



THE TOWN OF OKOTOKS SPECIAL COUNCIL MEETING AGENDA

Monday, July 27, 2020

7:00 P.M. via Live Stream

Pages

1. **CALL TO ORDER**
2. **ADOPTION OF AGENDA**
3. **IN CAMERA ITEMS**

(At Council's discretion, this portion of the meeting may be closed to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part I of the Freedom of Information and Protection of Privacy (FOIP) Act.)

3.1 Legal Advice (FOIP s. 27(1)(a)(b))

4. **BYLAWS**

4.1 Bylaw 28-20 - COVID-19 Mask Bylaw

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The purpose of Bylaw 28-20 is to implement the mandatory wearing of masks in indoor public places in the Town of Okotoks to promote the safety, health, and welfare of people during the COVID-19 pandemic.

5. **ADJOURNMENT**



BYLAW 28-20 - COVID-19 MASK BYLAW

Purpose

The purpose of Bylaw 28-20 is to implement the mandatory wearing of masks in indoor public places in the Town of Okotoks to promote the safety, health, and welfare of people during the COVID-19 pandemic.

Readings

This Bylaw is ready for three readings.

Report, Analysis and Financial Implications

The COVID-19 pandemic continues to be a health risk as evidenced by the increases of daily infection numbers announced during the current relaunch of Alberta's economy. Mandating the wearing of face masks in indoor public spaces where physical distancing is not possible is proposed as an additional measure to mitigate the potential for second and third waves of the pandemic.

Considerations that balance measures to address the safety of the public with the benefits of mandatory face masks are being proposed through the draft Bylaw. The following is provided for analysis of making face masks mandatory:

Potential Benefits

- Reduction of the potential exposure risk from infected persons before they develop symptoms or receive a positive test result;
- Reduction of the potential stigmatization of individuals wearing masks to prevent infecting others (source control);
- Encouraging the role each individual can contribute to stopping the spread of the virus;
- Encouraging individuals to be compliant with other measures (e.g., hand hygiene, not touching nose and mouth, etc.) especially during the relaunching of the economy and people's perception that the virus is no longer a threat. However, this can also have the reverse effect (see disadvantages below);
- Potential social and economic benefits. Amidst the global shortage of surgical masks and Personal Protective Equipment, encouraging the public to create their own fabric masks may promote individual enterprise and community integration.

Potential Disadvantages

- Potential for increased risk of self-contamination due to touching of a face mask and subsequently touching eyes with contaminated hands;
- Potential self-contamination that can occur if non-medical masks are not changed when wet or soiled. This can create favourable conditions for microorganisms to amplify;
- Potential headache and/or breathing difficulties, depending on type of mask used;
- Potential development of facial skin lesions, irritant dermatitis, or worsening acne, when used frequently for long hours;
- Difficulty with communicating clearly;

- Potential discomfort;
- A false sense of security, leading to potentially lower adherence to other critical preventive measures such as physical distancing and hand hygiene;
- Poor compliance with mask wearing, in particular by young children;
- Difficulty wearing masks, especially for children, developmentally challenged persons, those with mental illness, elderly persons with cognitive impairment, those with asthma or chronic respiratory or breathing problems, or those who have had facial trauma or hearing impairments.

The draft Bylaw mitigates some of the noted disadvantages through exclusion of mandatory mask wearing for:

- Children under the age two (2) or resistant children five (5) years and under;
- Schools and childcare facilities;
- Persons with medical conditions or disabilities;
- Persons who are actively eating or drinking;
- Persons who are receiving or providing services that require mask removal;
- Persons engaging in fitness activities and for medical/emergency purposes; and
- Employees not working with the public or who are separated by a physical barrier.

A number of larger municipalities impacted by increasing COVID-19 outbreaks have enacted mandatory mask wearing bylaws including Calgary, Toronto, and Ottawa. Calgary will be making masks mandatory effective August 1, 2020 which may impact Okotoks due to proximity.

At this point no end date has been added to the Bylaw but options are available for Council if desired. During Council's consideration of this Bylaw an effective date or a trigger point for the ending of mandatory masking could be added. This could either be a date set for the Bylaw to be no longer in effect or a trigger by reduction in the number of active cases or deployment of a vaccine.

No formal public participation has been conducted but correspondence received from residents up until July 23, 2020 at noon includes five (5) responses against mandatory mask wearing, and 15 in favour. Informal feedback from the Okotoks business community indicates their preference would be to retain the ability to determine the appropriateness of mask wearing in their own establishments.

Strategic Plan Goals

<input type="checkbox"/>	Manage Community Growth	<input type="checkbox"/>	Provide Strong Governance
<input type="checkbox"/>	Provide Quality Community Infrastructure	<input checked="" type="checkbox"/>	Healthy and Safe Community
<input type="checkbox"/>	Enhance Organizational Excellence	<input type="checkbox"/>	Foster Economic Vitality
		<input type="checkbox"/>	Promote Environmental Excellence

Public Hearing / Participation Strategy

n/a

Alternatives for Consideration

This Bylaw is not approved and wearing masks remains a discretionary but recommended action.

CAO Comments

Municipalities have the ability to create bylaws that protect the safety, health, and welfare of people and to further consider regulating the activities and people in, or near a public place, or a place that is open to the public. Council will need to determine if this bylaw is necessary to support this authority granted under the *Municipal Government Act*.

Attachment(s)

1. Draft Bylaw 28-20

Prepared by:
Peter Stapley
Municipal Enforcement Manager
July 23, 2020

BYLAW 28-20
A BYLAW OF THE TOWN OF OKOTOKS
IN THE PROVINCE OF ALBERTA
TO REQUIRE THAT MASKS BE WORN IN INDOOR PUBLIC
SPACES TO LIMIT THE SPREAD OF COVID-19

WHEREAS COVID-19 was declared a pandemic by the World Health Organization on March 11, 2020; and

WHEREAS COVID-19 continues to pose a health risk to persons in Alberta, including those in the Town of Okotoks; and

WHEREAS Alberta Health Services encourages the use of masks and physical distancing as some of the methods to reduce the risk of the spread of COVID-19; and

WHEREAS physical distancing may not be possible in Indoor Public Places (as defined below); and

WHEREAS section 7 of the *Municipal Government Act*, RSA 2000 c. M-26 allows Council to pass bylaws for municipal purposes respecting matters including:

- 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. Businesses, business activities, and persons engaged in business; and

WHEREAS Council deems it prudent to require people to wear Masks in Indoor Public Places for the purpose of promoting the safety, health, and welfare of people during the COVID-19 pandemic.

NOW THEREFORE the Council of the Town of Okotoks enacts the following:

1. SHORT TITLE

- 1.1. This Bylaw may be known as the "COVID-19 Mask Bylaw".

2. DEFINITIONS

2.1. In this Bylaw, the following terms shall have the following meanings:

- (a) **“Indoor Public Place”** means all or part of a building, structure, or other enclosed area to which the public has access as of right or by invitation, express, or implied, regardless of whether a fee is charged for entry, and for clarification includes but is not limited to:
- (i) eating and drinking establishments;
 - (ii) Public Vehicles;
 - (iii) entertainment establishments, amusement arcades, bingo establishments, adult entertainment establishments, and theatres;
 - (iv) markets, retail stores, garden centres, shopping centres, and other places where goods or services are made available to the public;
 - (v) places of worship, community facilities, recreational facilities, and places where people gather for cultural purposes;
 - (vi) gyms, studios, and other exercise facilities;
 - (vii) indoor or enclosed parking facilities;
 - (viii) premises used as an open house, presentation centre, or other facility for real estate purposes;
 - (ix) common areas of hotels, motels, and other short term rentals;
 - (x) medical clinics; and
 - (xi) offices to which the public has access;

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;
 - (v) hospitals, independent health facilities, and offices of regulated health professionals; and
 - (vi) private offices not open to the general public where clients receive services from professional service providers such as lawyers and accountants;
- (b) **“Mask”** means a medical mask, cloth, or paper non-medical mask, or other face covering such as a bandana or scarf;
 - (c) **“Operator”** means the person who controls or manages activities or is in charge of activities within an Indoor Public Place;
 - (d) **“Peace Officer”** means a peace officer as defined in the *Provincial Offences Procedure Act*, RSA 2000 c. P-34; and
 - (e) **“Public Vehicle”** means a bus, taxi, or other vehicle that is used to transport members of the public for a fee.

3. REQUIREMENT TO WEAR MASKS

- 3.1. Every person must, when in an Indoor Public Place, wear a Mask that fits securely against their face, covers their mouth and nose, and creates a barrier that filters respiratory droplets.

4. EXEMPTIONS

- 4.1. The following persons shall be exempt from the requirement to wear a Mask under this Bylaw:
 - (a) Children under the age of two (2) years;
 - (b) Children under the age of five (5) years who refuse to wear a Mask and cannot be persuaded to do so by the caregiver accompanying them;
 - (c) Persons with a medical condition or disability that inhibits their ability to safely wear a Mask;
 - (d) Persons who are unable to safely put on, use, or remove a Mask without assistance;
 - (e) Persons who are actively consuming food or drink at an Indoor Public Place that offers food or beverage services;

- (f) Persons who have temporarily removed their Masks for the purposes of:
 - (i) receiving or providing services that require removal of the Mask;
 - (ii) actively engaging in an athletic or fitness activity; or
 - (iii) for emergency or medical purposes;
- (g) Persons who require accommodation in accordance with the *Alberta Human Rights Act*, RSA 2000 c. A-25.5;
- (h) Employees working at an Indoor Public Place within an area designated for them where public access is prohibited; and
- (i) Employees working at an Indoor Public Place who are within or behind a physical barrier that separates them from the public and creates a barrier that blocks respiratory droplets.

4.2. Operators shall not request proof that an exemption applies.

5. DUTY OF OPERATOR

5.1. The Operator of an Indoor Public Place shall prominently display a sign at the entrance of or in a location visible to persons immediately upon entering an Indoor Public Place as set out in Schedule "A".

6. ENFORCEMENT, OFFENCES, AND PENALTIES

6.1. Any person who contravenes any provision of this Bylaw by:

- (a) doing any act or thing which the person is prohibited from doing; or
- (b) failing to do any act or thing which the person is required to do

is guilty of an offence and is liable on summary conviction to a fine of not more than ten thousand dollars (\$10,000.00).

6.2. Where there is a specified penalty listed for an offence in Schedule "B" to this Bylaw, that amount is the minimum specified penalty for the offence. A higher fine amount may be imposed upon conviction if the Court is satisfied that the circumstances surrounding the offence indicate an increased endangerment of public health.

- 6.3. If a Peace Officer believes that a person has committed an offence pursuant to this Bylaw, the Peace Officer may issue and serve to that person:
- (a) a violation tag allowing a payment of the specified penalty listed in Schedule “B” to the Town; or
 - (b) a violation ticket in accordance with the *Provincial Offences Procedure Act*, RSA 2000 c. P-34.
- 6.4. Service of a violation tag will be sufficient if it is:
- (a) personally served;
 - (b) served by regular mail to the person’s last known mailing address; or
 - (c) in the case of an offence by the Operator of an Indoor Public Place, personally served to an employee or manager who appears to be an adult or served by registered mail to the address of the Indoor Public Place.
- 6.5. A violation ticket issued in respect of an offence may:
- (a) specify the fine amount established by this Bylaw for the offence; or
 - (b) require the person to appear in Court without the option of making a voluntary payment.
- 6.6. Nothing in this Bylaw shall prevent a Peace Officer from providing information instead of issuing a violation ticket.
- 6.7. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence for each day or part of a day on which it continues.
- 6.8. The levying and payment of any fine provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges, or costs from which that person is liable under the provisions of this Bylaw or any other bylaw.

7. INTERPRETATION

- 7.1. Where a statute is referenced in this Bylaw, it means that statute as amended from time to time.
- 7.2. Where the singular or masculine form of a term is used in this Bylaw, it shall include the plural, feminine or neutral as the context may require.

- 7.3. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and that if any provision is declared invalid, all other provisions shall remain valid and enforceable.

8. COMING INTO FORCE

8.1. This Bylaw comes into force on _____.

8.2. This Bylaw will be in effect until _____.

READ A FIRST TIME this day of , 2020.

READ A SECOND TIME this day of , 2020.

READ A THIRD TIME AND PASSED this day of , 2020.

Mayor

Chief Administrative Officer

NOTICE

Mask is required!

All persons must wear a
mask on these premises as
required under
Town of Okotoks Bylaw 28-20



Masks must fit securely against the face,
cover the mouth and nose, and create a
barrier that filters respiratory droplets.

Exceptions include children under 2 and persons with a medical
condition or disability that inhibits their ability to safely wear a mask.

SCHEDULE “B” – SPECIFIED PENALTIES

SECTION	OFFENCE	PENALTY
3.1	Failure to wear Mask in Indoor Public Place	\$100.00
5.1	Failure to display sign at Indoor Public Place	\$200.00

DRAFT