

TOWN OF CANMORE
AGENDA
Special Meeting of Council
Tuesday, August 4, 2020 at 1:00 p.m.

Times are estimates only.

PUBLIC QUESTION PERIOD – Before meeting is called to order

- 1:00 **A. CALL TO ORDER AND APPROVAL OF AGENDA**
 1. Agenda for the August 4, 2020 Special Meeting of Council
- B. PUBLIC HEARINGS**
 None
- C. DELEGATIONS**
 None
- D. APPROVAL OF MINUTES**
 None
- E. BUSINESS ARISING FROM THE MINUTES**
 None
- F. UNFINISHED BUSINESS**
 None
- 1:00 – 4:00 **G. BYLAW APPROVAL**
 1. Mandatory Mask Bylaw 2020-20
 Recommendation: That Council give first, second, and third reading to
 Bylaw 2020-20.
- H. NEW BUSINESS**
 None
- I. CORRESPONDENCE/INFORMATION**
 None
- J. REPORTS FROM ADMINISTRATION**
 None
- K. NOTICES OF MOTION**
 None
- L. IN CAMERA**
 None
- 4:00 **M. ADJOURNMENT**



Request for Decision

DATE OF MEETING: August 4, 2020 **Agenda #:** G-1

TO: Council

SUBJECT: Mandatory Mask Bylaw 2020-20

SUBMITTED BY: Greg Burt, Manager of Protective Services

RECOMMENDATION: That Council give first, second, and third reading to Bylaw 2020-20

EXECUTIVE SUMMARY

Given the growing awareness around the benefits of wearing a mask as a tool to prevent the spread of COVID-19, Administration has prepared a draft Mandatory Mask Bylaw for Council to consider. The bylaw will be largely educational in nature with the intent being to support business owners in their efforts to support mask wearing in indoor public spaces.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

There is no prior direction from Council on this issue. The bylaw is being brought forward by direction of the Chief Administrative Officer (CAO) to allow Council an opportunity to address the issue of mandatory masks in a timely manner.

DISCUSSION

On March 11 of this year the World Health Organization (WHO) declared a global pandemic due to the spread of the COVID-19 virus. On March 17 the Government of Alberta declared a State of Public Health Emergency which was lifted on June 15. While the state of emergency is no longer in effect, the COVID-19 pandemic has continued to be a serious health risk and Albertans continue to follow health and safety guidelines provided by the Government of Alberta as part of their Relaunch Strategy, which is currently in Stage 2.

While the number of COVID cases in Canmore has continued to remain very low (at the time of writing this report, the number of active cases is zero), the number of COVID cases in the province is rising with Dr. Hinshaw, the Chief Medical Officer of Health for Alberta indicating that “we are no longer flattening the curve in Alberta.” Current evidence indicates that physical distancing (maintaining a distance of 2 metres or more), proper hand hygiene, proper coughing and sneezing etiquette, staying home when sick, and wearing a mask are all effective measures in reducing the transmission of COVID-19. The Chief Medical Officer of Health for Alberta, Chief Public Health Officer for Canada and the WHO strongly recommend the wearing of masks or face coverings to limit the spread of COVID-19 where physical distancing cannot be maintained, especially in indoor settings.

There has been a noticeable increase in tourism and daily visitation in the Town of Canmore since May 14, which was the official start of Stage 1 of the Provincial Relaunch Strategy. In addition, summer weather has arrived, and the Province has encouraged people to recreate outdoors. The Town of Canmore has implemented a number of measures to better manage visitation to the community this summer in an effort to balance the benefits of reopening with measures to address COVID related safety.

While the Province has indicated that wearing masks when indoors is recommended, they have also been clear that they will not be enacting mandatory mask regulations through either the Provincial Government or a Chief Medical Officer of Health Order, as has been done in Ontario and Quebec. Instead, the Province has indicated that all decisions around making mask wearing mandatory is to be determined at the municipal level, despite the lack of health expertise within municipal organizations. Administration is bringing a mandatory mask bylaw that would mandate the use of masks in public spaces to Council for consideration (Attachment 1). This is a bylaw does not require a public hearing, so Council is able to give all three readings in one meeting.

At the time of writing this report, the cities of Calgary and Banff have approved mandatory mask bylaws that have just come in to effect. Additionally, ROAM Transit has required that transit riders wear a non-surgical mask or face covering.

Enforcement of this bylaw will be challenging. Administration will focus largely on education. Administration will be implementing a communication plan to ensure that the public is aware of the expectations associated with this bylaw. Local business will not be expected to enforce this bylaw by refusing service or forcing individuals to wear masks while in their establishments. The proposed bylaw only requires business to:

- Post signage near the entrance of the establishment, that is clearly visible, indicating: All persons entering or remaining in these premises must wear a mask or face covering that covers the nose, mouth, and chin as required pursuant to Town of Canmore Bylaw 2020-20.

This bylaw is intended to be temporary. Administration is proposing that it would come into force on August 7, 2020 at 12:00 p.m. There is no expiry date included in the proposed bylaw. Should the time come when this bylaw is no longer necessary, Administration will bring a separate bylaw requesting the bylaw be repealed, or replaced, as required.

ANALYSIS OF ALTERNATIVES

Administration did not include requirements for wearing masks in outdoor spaces like the Mountain Market or the closed section of Main Street because outdoor spaces are not considered high risk for the COVID-19 virus transmission and because both these spaces are designed to allow for room for social distancing. Currently, we are not experiencing issues with overcrowding in these areas.

FINANCIAL IMPACTS

A Communication Plan for the rollout of this bylaw has been developed for \$5,400. This will be covered through the COVID budget approved by Council as part of the revised 2020 budget.

STAKEHOLDER ENGAGEMENT

In advance of this meeting, Mayor Borrowman has reached out to a variety of business organizations including the Business Improvement Area, Chamber of Commerce, BOWDA, Tourism Canmore Kananaskis, and Canmore Hotel and Lodging Association to let them know a bylaw is being considered. No formal stakeholder engagement was done was done by Administration.

Administration has invited Dr. Amy Tan, Associate Professor in the Department of Family Medicine at the Cumming School of Medicine at the University of Calgary and local physician Dr. Mike Wickham to attend the Council meeting to speak to the medical science and support for mask wearing. Dr. Wickham expressed his willingness to assist with a presentation to Council but is on a well-earned vacation so is unable to attend.

ATTACHMENTS

- 1) Bylaw 2020-20

AUTHORIZATION

Submitted by: Greg Burt
Manager of Protective Services Date: July 30, 2020

Approved by: Chelsey Richardson
Manager of Finance Date: July 30, 2020

Approved by: Sally Caudill
Acting Chief Administrative Officer Date: July 31, 2020

BYLAW 2020-20

A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO REQUIRE THE WEARING OF 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 physical distancing may not be possible in indoor public premises and in public vehicles;

AND WHEREAS pursuant to section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-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;

AND WHEREAS Council considers it expedient and desirable for the health, safety, and welfare of the residents of and visitors to Canmore to require the wearing of face coverings in indoor public premises and in public vehicles;

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

TITLE

1. This bylaw shall be known as the “Mandatory Mask Bylaw.”

INTERPRETATION

2. 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) “Face covering” means a mask or other face covering that fully covers the mouth, nose, and chin ensuring a barrier that limits the transmission of infectious respiratory droplets;
 - (c) “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;

- (d) “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;
- (e) “Public premises” means the interior area of any building or structure to which the public is invited or permitted access, either expressly or by implication regardless of whether a fee is charged for entry, in order to receive or to provide goods or services, including but not limited to the public areas of the following:
 - (i) Restaurants, cafés, cafeterias, and outdoor patios associated with these establishments;
 - (ii) Retail establishments;
 - (iii) Shopping malls or similar structures that contain multiple places of businesses;
 - (iv) Grocery stores;
 - (v) Churches, mosques, synagogues, temples, or other places of worship;
 - (vi) Libraries, museums, art galleries, recreational facilities, cinemas, theatres, concert venues, special event venues, convention centers, or other similar entertainment, cultural, or leisure facilities;
 - (vii) Common areas of sports facilities, sports clubs, gyms, yoga studios, or other similar establishments, such as lobbies, elevators, and locker rooms/changing rooms;
 - (viii) Common areas of hotels, motels, and other short-term rentals, such as lobbies, elevators, meeting rooms, or other common use facilities;
 - (ix) Health and wellness facilities and personal services facilities;
 - (x) Temporary facilities, such as construction trailers and temporary sales offices;
 - (xi) Municipal facilities; and,
 - (xii) Other businesses, organizations and places that are permitted to operate in accordance with the Government of Alberta’s Relaunch Strategy.

Provided that the following are not considered a public premise for the purposes of this Bylaw:

- (i) Schools, as defined by the *School Act*, RSA 200 c S-3;
 - (ii) Day Care and Day Home facilities, as defined in the Town of Canmore’s Land Use Bylaw;
 - (iii) Portions of buildings that are being used for the purpose of providing day camps;
 - (iv) In areas not open to the general public in offices of professional service providers such as lawyers and accountants where clients receive services;
 - (v) Hospitals, independent health facilities, and offices of regulated health professionals; and
 - (vi) School Bus.
- (f) “Public vehicle” means a bus, taxi, or other vehicle that is used to transport members of the public for a fee or free of charge;

- (g) “Peace Officer” means:
 - (i) a person appointed as a bylaw enforcement officer pursuant to the *Municipal Government Act*, as amended;
 - (ii) a person appointed as a peace officer pursuant to the *Peace Officer Act*, as amended; or
 - (iii) a police officer.
 - (h) “violation ticket” means a ticket issued pursuant to the *Provincial Offences Procedures Act*, as amended, and the regulations thereunder;
3. Where a bylaw references a Town staff position, department or committee, the reference is deemed to be to the current name that the staff position, department or committee is known by.

PROVISIONS

- 4. A person must wear a face covering in a public premises.
- 5. A person must wear a face covering in a public vehicle, unless the person is separated from other persons by an installed screen, shield, or other barrier.
- 6. Sections 4 and 5 do not apply to:
 - (a) children under 2 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 in designated seating areas;
 - (e) persons engaging in an athletic, fitness or water activity, the latter being an activity where their face may be submerged in water, including but not limited to persons employed as a lifeguard;
 - (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.

7. A person who is employed by, or is an agent of, the operator of a public premise is not obligated to wear a mask while:
 - (a) In an area of the public premises that is not designated for public access; or
 - (b) When located either within or behind a physical barrier including but not limited to an installed screen, shield, or other barrier, implemented between any person not required to wear a face covering under this exception and any other person.
8. An employer, operator or proprietor must prominently display a sign at every entrance in a location that is visible to a person immediately upon entering the public premises or a public vehicle that contains the following messages:

All persons must wear a mask or face covering that fully covers the nose, mouth, and chin in indoor public premises as required by Town of Canmore Bylaw 2020-20.
9. For the purposes of section 8 of this bylaw:
 - (a) a sign posted in a public premises must be at least 20 cm by 26 cm and must have a surface area of not less than 520 cm².
 - (b) a sign posted in a public vehicle must be at least 10 cm by 10 cm and must have a surface area of not less than 100 cm².

ENFORCEMENT AND PENALTIES

10. Any person who contravenes the provisions of this bylaw is guilty of an offence and shall be liable for a minimum specified penalty of \$100.00 and not exceeding \$10,000.00.
11. Where a peace officer believes that a person has contravened any provision of this Bylaw, the 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.
12. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such offence is liable to a fine in an amount not less than that established by this bylaw.
13. 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.
14. 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.

ENACTMENT/TRANSITION

15. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

16. This bylaw comes into force at 12:00 p.m. on August 7, 2020.

FIRST READING:

SECOND READING:

THIRD READING:

DATE IN FORCE:

Approved on behalf of the Town of Canmore:

John Borrowman
Mayor

Date

Cheryl Hyde
Municipal Clerk

Date