

# CITY OF GRANDE PRAIRIE

## BYLAW C-1426

### Being a Bylaw for Temporary Mandatory Face Covering (Mask)

**WHEREAS** on March 11, 2020, the World Health Organization declared a global pandemic related to the spread of the COVID-19 virus and further that COVID-19 continues to remain 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 covering (mask) 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 Public Places and in Public Vehicles;

**AND WHEREAS** pursuant to section 7 of the *Municipal Government Act*, RSA 2000, Chapter M-16 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;
- (c) transport and transportation systems; and
- (d) businesses, business activities and persons engaged in business.

**AND WHEREAS** Council considers it expedient and desirable for the health, safety, and welfare of the inhabitants of Grande Prairie to require the wearing of Face Covering (Mask) in Public Places and in Public Vehicles;

**NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF GRANDE PRAIRIE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:**

#### **SHORT TITLE**

1. This Bylaw shall be called the “Face Covering (Mask) Bylaw”.

#### **DEFINITIONS**

2. (1) In this Bylaw:

**“Employer”** means any person who as the owner, proprietor, manager, superintendent or person(s) of any activity, business, work, trade, occupation or profession, has control over or direction of, or is directly or indirectly responsible for the employment of a person and responsible for the day to day operations of a Public Places or Public Vehicle.

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**“Enhanced”** refers to the relaunch status as designated by the Government of Alberta that determines:

- (a) risk levels that require Enhanced public health measures to control the spread of COVID-19; or
- (b) informed by local context.

**“Establishment”** means any of the following:

- (a) 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;
- (b) churches, mosques, synagogues, temples or other places of worship;
- (c) community centres including indoor recreational facilities;
- (d) day camps;
- (e) libraries, art galleries, museums and other similar facilities;
- (f) community service agencies providing services to the public;
- (g) banquet halls, convention centres, arenas, stadiums and other event spaces;
- (h) premises utilized as an open house, presentation centre or other facility for real estate purposes;
- (i) common areas of hotels, motels and other short-term rentals, such as lobbies, elevators, meeting rooms or other common use facilities;
- (j) concert venues, theatres, cinemas, casinos and other entertainment facilities; and
- (k) homeless shelters.

**“Face Covering (Mask)”** means a mask, balaclava, bandana, scarf, cloth or other fabric or material that covers the nose, mouth and chin, ensuring a barrier that limits the transmission of infectious respiratory droplets.

**“Officer”** means a Peace Officer or a Bylaw Enforcement Officer of the City.

**“Open”** refers to the relaunch status as designated by the Government of Alberta that determines the level of risk associated with COVID-19 within a region, which is low level of risk, no additional restrictions in place and is based on the ratio of **less than** 50 active cases per 100,000. The ratio equivalent for the City of Grande Prairie is **less than** 37 active cases per 73,000. The ratio for the County of Grande Prairie is **less than** 16 active cases per 31,000.

**“Peace Officer”** means any member of the Royal Canadian Mounted Police, a Peace Office and a Bylaw Enforcement Officer of the City.

**“Proprietor”** means the person who ultimately controls, governs or directs the activity carried on within any Public Places or Public Vehicle referred to in this Bylaw and includes the person usually in charge thereof.

**“Public Places”** 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 or not a fee is charged, or a membership is required to enter.

For greater clarity, a waiting area, lobby, service counter, washroom, hallway, stairwell and elevator are included as part of any Public Place prescribed in this Bylaw if it is open to the general public.

**“Public Vehicles”** means a bus, including a bus shelter, taxi, uber, limousine or other vehicle that is used to transport members of the public for a fee.

**“Violation Ticket”** has the same meaning as defined in the *Provincial Offences Procedure Act*, RSA 2000, Chapter P-34.

### **RULES OF INTERPRETATION**

- 3 (1) All schedules attached to this Bylaw form part of this Bylaw.
- (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.
- (3) Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
- (4) 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.

### **IN EFFECT**

4. (1) Sections 5 to 9 of this Bylaw activate when:
  - (a) a consolidated case count with a total number of 100 cases occurs between the City of Grande Prairie and the County of Grande Prairie; or
  - (b) a relaunch status change by either municipality to Enhanced status as per the Government of Alberta.

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- (2) Sections 5 to 9 of this Bylaw deactivate when the relaunch status is Open for both the City of Grande Prairie and the County of Grande Prairie and is sustained for a period not less than fourteen (14) consecutive days, as reported by the Government of Alberta.

### **PROHIBITION**

5. A person must wear a Face Covering (Mask) in an indoor, enclosed or substantially enclosed Public Place or a Public Vehicle, unless the person is separated from other persons by an installed screen, shield or other barrier.

### **EXCEPTIONS**

6. Section 5 does not apply to the following persons:
- (1) children under 2 years of age;
  - (2) a child at least 2 years of age but under the age of 5 years who refuses to wear a Face Covering (Mask) and cannot be persuaded to do so by their parent/legal guardian/caregiver;
  - (3) unable to wear a Face Covering (Mask) due to a medical or physical concern or limitation, or protected ground under the *Alberta Human Rights Act*, RSA 2000, Chapter 25.5;
  - (4) who are unable to place, use or remove a Face Covering (Mask) safely without assistance;
  - (5) who are eating or drinking at a Public Place that offers food or beverage services, while seated in designated areas;
  - (6) engaging in an athletic or fitness activity, including but not limited to running, water activities or physical exercise;
  - (7) who is a designated care giver for or accompanying a person with a disability where wearing a Face Covering (Mask) would hinder the accommodation of the person's disability;
  - (8) engaging in services that require the temporary removal of a Face Covering (Mask) in order to provide or receive a service; or
  - (9) who is sleeping or in bed at a homeless shelter.
7. Section 5 does not apply to the following places:
- (1) schools and other educational facilities;
  - (2) hospitals and health care facilities;
  - (3) any portion of a Public Place of a building that is accessible only to employees and that are not open to the general public include, without limitation, private offices, board rooms, washrooms and facilities; or

- (4) public vehicle operator, provided that physical barriers or physical distancing practices are implemented between any person not required to wear a Face Covering (Mask) by operation of this exception and any other person.

### **SIGNAGE**

8. An Employer or Proprietor must prominently display a sign, in the form and containing the content set out in Schedule “B”, in a location that is visible to a person immediately upon entering the Public Place or a Public Vehicle.

### **OFFENCES**

9. A person who contravenes or fails to comply with any provisions of this Bylaw is guilty of an offence pursuant to this Bylaw.

### **ENFORCEMENT**

10.
  - (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 in accordance with the *Provincial Offences Procedures Act*, RSA 2000, Chapter P-34.
  - (2) This section shall not prevent 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 related instead of issuing a Violation Ticket.
  - (3) The City has the discretion to enforce this Bylaw and is not liable of any outcomes should a Peace Officer decide not to enforce this Bylaw if acting in good faith.

### **PENALTY**

11.
  - (1) Where there is a specified penalty listed for an offence in Schedule “A” to this Bylaw, that amount is the specified penalty for the offence.
  - (2) Upon conviction, if the totality of the circumstances surrounding any contravention of this Bylaw indicate a marked endangerment or increased risk of endangering public health the Justice may deviate from the specified penalty when determining the appropriate fine amount.
  - (3) In this section, “specified penalty” means an amount that can be paid by a person who is issued a Violation Ticket and is authorized to make a voluntary payment without Court appearance.

**COMING INTO FORCE**

12. This Bylaw shall take effect on the date it is passed.

13. This Bylaw is in effect until January 31, 2021 unless otherwise amended by Council.

**READ** a first time this 31 day of August, 2020.

“B. Given” (signed)  
Mayor

“A. Karbasheski” (signed)  
City Clerk

**READ** a second time this 8 day of September, 2020.

**READ** a third time and finally passed this 8 day of September, 2020.

“B. Given” (signed)  
Mayor

“A. Karbasheski” (signed)  
City Clerk

**BYLAW C-1426**

**SCHEDULE "A"**

**PENALTIES**

<b>Section</b>	<b>Description of Offence</b>	<b>Specified Penalty</b>
5	Failure to wear Face Covering (Mask) where required	\$100.00
8	Failure to display prescribed signage as shown in Schedule "B" of this Bylaw	\$200.00

## SCHEDULE "B"



# Face Covering (Mask) **REQUIRED**



**All persons  
must wear a Face  
Covering (Mask)  
in indoor public  
places or a public  
vehicle.**

*The City of Grande Prairie Bylaw C-1426*

***Exemptions include, but are not limited to: children under two years of age, or persons with an underlying medical condition or disability which inhibits their ability to wear a Face Covering (Mask).***

***For a full list of exemptions please visit: [cityofgp.com/covid19](http://cityofgp.com/covid19)***

Visit [alberta.ca/covid19](http://alberta.ca/covid19) for up-to-date physical distancing guidelines.

Visit [cityofgp.com/covid19](http://cityofgp.com/covid19) for more details on the City's response.

THE CITY OF  
**GRANDE**  
prairie