AGENDA
SPECIAL MEETING OF COUNCIL
RE: Covid-19 Update

September 3, 2021, Following Adjournment of the 2021 September 3 Emergency Management Committee Meeting

IN THE COUNCIL CHAMBER

SPECIAL NOTES:

Public are encouraged to follow Council and Committee meetings using the live stream http://www.calgary.ca/watchlive

Public wishing to make a written submission may do so using the public submission form at the following link: Public Submission Form

Council Members may be participating remotely.

1. CALL TO ORDER

2. OPENING REMARKS

3. CONFIRMATION OF AGENDA

4. ITEMS FROM OFFICERS, ADMINISTRATION AND COMMITTEES

    4.1. COVID-19 Update (Verbal), C2021-1364
    Proposed Bylaw 63M2021

5. CONFIDENTIAL ITEMS

6. ADJOURNMENT

PROPOSED

BYLAW NUMBER 63M2021

**BEING A BYLAW OF THE CITY OF CALGARY
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 spread of COVID-19 in the city of Calgary continues and the number of active cases is currently increasing;

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 inhabitants of Calgary to require the wearing of face coverings in indoor public premises and in public vehicles;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as the “Pandemic Face Covering Bylaw”.

DEFINITIONS AND INTERPRETATION

2. (1) 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 covers the mouth, nose and chin ensuring a barrier that limits the transmission of infectious respiratory droplets;

(c) "*officer*" means a Bylaw Enforcement Officer appointed pursuant to Bylaw 60M86, a peace officer appointed pursuant to the *Peace Officer Act*, S.A. 2006, c. P-3.5, or a police officer appointed pursuant to the *Police Act*, R.S.A. 2000, c. P-17;

(d) "*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*;

(e) "*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;

(f) "*public premises*" means all or any part of a building, structure or other enclosed area to which members of the public have access as of right or by express or implied invitation but excludes any premises for which there is an enrolment or membership requirement in order to access it;

(g) "*public vehicle*" means a bus, light rail transit (LRT) vehicle, taxi or other vehicle that is used to transport members of the public for a fee;

(2) All schedules attached to this Bylaw form part of this Bylaw.

(3) Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.

(4) Where this Bylaw cites or refers to any act, regulation, code or other bylaw, the citation or reference is to the act, regulation, code or other bylaw as amended, whether amended before or after the commencement of this Bylaw, and includes reference to any act, regulation, code or other bylaw that may be substituted in its place.

(5) Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.

(6) Nothing in this Bylaw relieves a person from complying with any provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or licence.

PROHIBITION

3. A person must wear a *face covering* in a *public premises* or a *public vehicle*, unless the person is separated from other persons by an installed screen, shield or other barrier.

EXCEPTIONS

4. Section 3 does 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 seated at a table or bar at a *public premises* that offers food or beverage services;

(e) persons engaging in an athletic or fitness activity;

(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.

SIGNAGE

5. An *employer*, *operator* or *proprietor* must prominently display a sign

(a) in the form and containing the content; or

(b) with substantially the same form and content;

as set out in Schedule A, in a location that is visible to a person immediately upon entering the *public premises* or a *public vehicle*.

OFFENCES

6. Any person who contravenes any provision of this Bylaw by doing any act or thing which the person is prohibited from doing, or by failing to do any act or thing the person is required to do, is guilty of an offence pursuant to this Bylaw.

ENFORCEMENT

7. (1) Where an *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.

(2) This section shall not prevent an *officer* from issuing a violation ticket requiring a court appearance of the defendant pursuant to the *Provincial Offences Procedures Act* or from laying an information instead of issuing a violation ticket.

PENALTY

8. (1) Where there is a specified penalty listed for an offence in Schedule B to this Bylaw, that amount is the specified penalty for the offence.

(2) 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.

(3) 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.

(4) Despite subsection 8(1):

(a) where any person has been convicted of a contravention of the same provision of this Bylaw twice within one twelve month period, the specified penalty payable in respect of the second conviction is double the amount shown in Schedule “A” of this Bylaw in respect of that provision, and

(b) where any person has been convicted of a contravention of the same provision of this Bylaw three or more times within one twelve month period, the specified penalty payable in respect of the third or subsequent conviction is triple the amount shown in Schedule “A” of this Bylaw in respect of that provision.

COMING INTO FORCE

9. This Bylaw comes into force on September 4, 2021.

REPEAL

10. This Bylaw ceases to have effect:

(a) upon the active case rate (per 100,000 population) in the City of Calgary falls to less than 100 cases, as published by Alberta Health, for 10 consecutive days;

or

(b) December 31, 2021

whichever is earlier.

READ A FIRST TIME ON _____

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

_____
MAYOR

SIGNED ON _____

_____
CITY CLERK

SIGNED ON _____

PROPOSED

BYLAW 63M2021

SCHEDULE A

Calgary

Face covering REQUIRED

All persons must wear a face covering in indoor public premises and in public vehicles.

The City of Calgary Bylaw 63M2021



Exceptions include children under two years of age, or persons with an underlying medical condition or disability which inhibits their ability to wear a face covering.

Visit calgary.ca/covid19 for more information.

21-0016308

SCHEDULE B

PENALTIES

Section	Description of Offence	Specified Penalty
3	Fail to wear *face covering* where required	$500
5	Fail to display prescribed signage	$200