



**BYLAW NO. 1628-20  
OF THE TOWN OF PINCHER CREEK  
IN THE PROVINCE OF ALBERTA**

**BEING A BYLAW** OF THE TOWN OF PINCHER CREEK IN THE PROVINCE OF ALBERTA, TO IMPOSE TEMPORARY REGULATIONS REQUIRING THE WEARING OF MASKS OR OTHER FACE COVERINGS WITHIN PUBLIC SPACES AND PUBLIC VEHICLES;

**WHEREAS.** The section 7(a) of the Municipal Government Act, R.S.A 2000, c. M-026 empowers Councils to pass Bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property.

**WHEREAS** Section 7 (b) of the Municipal Government Act, R.S.A. 2000, c. M-26 empowers Council to pass Bylaws for municipal purposes respecting people, activities and things in, on or near a public place or place that is open to the public;

**WHEREAS** Section 8(a) of the Municipal Government Act, R.S.A 2000, c. M-26 further states that Council may pass a bylaw to regulate an activity and Section 9(b) further Empowers a Council to respond to present and future issues in their Municipality;

**WHEREAS** on March 11, 2020 the World Health Organization declared a global pandemic related to the spread of the Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) and the COVID-19 pandemic remains a health risk; and

**WHEREAS** the Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) is present or imminently threatened within the Town of Pincher Creek, 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 places and in public vehicles; and

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



**NOW THEREFOR** the Council for the Town of Pincher Creek in the Province of Alberta enacts as follows:

Section 1.0: Title

1.1 This Bylaw may be referred to as the “Temporary Mandatory Face Coverings Bylaw”.

Section 2.0: Definitions

2.1 Definitions

- a) “Director of Emergency Management” means the person appointed to the position of Director of Emergency Management, or their Deputy, pursuant to the Town of Pincher Creek Emergency Management Bylaw 1590-19.
- b) “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.
- c) “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 of Pincher Creek to enforce bylaws of the Town, as amended.
- d) “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;
  - i) schools and education programs governed by the Education Act SA 2012 c. C-0.3;
  - ii) daycares and other childcare facilities including those governed by the Child Care Licensing Act, SA 2007 c. C-10.5;
  - iii) children’s day camps;
  - iv) post-secondary institutions; and,
  - v) hospitals, independent health facilities, and offices of regulated health professionals.
- e) “Public Vehicle” means a bus, taxi or other vehicle that is used to transport members of the public for a fee.
- f) “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.
- g) “Watch” means the designation of a region by the Government of Alberta as defined in their Relaunch Status Protocols.



### Section 3.0 Regulations

3.1 A Person must wear a face covering at all times while attending an indoor public place. For greater certainty, an indoor public place includes any indoor location where a business or entity is operating.

### Section 4.0 Exemptions

4.1 Section 3.1 does not apply to a person attending an indoor public place if the person

- 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 by reason of an underlying medical condition or disability or other protected ground under the Alberta Human Rights Act;
- d) is consuming food or drink;
- e) is engaging in physical exercise;
- 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 (2) meters 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; or
- j) is a person who needs to temporarily remove their face covering while in a public place 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.

4.2 A person who owns, occupies or is in control of an indoor, enclosed, or substantially enclosed public place shall post signage stating the face covering requirements, prominently, in a location that is visible to a person immediately upon entering the public place.

### Section 5.0 Interpretation

5.1 No provisions of this Bylaw are intended to conflict with a Federal or Provincial regulation, or order, including an order made under the Emergency Management Act. RSA 200, c E-6.8, as amended



Section 6.0 Violation and Enforcement

6.1 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.

6.2 The specified penalty for any contravention of this bylaw shall be a fine in the amount of ONE HUNDRED (\$100.00) DOLLARS.

Section 7.0 Enactment

7.1 This Bylaw comes into full force and effect when it has received third (3<sup>rd</sup>) reading and has been signed in accordance with the Municipal Government Act.

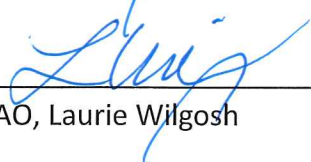
READ A FIRST TIME THIS 2 DAY OF DECEMBER, 2020, A.D.

  
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Mayor, Don Anderberg

  
\_\_\_\_\_  
CAO, Laurie Wilgosh

READ A SECOND TIME THIS 2 DAY OF DECEMBER, 2020, A.D.

  
\_\_\_\_\_  
Mayor, Don Anderberg

  
\_\_\_\_\_  
CAO, Laurie Wilgosh



READ A THIRD TIME THIS 4 DAY OF DECEMBER, 2020, A.D.

  
\_\_\_\_\_  
Mayor, Don Anderberg

  
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CAO, Laurie Wilgosh