



**Town of Hinton
Special Meeting of Council
AGENDA
September 2, 2021 - 5:30 PM
Committee Room,
Hinton Government Centre
2nd Floor, 131 Civic Centre Road
Hinton, Alberta**

Page

The Town of Hinton respectfully acknowledges that it is located on Treaty 6 Territory and Métis Nation Region No. 4. These are the traditional territories and ancestral lands of Indigenous Peoples including the Plains Cree First Nations, Aseniwuche Winewak Rocky Mountain First Nations, Stoney, Tsuu T'ina, Nakota, Denesuline, Saulteaux, Mountain Métis, Michif, and many other communities that continue to enrich the land on which the Town of Hinton was established.

With this sentiment,

ADOPTION OF AGENDA

1. Special Meeting of Council Agenda - September 2, 2021

ACTION ITEMS

- 2 - 12
1. Mandatory Face Coverings Bylaw No. 1163

ADJOURNMENT



TOWN OF HINTON Administrative Report

DIRECTION REQUEST REQUEST FOR DECISION INFORMATION ITEM

DATE: Special Meeting of Council, September 2, 2021
PRESENTED BY: Laura Howarth, Acting Chief Administrative Officer
RE: **MANDATORY FACE COVERINGS BYLAW NO. 1163**

Recommended Action

*That Council direct Administration to implement Option _____ as presented.
(see optional motions below, 3 Readings for passing of the Bylaw)*

Background

On November 20, 2020, Council adopted Bylaw 1151 – Temporary Mandatory Face Coverings, in response to the Provincial requirements for masking in public during the COVID-19 response. Bylaw 1151 was repealed by Council with Bylaw 1154 on April 8, 2021.

On August 31, 2021, Standing Committee directed Administration:

“to bring forward a request for decision on implementing a requirement for masks in all Town-owned buildings and spaces where Town programs and services are provided or delivered as well as a Draft Bylaw requiring Mandatory Face Coverings in the Town of Hinton”.

Analysis

As the Provincial COVID-19 cases are trending up, including those in the immediate Hinton area, and with empirical evidence that evaluates the data surrounding COVID-19 indicating a fourth wave, Council has requested that this matter be brought forward for discussion/decision.

In the absence of a Provincial directive regarding COVID-19, several Municipalities are acting proactively by establishing procedures, protocols, and Bylaws to minimize the impacts of a now fourth wave on their communities, local economy, and health care providers.

In an effort to maximize public safety, and that of Town Staff (particularly those in areas of essential service provision), Council may consider implementing either a Mandatory Face Covering Bylaw, or direct that all Town-owned buildings & spaces where the Town programs and services are provided, be operated under a masking protocol.

Either option comes with an anticipated mix of support from individuals, families, businesses, industry, and others in the community.

Option A – Community Wide Mandatory Face Coverings Bylaw:

Should Council decide to implement a community wide requirement for a face coverings, draft Bylaw 1163 could receive all three readings at the September 2, 2021, Special Meeting.

Option B – Administrative Facilities Mandate for Masking:

To minimize potential program and service interruption and maximize the safety of staff and customers, Town Administration took a slow and cautious approach to removing Safe Work Practices after the Provincial restrictions were lifted in early summer 2021. Staff at Town facilities have continued to use established Safe Work Practices which were last reviewed and adjusted in August 2021. Requiring the public to wear face coverings in Town-owned and operated facilities would require the Town to extend very similar requirements to the public (for example masking, hand washing/sanitizing, physical distancing). The Town would continue to provide masks and hand sanitizer to the public as they enter buildings as there is no Provincial or Municipal requirement for them to wear face coverings in other public areas.

Implications of Decision

Financial Implications	
Items	Comments
Operating Cost/Implications	Option A & B - Provision of COVID-19 protection supplies available at town operated facilities for both public and staff. May be some revenue loss due to program participants not wanting to follow masking requirements and therefore, not registering for programs.
Capital Cost	No capital costs for either option.
Budget Available	Funded within the current 2021 Operating Budget
Source of Funds	Funded within the current 2021 Operating Budget
Unbudgeted Costs	Expenses will be funded from individual department operating budgets. Any costs anticipated beyond 2021 will be identified by Administration during the 2022-2024 budget process.

Level of Service Implications

Option A: Minimal Town service level impacts. This option can be implemented immediately to maximize the health and safety of the overall community.

Option B: Minimal Town service level impacts. This option can be implemented immediately to maximize the health and safety of our staff and the public they interact with, and to ensure Town business continuity.

Public Engagement

No current public engagement has been done for either option, however this can be done after first or second reading of Bylaw No. 1163 or not at all.

Option B: Implementing this option could be delayed to allow for public engagement at the direction of Council to do so.

Communications

Option A: The Communications team will remain on site after the Special Meeting in order to prepare e-newsletter notifications, updates to the Town's website and ALERT centre, Facebook notifications, and radio communications as well as internal staff messaging as required.

The first radio communication would air on the morning of Friday, September 3, 2021.

Facility Signage will also be distributed via e-mail so that each Town building can ensure appropriate indication to public and staff by 8:30am on Friday, September 3, 2021.

Option B: Notification of the requirement to wear masks in Town buildings can be accomplished through social media, town website, news releases and signage.

Risk / Liability

There are no Provincially mandated requirements to continue with masking and face coverings in public and Administration is not aware of any intent the Province may have to implement their own legislated protocols or offset any Municipally incurred costs.

Legislative Implications		
Conforms with:	Yes/No/ Partial/ N/A	Comments
Council's Strategic Plan	N/A	None.
Community Sustainability Plan	N/A	None.
Municipal Policies or Bylaws	N/A	None.
Provincial Laws or MGA	Yes	MGA s. 7(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.
Other plans or policies	Yes	Town of Hinton Safe Work Practices

Options / Alternatives

OPTION A – MANDATORY FACE COVERINGS BYLAW NO. 1163:

1. That Council give Mandatory Face Coverings Bylaw No. 1163 First Reading.

That Council give Mandatory Face Coverings Bylaw No. 1163 Second Reading.

That Council give Mandatory Face Coverings Bylaw No. 1163 unanimous consent for Third Reading.

That Council give Mandatory Face Coverings Bylaw No. 1163 Third Reading.

That Council direct Mayor Michaels to send a letter to the Provincial Government

(This is Option A as presented)

2. That Council give Mandatory Face Coverings Bylaw No. 1163 First Reading.
That Council amend section(s) of Mandatory Face Coverings Bylaw No. 1163.
That Council give Mandatory Face Coverings Bylaw No. 1163 Second Reading.
That Council give Mandatory Face Coverings Bylaw No. 1163 unanimous consent for Third Reading.
That Council give Mandatory Face Coverings Bylaw No. 1163 Third Reading.
That Council direct Mayor Michaels to send a letter to the Provincial Government
(This is Option A as amended by Council)
3. That Council give Mandatory Face Coverings Bylaw No. 1163 first reading; and
That Council direct administration to bring Mandatory Face Coverings Bylaw No. 1163 to September 7, 2021 Regular Council Meeting for second and third reading.
That Council direct Mayor Michaels to send a letter to the Provincial Government
4. That Council refers draft Mandatory Face Coverings Bylaw No. 1163 to the September 14, 2021 Standing Committee Meeting for discussion and direction.
That Council direct Mayor Michaels to send a letter to the Provincial Government
5. That Council accept Mandatory Face Coverings Bylaw No. 1163 report for information.
That Council direct Mayor Michael to send a letter to the Provincial Government

OPTION B: ADMINISTRATIVE FACILITIES MANDATE FOR MASKING

6. That Council direct Administration to implement a facilities mandate for masking in all Town-owned buildings and spaces where Town programs and services are provided or delivered.

Attachment(s)

1. Bylaw No. 1163 –Mandatory Face Coverings Bylaw



**MANDATORY FACE COVERINGS
BYLAW NO. 1163
OF THE TOWN OF HINTON
IN THE PROVINCE OF ALBERTA TO REGULATE
SAFETY, HEALTH, WELFARE AND PROTECTION
OF PEOPLE AND
PROPERTY IN THE TOWN OF HINTON**

A Bylaw of the Town of Hinton in the Province of Alberta, pursuant to the provisions of the *Municipal Government Act*, being Chapter M-26 of the Statutes of Alberta 2000 and amendments thereto, to establish the mandatory use of facial coverings in all publicly accessible places.

WHEREAS pursuant to section 7 of the *Municipal Government Act* (RSA 2000, cM-26), 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;
- c) business, business activities and persons engaged in business.

WHEREAS on March 11, 2020 the World Health Organization declared a global pandemic related to the novel coronavirus and the spread of COVID-19, which pandemic remains a health risk;

WHEREAS the cases of novel coronavirus and COVID-19 and its variants have spiked in the community of Hinton presenting a continued risk;

WHEREAS the World Health Organization, the Chief Public Health Officer for Canada and the Chief Medical Officer of Health for Alberta have identified face coverings as a means to reduce the spread of the COVID-19 virus and its variants;

AND WHEREAS Council considers it expedient and desirable for the safety, health and welfare of the residents of Hinton and the visiting public to make compulsory the wearing of face coverings in all Public Places and in Public Transportation Vehicles, subject to the exceptions and circumstances set out in this Bylaw.

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

1. TITLE

- 1.1 This Bylaw may be cited as the "Mandatory Face Coverings Bylaw".

2. DEFINITIONS

- 2.1 "Face Covering" means a medical or non-medical mask or other face covering that fully covers the nose, mouth, and chin, but excludes a mask with an exhalant valve.
- 2.2 "MGA" means the *Municipal Government Act*, RSA 2000, C. M-26, and associated regulations, as amended.
- 2.3 "Municipal Tag or Violation Tag" means a tag or similar document used by the Town, pursuant to the *Municipal Government Act* and the regulations thereunder.
- 2.4 "Peace Officer" means a person appointed as such by the Town of Hinton to provisions of this Bylaw; also means any Bylaw Enforcement Officer or RCMP Officer.
- 2.5 "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.
- 2.6 "Public Transportation Vehicle" means a bus, taxi, or other vehicle used for the transportation of people upon the payment of a fee.
- 2.7 "Town" means the Town of Hinton, Alberta.
- 2.8 "Town Manager" means the Chief Administrative Officer or designate, appointed pursuant to the *Municipal Government Act*.
- 2.9 "Violation Ticket" means a ticket issued pursuant to the *Provincial Offences Procedure Act* and the regulations thereunder.

3. REGULATION OF MANDATORY FACE COVERINGS BYLAW

- 3.1 All persons shall always wear a Face Covering while in an indoor, enclosed, or substantially enclosed Public Place or in any Public Transportation Vehicle.

4. EXEMPTIONS

- 4.1 Section 3.1 shall not apply to the following persons:
- 4.1.1 Persons under five (5) years of age;
- 4.1.2 Persons who are unable to place, use, or remove Face Coverings without assistance;

- 4.1.3 Persons providing care or assistance to a person with a disability where a Face Covering would hinder that caregiving or assistance;
 - 4.1.4 Persons consuming food or drink in a designated seating area or as part of a religious or spiritual ceremony;
 - 4.1.5 Persons engaging in aquatic activities or physical exercise; or
 - 4.1.6 Persons engaging in services that require the temporary removal of a Face Covering;
 - 4.1.7 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*;
 - 4.1.8 A person with a medical condition, including breathing or cognitive difficulties, or a disability, that prevents them from safely wearing a face covering;
 - 4.1.9 A person who is hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication; and
 - 4.1.10 A person who is employed by, or is an agent of, the Operator of an Space is not obligated to wear a Mask while:
 - 4.1.10.1 In an area of the premises that is not designated for public access; or
 - 4.1.10.2 When located either within or behind a physical barrier including but not limited to a plexiglass barrier.
- 4.2 Section 3.1 shall not apply to the following locations:
- 4.2.1 Schools and other educational facilities;
 - 4.2.2 Hospitals and health care facilities;
 - 4.2.3 Childcare facilities; or
 - 4.2.4 Areas exclusively accessed or used by the Public Place's employees or the operators of a Public Transportation Vehicle, provided that physical barriers or physical distancing practices are implemented between any person not required to wear a Face Covering under this exemption and any other person.

5. ENFORCEMENT

5.1 A person is guilty of an offence under this Bylaw if:

5.1.1 They contravene the provisions of this Bylaw.

5.1.2 They obstruct or hinder any person in the exercise or performance of the person's powers and duties under this Bylaw.

5.2 Penalties:

5.2.1 A person who is guilty of an offence is liable for a fine pursuant to Schedule "A" and issued in accordance with the MGA.

5.3 Municipal Tag:

5.3.1 A Peace Officer is hereby authorized to issue a Municipal Tag to any person who the Peace Officer believes has contravened any provision of this Bylaw.

5.3.2 A Municipal Tag may be issued:

5.3.2.1 Personally;

5.3.2.2 By mailing a copy to such person at their last known municipal address; or

5.3.2.3 By leaving it at the last known municipal address for such person.

5.3.3 The Municipal Tag shall state:

5.3.3.1 The name of the person;

5.3.3.2 The offence;

5.3.3.3 The specified penalty amount established by this Bylaw for the offence.

5.4 Violation Ticket:

5.4.1 A Peace Officer is hereby authorized to issue a Violation Ticket pursuant to the *Provincial offences Procedure Act* to any person who the Peace Officer believes has contravened any provision of this Bylaw.

6. INTERPRETATION

- 6.1 Wherever the provisions of this Bylaw are, or have deemed to be at variance with each other, the more restrictive of the provisions shall apply.
- 6.2 References to provisions of statutes, rules or regulations shall be deemed to include references to such provisions as amended, modified, or re-enacted from time to time.
- 6.3 Nothing in this Bylaw relieves any person from compliance with any other bylaw or applicable federal or provincial law, regulation, or enactment.
- 6.4 The use of heading is for convenience of reference only and shall not be construed so as to affect the interpretation of this bylaw.

7. SEVERABILITY

- 7.1 If any portion of this Bylaw is found by a court of competent jurisdiction to be invalid, such portion shall be severed from the Bylaw, and the remainder is to remain valid.

8. ENACTMENT

- 8.1 The provisions of this Bylaw may only be enacted by the Town Manager when there are ten (10) or more active cases of COVID-19 within the Town of Hinton.
 - 8.1.1 The Emergency Advisory Committee will be advised of the Town Managers decision to enact this Bylaw, immediately and prior to any public announcement being made.
 - 8.1.2 This Bylaw will be reviewed every first Tuesday of each month at a Regular Meeting of Council or a Special Meeting of Council.

9. EFFECTIVE DATE

9.1 This Bylaw comes into force on the day it is passed.

READ A FIRST TIME this DAY OF , 21

READ A SECOND TIME this DAY OF , 21

READ A THIRD TIME this DAY OF , 21

MAYOR

CHIEF ADMINISTRATIVE OFFICER

DRAFT

MANDATORY FACE COVERINGS BYLAW NO. 1163

SCHEDULE "A"

OFFENCE PENALTIES

Section	Offence	Minimum Penalty	Specified Penalty
3.1	Fail to wear a Face Covering where required	\$100	\$200.00
5.1.2	Interference with a person in the exercise or performance of the person's powers pursuant to this bylaw	\$250.00	\$500.00

DRAFT