



TOWN OF COCHRANE

Bylaw 20/2020

Being a bylaw of the Town of Cochrane in the Province of Alberta, Canada to establish provisions for the requirement to wear face coverings in indoor public premises and in public vehicles.

WHEREAS 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 pursuant to Section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-16 a Council of 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 flattening the curve and being prepared to respond quickly and appropriately to COVID-19 are key objectives for the Town of Cochrane;

NOW THEREFORE the Municipal Council of the Town of Cochrane, in the province of Alberta, duly assembled, hereby enacts as follows:

1. Title

1.1 This Bylaw may be cited as the "Face Coverings Bylaw"

2. Definitions

2.1 In this Bylaw:

- (a) "Employer" includes any person who as the owner, proprietor, manager, superintendent or overseer 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 therein;
- (b) "Director of Emergency Management" means the person appointed to the position of Director of Emergency Management, or their Deputy, pursuant to Town of Cochrane Bylaw 18/2019;
- (c) "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;
- (d) "Operator" includes the person responsible for the day to day operations of a *public premises* or *public vehicle* and a *proprietor* of a *public premises*;
- (e) "Peace Officer" means an individual engaged by the Town as a Community Peace Officer or a Bylaw Enforcement Officer, a peace officer as defined in the Peace Officer Act, RSA 2006 c P-3.5 or a member of the Royal Canadian Mounted Police;
- (e) "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;
- (f) "Public Premises" means all or any part of a building, structure or other enclosed area to which members of the public have access as of right or by express or implied invitation, but excludes any premises for which there is an enrolment or membership requirement in order to access it;
- (g) "Public Vehicle" means a bus, taxi or other vehicle that is used to transport members of the public for a fee;

2.2 All schedules attached to this Bylaw form part of this Bylaw.

2.3 Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.

2.4 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.

- 2.5 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.
- 2.6 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 licence.

3. Prohibitions

- 3.1 A person must wear a face covering in a public premises or a public vehicle, unless the person is separated from other persons by an installed screen, shield or other barrier.

4. Exceptions

- 4.1 Section 3 does not apply to:
- (a) children under 5 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 eating or drinking at a public premises that offers food or beverage services;
 - (e) persons engaging in an athletic or fitness activity;
 - (f) 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; or
 - (g) persons who have temporarily removed their face covering where doing so is necessary to provide or receive a service.

5. Enactment

- 5.1 The provisions of this bylaw may only be enacted by the Director of Emergency Management if the number of active cases of the COVID-19 virus in Cochrane are reported by Alberta Public Health to be 10 or more.
- 5.2 Council may by resolution, implement the provisions of this bylaw at any time.

6. Reversion

- 6.1 If the provisions of this bylaw have been enacted in accordance with Section 5.1 they may only be reverted if the number of active cases of the COVID-19 virus in Cochrane are reported by Alberta Public Health to be

less than 10 for 14 consecutive days.

6.2 Council may by resolution, revert the enactment of this bylaw at any time.

7. Offences

7.1 Any person who contravenes any provision of this Bylaw by doing any act or thing which the person is prohibited from doing, or by failing to do any act or thing the person is required to do, is guilty of an offence pursuant to this Bylaw.

8. Enforcement

8.1 Where a Peace Officer believes that a person has contravened any provision of this Bylaw, the Peace Officer may commence proceedings against the person by issuing a violation ticket in accordance with the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34.

8.2 This section shall not prevent a Peace 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 instead of issuing a violation ticket.

9. Penalty

9.1 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.

9.2 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.

9.3 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 a Court appearance

This Bylaw shall come into full force and effect upon the date of third and final reading and will remain in force until February 1, 2021.

Read a first time July 29, 2020
Read a second time July 29, 2020
Read a third time July 29, 2020

Mayor


Manager, Legislative Services

Schedule A

Bylaw 20/2020 Penalties

Section	Description of Offence	Specified Penalty
3	Fail to wear face covering where required	\$100