



CITY OF
Lethbridge

BYLAW 6239

DATE OF CONSOLIDATION: April 21, 2021

Amendment History:

Council Resolution – 2020-11-30	Extended life of Bylaw to February 23, 2021 with mandated public engagement at the February 11, 2021 Community Safety Standing Policy Committee.
Council Resolution – 2021-02-23	Extended bylaw to April 30, 2021 and directed Administration to prepare an amending bylaw to harmonize exemptions with Health Order exemptions.
Council Resolution – 2021-04-06	Extended bylaw to December 31, 2021.
Bylaw 6278	Section 6 is deleted and replaced.

DISCLAIMER:

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Bylaw Last Revised: April 20, 2021
Effective Date: April 20, 2021
Bylaw 6278

CONSOLIDATION A BYLAW OF THE CITY OF LETHBRIDGE
TO IMPOSE TEMPORARY REGULATIONS REQUIRING THE WEARING OF MASKS OR
OTHER FACE COVERINGS WITHIN PUBLIC SPACES AND PUBLIC VEHICLES

WHEREAS the Municipal Government Act, R.S.A 2000 Chapter M-26 as amended authorizes municipalities to pass bylaws for municipal purposes 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;

WHEREAS Novel Coronavirus is present within the City of Lethbridge, and it causes the disease COVID-19 that is readily communicable from person to person and carries a risk of serious complications such as pneumonia or respiratory failure, and may result in death; 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 physical distancing may not be possible in indoor public premises and in public vehicles; and

WHEREAS it is believed that the existence of an enforceable temporary by-law requirement will help to educate the public on the importance of a properly worn mask or face covering and encourage voluntary compliance;

NOW THEREFORE, THE COUNCIL OF THE CITY OF LETHBRIDGE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

NAME OF THE BYLAW

- 1. This Bylaw may be cited as the “Temporary Mandatory Face Coverings Bylaw”.

DEFINITIONS

- 2. For the purpose of this bylaw, the following words mean:
 - (a) “City Manager” means the City’s chief administrative officer or delegate;
 - (b) “Council” means the Municipal Council of the City;

- (c) "Face Covering" means a medical or non-medical mask or other face covering that fully covers the nose, mouth and chin;
- (d) "Municipal Tag" means a ticket alleging an offence, issued pursuant to the authority of a bylaw of the City;
- (e) "Public Places" means any property, whether publically or privately owned, to which members of the public have access as of right or by express or implied invitation, whether on payment of a fee or not;
- (f) "Public Vehicle" means a bus, school bus, Access-A-Ride van, taxi or other vehicle that is used to transport members of the public for a fee;
- (g) "Social Distancing" means the practice of maintaining a greater than usual physical distancing (such as six feet or more) from other people or of avoiding direct contact with people or objects in public places during the outbreak of a contagious disease in order to minimize exposure and reduce the transmission of infection;
- (h) "Violation Ticket" has the same meaning as in the Provincial Offences Procedure Act R.S.A. 2000, c 34 as amended;

REQUIREMENTS

- 3. 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.
- 4. A person accompanying a child of at least two years of age shall ensure that the child wears a face covering while in public place or a public vehicle.
- 5. A person who owns, occupies or is in control of an indoor, enclosed, or substantially enclosed public place shall post signage prominently, in the form and containing the content set out in Schedule A, in a location that is visible to a person immediately upon entering the public place.

EXEMPTIONS

- 6. Sections 3 does not apply to a person who is:
 - (a) is a child under two years of age;
 - (b) is unable to place, use or remove a Face Covering without assistance;
 - (c) is unable to wear a Face Covering due to a mental or physical limitation;
 - (d) is consuming food or drink;
 - (e) is engaging in high intensity physical activity;

- (f) is providing or receiving care or assistance where a Face Covering would hinder that caregiving or assistance;
- (g) is alone at a workstation and separated by at least two metres distance from all other persons;
- (h) is the subject of a workplace hazard assessment in which it is determined that the person's safety will be at risk if the person wears a Face Covering while working;
- (i) is separated from every other person by a physical barrier that prevents droplet transmission;
- (j) is a person who needs to temporarily remove their Face Covering for the purposes of:
 - (i) receiving a service that requires the temporary removal of their Face Covering;
 - (ii) an emergency or medical purpose; or
 - (iii) establishing their identity.

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- 7. Section 4 does not apply to a parent, guardian, caregiver or person accompanying a child who is older than two (2) years of age but is younger than five (5) years of age chronologically or developmentally and who refuses to wear a face covering and cannot be persuaded to do so by their caregiver.
- 8. Sections 3 and 4 do not apply to the following places:
 - (a) schools and other educational facilities;
 - (b) hospitals and health care facilities;
 - (c) child care facilities; and
 - (d) areas exclusively accessed or used by the public place's employees or a public vehicle operator provided that physical barriers or physical distancing practices are implemented between any person not required to wear a face covering by operation of this exception and any other person;

FINE AND PENALTY

- 9. A person who contravenes this bylaw, who suffers or permits any act or thing to be done in contravention of anything required to be done, by any of the provisions of this bylaw or who does any act which contravenes any provisions of this bylaw, is guilty of an offence.
- 10. Where the City Manager believes on reasonable and probable grounds that an offence has been committed under this bylaw, they may serve upon such persons a Municipal Tag, or they may commence proceedings by issuing a summons by means of a Violation Ticket in accordance with the *Provincial Offences Procedure Act R.S.A. 2000, Chapter 34* as amended;
- 11. The specified penalty for any contravention of this bylaw shall be a fine in the amount of ONE HUNDRED (\$100.00) DOLLARS
- 12. Upon production of any such Municipal Tag or Violation Ticket within twenty-one (21) days from the date of service of such notice, together with the payment of the sum specified to a person authorized by the City or Province of Alberta to receive such payment, an official receipt for such payment shall be issued and subject to the provisions of this section such payment shall be accepted in lieu of prosecution. If the person upon whom any such notice

or ticket is served fails to pay the said sum within the time allotted, the provisions of this section shall no longer apply.

GENERAL

13. The City Manager may carry out any inspection necessary to determine compliance with this bylaw.
14. Each separate provision of this Bylaw shall be deemed independent of all other provisions herein and if any provisions of this Bylaw be declared invalid all other provisions shall remain valid and enforceable.
15. 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.
16. This bylaw shall come into full force and effect on the date of final passing thereof.
17. This bylaw is deemed to no longer be in effect and shall be revoked after the first regularly scheduled Council meeting following December 31, 2021, unless it is extended by Council resolution.

Council Resolution – April 6, 2021

READ A FIRST TIME this 10th day of August 2020.

READ A SECOND TIME this 10th day of August 2020.

READ A THIRD TIME this 24th day of August 2020.

C.A. Spearman (Sgd.)
Mayor

D. Sarsfield (Sgd.)
A/City Clerk

Face Covering Required

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.

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Exceptions include children under two years of age, or persons with an underlying medical condition or disability which inhibits their ability to wear a face covering.

Visit lethbridge.ca/covid19 for more information.



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