



**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 2ND DAY OF SEPTEMBER, 2021

READ A SECOND TIME THIS 2ND DAY OF SEPTEMBER , 2021

READ A THIRD TIME THIS 2ND DAY OF SEPTEMBER , 2021



MAYOR



CHIEF ADMINISTRATIVE OFFICER

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