in respect to a contravention of this Bylaw, the Violation Ticket may:
 - i. specify the fine amount established by this Bylaw for the offence; or
 - ii. require a person to appear in court, without the alternative of making voluntary payment.
- d. 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 by the City Manager when the number of active COVID-19 cases within the City is reported by Alberta Health Services to be 10 or more.

8.2 Council may, by resolution, implement the provisions of this Bylaw at any time.

9. **REVERSION**

9.1 If the provisions of this Bylaw have been enacted in accordance with Section 8, they may only be reverted if through Council by resolution, reverts the enactment.

10. **EFFECTIVE DATE**

10.1 This Bylaw comes into force and effect on August 10, 2020.

11. **EXPIRY**

11.1 ² Deleted.

(NOTE: Consolidation made under Section 69 of the *Municipal Government Act*, R.S.A. 2000,c.M-26 and Bylaw C5-13, and printed under the Director, Legislative Service's authority)

Bylaw C29-20, passed by Council, August 4, 2020.

Amendments:

Bylaw C34-20, October 27, 2020

² Bylaw C34-20

Schedule "A"

Section	Description of Offence	Penalty, 1 st Offence	Penalty, 2 nd and Subsequent Offences
3.1	Fail to wear Face Covering where required.	\$100	\$200
5.1 (b)	Interference with a person in the exercise or performance of the person's powers pursuant to this Bylaw	\$250	\$500