

**TOWN OF MORINVILLE
PROVINCE OF ALBERTA
BYLAW 24/2020
MANDATORY FACE COVERINGS BYLAW
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A BYLAW OF THE TOWN OF MORINVILLE, IN THE PROVINCE OF ALBERTA, TO TEMPORARILY MANDATE THE WEARING OF FACE COVERINGS IN INDOOR PUBLIC PLACES AND PUBLIC VEHICLES.

WHEREAS, the World Health Organization, the Chief Public Health Officer of Canada and the Chief Medical Officer of Health for Alberta have identified Face Coverings as a way to reduce the transmission of the COVID-19 virus;

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

AND WHEREAS, Council considers it appropriate to mandate the wearing of Face Coverings in Public Places and Public Vehicles subject to exceptions set out in this Bylaw.

NOW THEREFORE, the Council of the Town of Morinville, in the Province of Alberta, duly assembled, enacts as follows:

1. TITLE

1.1. This Bylaw shall be known as the "Mandatory Face Covering Bylaw"

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- 2.1. "**Enhanced**" Classification as defined by Alberta Health Services means risk levels require enhanced public health measures to control the spread and informed by local context;
- 2.2. "**face covering**" means a medical or non-medical mask or other face covering that fully covers the nose, mouth, and chin or a face shield, a device made wholly or primarily from rigid plastic or other inflexible material that creates a barrier over the face of the person wearing the device but does not make close contact with the wearer's skin upon or around the nose and mouth. The face shield or device must be transparent and such that it does not obscure the wearer's vision;
- 2.3. "**Open**" Classification as defined by Alberta Health Services means low level of risk, no additional public health restrictions and less than 50 active cases per 100,000 population in Morinville;
- 2.4. "**public place**" means any property or portion of a 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;
- 2.5. "**public vehicle**" means a motor vehicle used or offered for the transportation of at least one passenger in return for a fee, and includes but is not limited to motor vehicles typically referred to as buses, taxis, shuttles, transportation network vehicles, and limousines;
- 2.6. "**violation ticket**" has the same meaning as defined in the *Provincial Offences Procedures Act*, RSA 2000, c P34; and
- 2.7. "**Watch**" Classification as defined by Alberta Health Services means the Government of Alberta is monitoring the risk and discussing with local governments and other community leaders the possible need for additional health measures and at least 10 active cases and more than 50 active cases per 100,000 population of Morinville.


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3. INTREPRETATION

- 3.1. The headings, titles, and margin notes in this Bylaw are for ease of reference only. Nothing in this Bylaw relieves a person from complying with any federal or provincial law, regulation or order, court order, or any lawful permit or license.

4. IN EFFECT

- 4.1. Sections 5 to 8 of this Bylaw come into effect when the total number of COVID-19 cases within Morinville is reported by Alberta Health Services to be at least 10 active cases and more than 50 active cases per 100,000.
- 4.2. This Bylaw shall be in effect provided Morinville is listed in the "Watch" Classification as defined by Alberta Health Services, and up until two weeks after the "Watch" Classification has been lifted.

5. FACE COVERINGS MANDATORY

- 5.1. A person must wear a face covering at all times while in an indoor, enclosed, or substantially enclosed public place or in a public vehicle.

6. EXCEPTIONS

- 6.1. Section 5 does not apply to the following persons:

- 6.1.1. persons under the age of 10;
- 6.1.2. persons who are unable to place, use, or remove a face covering without assistance;
- 6.1.3. persons unable to wear a face covering due to a mental or physical concern or limitation, or a protected ground under the Alberta *Human Rights Act*, RSA 2000, c. A25.5, as may be amended;
- 6.1.4. persons consuming food or drink in designated seating areas or as part of a religious or spiritual ceremony;
- 6.1.5. persons engaged in physical activities, water activities or the paid supervision of water activities, or attending within a sauna or steam room;
- 6.1.6. persons providing care or assistance to a person with a disability where a face covering would hinder that caregiving or assistance;
- 6.1.7. persons engaging in services that require the temporary removal of a face covering;
- 6.1.8. persons participating in a dance, theatrical or musical public performance, if all participants in the performance are able to maintain at least two metres of physical distance from each other and do not enter the areas where the public is viewing the performance;
- 6.1.9. persons providing or receiving a service that requires personal consultation if that activity occurs in a closed office or meeting room and all participants in the personal consultation are able to maintain physical separation of at least two metres from each other; and
- 6.1.10. persons separated from others by physical barriers or shields such as plexiglass


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6.2. Section 5 does not apply to the following places:

- 6.2.1. schools and other educational facilities;
- 6.2.2. hospitals and health-care facilities;
- 6.2.3. child care facilities; and
- 6.2.4. areas exclusively accessed or used by the public place's employees, or a public vehicle operator, or platform and stage areas in places of worship during worship services. This exemption is granted provided that physical barriers or physical distancing practices are implemented between the exempt person and any other person.

6.3. No person shall in any manner harass or attempt to intimidate a person who is not guilty of an offence while not wearing a Face Covering as a result of any provision of Section 6.

7. ENFORCEMENT

- 7.1. Any person who contravenes any provision of this Bylaw is guilty of an offence and liable to a minimum penalty of \$100.
- 7.2. The levying and payment of any fine provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which said person is liable in accordance with this Bylaw or pursuant to the Municipal Government Act.
- 7.3. Enforcement of this Bylaw is the sole responsibility of the Town of Morinville and there is no expectation for owners of places open to the public to enforce the Bylaw on the Town of Morinville's behalf.

8. VIOLATION TAGS AND TICKETS

- 8.1. A peace officer may issue a violation tag to any person whom the peace officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 8.2. If the violation tag is not paid within the prescribed time period, the peace officer may issue a violation ticket.
- 8.3. Notwithstanding section 7.1 of this Bylaw, a peace officer may immediately issue a violation ticket to any person whom the peace officer has reasonable grounds to believe has contravened any provision of this bylaw. Where a Peace Officer believes that any person has contravened any section of this Bylaw, they may serve upon such person a violation ticket in the form and manner as prescribed by the provisions of the *Provincial Offences Procedure Act*, Chapter P-34, RSA 2000, and all amendments thereto.
- 8.4. If a violation ticket is issued for an offence under this Bylaw, the violation ticket may:
 - 8.4.1. specify the fine amount established by this Bylaw for the offence; or
 - 8.4.2. require a person to appear in court without the alternative of making a voluntary payment.


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9. EFFECTIVE DATE

9.1. This Bylaw comes into effect on the date of third and final reading.

10. SEVERABILITY

If any Section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Sections or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

11. REPEAL DATE

11.1. This Bylaw is repealed on March 31, 2021.

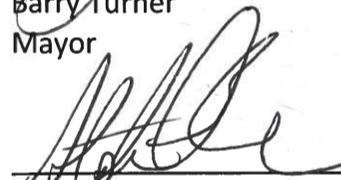
READ a first time this 13th day of November, 2020.

READ a second time this 13th day of November, 2020.

READ a third and finally passed this 13th day of November, 2020.



Barry Turner
Mayor



Stephane Labonne
Chief Administrative Officer