



**THE CORPORATION OF THE TOWN OF FOX CREEK, ALBERTA  
BY-LAW 854-2020**

**“TEMPORARY MANDATORY FACE COVERINGS BYLAW”**

**Being A Bylaw of the Town of Fox Creek, in the Province of Alberta, to provide for temporary mandatory face coverings.**

**WHEREAS**, on March 11, 2020 the World Health Organization declared a global pandemic related to the spread of 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 (masks) 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 Places and in Public Vehicles; and

**WHEREAS**, pursuant to the *Municipal Government Act*, RSA 2000 cM-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; and
- c. businesses, business activities and persons engaged in business.

**WHEREAS**, Council considers it expedient and desirable for the health, safety, and welfare of the inhabitants of the Town of Fox Creek to require the wearing of Face Coverings (masks) in indoor Public Places and in Public Vehicles;

**THEREFORE**, the Council of the Town of Fox Creek enacts as follows:

**SECTION 1 – SHORT TITLE**

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

**SECTION 2 – DEFINITIONS**

- 2.1 “Director of Emergency Management” means the person appointed to the position of Director of Emergency Management, or Deputy Director of Emergency Management by motion of Council.
- 2.2 “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 Place or Public Vehicle.
- 2.3 “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.
- 2.4 “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 multiplex places of business;
  - b. Churches, or other places of worship;

- c. Community centers including indoor recreational facilities and the community hall;
  - d. Community service agencies providing services to the public;
  - e. Premises utilized as an open house or presentation facility;
  - f. Common areas of hotels, motels and other short-term rentals, such as lobbies, elevators, meeting rooms or other common use facilities;
- 2.5 "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.
- 2.6 "Peace Officer" means a member of the Royal Canadian Mounted Police, a Community Peace Officer appointed under the Peace Officer Act, SA 2006 cP – 3.5, or a Bylaw Enforcement Officer as appointed by the Town to enforce bylaws of the Town, as amended.
- 2.7 "Proprietor" means the person who ultimately controls, governs or directs the activity carried on within any Public Place or Public Vehicle referred to in this Bylaw and includes the person usually in charge thereof.
- 2.8 "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; but does not include buildings or portions of buildings being used exclusively for the following purposes:
- a. schools, and education programs governed by the Education Act SA 2012c. C-0.3;
  - b. daycares and other childcare facilities including those governed by the Child Care Licensing Act, SA 2007 c. C-10.5;
  - c. children's day camps;
  - d. post secondary institutions; and,
  - e. hospitals, independent health facilities, and officers of regulated health professionals.
- 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.
- 2.9 "Public Vehicle" means a bus, taxi or other vehicle that is used to transport members of the public for a fee.
- 2.10 "Violation Ticket" means a ticket issued pursuant to Part II or Part III of the Provincial Offences Procedure Act, RSA 2000, cP-34, as amended.
- 2.11 "Watch" means the designation of a region by the Government of Alberta as defined in their Relaunch Status Protocols.

### **SECTION 3 – FACE COVERINGS**

- 3.1 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.

### **SECTION 4 – EXCEPTIONS**

- 4.1 Section 3.1 does not apply to the following persons:
- a. children 5 years of age and under;
  - b. persons who are unable to place, use, or remove a Face Covering without assistance;
  - c. persons unable to wear a Face Covering due to a mental or physical concern or limitation, or protected ground under the Alberta Human Rights Act, RSA 2000 cA-25.5;
  - d. persons consuming food or drink in designated seating areas or as part of religious or spiritual ceremony;

- e. persons engaged in water activities or physical exercise;
- f. persons providing care or assistance to a person with a disability where a Face Covering would hinder that caregiving or assistance; and
- g. persons engaging in services that require the temporary removal of a Face Covering.

**4.2 Section 3.1 does not apply to the following places:**

- a. 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
- b. 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.

**SECTION 5 – ENACTMENT**

- 5.1 The provisions of this Bylaw may only be enacted by the Director of Emergency Management if the Government of Alberta places the Town of Fox Creek under a Watch as per their existing COVID-19 case thresholds.
- 5.2 Council may, by resolution, implement the provisions of this bylaw at any time.

**SECTION 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 Government of Alberta rescinds the Watch designation on the Town of Fox Creek and it remains free of such for a period of 14 (fourteen) consecutive days.
- 6.2 Council may, by resolution, revert the enactment of this bylaw at any time.

**SECTION 7 – SIGNAGE**

- 7.1 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.

**SECTION 8 – OFFENSES**

- 8.1 A person who contravenes or fails to comply with any provisions of this Bylaw is guilty of an offense pursuant to this Bylaw.

**SECTION 9 – ENFORCEMENT**

- 9.1 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 Procedures Act, RSA 2000, Chapter P-34.
- 9.2 If a Violation Ticket is issued for an offence under this bylaw, the Violation Ticket may;
  - a. specify the fine amount established by this bylaw for the offence or;
  - b. require a person to appear in court without the alternative of making a voluntary payment.
- 9.3 A person who commits an offence may, if the Violation Ticket is issued specifying the fine amount established by this bylaw for the offence, make a voluntary payment equal to the specified fine amount.
- 9.4 The Town has the discretion to enforce this Bylaw and is not liable of any outcomes should a Peace Officer decide to not enforce this Bylaw if acting in good faith.

**SECTION 10 – PENALTY**

- 10.1 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.
- 10.2 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.

## SECTION 11 – EFFECTIVE DATE


11.1 This Bylaw shall come into effect upon the day of third and final reading.

Read a First time this 9<sup>th</sup> day of November 2020.

Read a Second time this 9<sup>th</sup> day of November 2020.

Received Unanimous Consent for presentation of third reading this 9<sup>th</sup> day of November 2020.

Read a third and final time this 9<sup>th</sup> day of November 2020.

  
James Hailes  
Mayor  
Kristen Milne  
Chief Administrative Officer

**SCHEDULE A**

**PENALTIES**

Section	Description of Offence	Specified Penalty
3	Failure to wear Face Covering (Mask) where required	\$100.00
7	Failure to display prescribed signage as shown in Schedule B of this Bylaw	\$200.00

SCHEDULE B

SIGNAGE

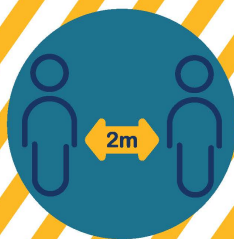
TOWN OF  
**Fox Creek**  
**FACE  
COVERING  
REQUIRED**



**As per Bylaw 854-2020, ALL PERSONS MUST WEAR FACE COVERINGS (MASKS)** in indoor public places and public vehicles.



**WASH YOUR  
HANDS**



**KEEP 2 METERS  
APART**



**WEAR A  
MASK**

**Exemptions include but are not limited to:** Children 5 years of age and under; persons unable to place, use, or remove a face covering without assistance; persons unable to wear a face covering due to mental or physical concerns or limitations.  
**A full list of exemptions are available at [www.foxcreek.ca](http://www.foxcreek.ca).**

**THESE MEASURES WILL BE ENFORCED AND PENALTIES MAY  
BE GIVEN TO THOSE NOT IN COMPLIANCE**