

COVID Update and Face Coverings Bylaw

RECOMMENDATIONS:

That Council give three readings to bylaw 46M2021 to amend the Temporary COVID-19 Face Coverings Bylaw 26M2020 increasing the fine amount for failure to wear a face covering where required.

HIGHLIGHTS

- The Temporary COVID-19 Face Coverings Bylaw has significantly increased face covering usage and supports limiting the spread of the virus. Increases to fines for non-compliance are recommended to strengthen deterrence and enforcement efforts.
- What does this mean to Calgarians? With COVID-19 case numbers continuing to rise, an increase in the fine amount demonstrates The City's commitment to combatting the spread of COVID-19 and a move from education to enforcement. Fines increase from \$100 to \$500 for a first offence, and provisions are included to further increase fines for subsequent contraventions.
- Why does it matter? The Temporary COVID-19 Face Coverings Bylaw is an important tool for mitigating the spread of the virus. Increasing the fine for a first offence provides more serious repercussions for those that contravene the bylaw.
- Since the bylaw came into effect, there has been a significant increase in the use of face coverings and support for the bylaw remains strong.
- On 2021 May 3, the Emergency Management Committee directed Administration to report to the Combined Meeting of Council on 2021 May 10 with an amendment to the Temporary Face Coverings Bylaw 26M2020 increasing the fine amount for not wearing a face covering when required to \$500.
- Strategic Alignment to Council's Citizen Priorities: A city of safe and inspiring neighbourhoods
- Background and Previous Council Direction is included as Attachment 1.

DISCUSSION

On 2020 July 21, Council passed the Temporary COVID-19 Face Coverings Bylaw, based on recommendations from the Chief Medical Officer of Health for Alberta, Chief Public Health Officer for Canada and the World Health Organization, to wear face coverings to limit the spread of COVID-19 where physical distancing cannot be maintained. The bylaw was passed in the absence of a provincial mask mandate. On 2020 November 24, the Government of Alberta announced mandatory mask requirements in indoor workplaces and facilities outside the home for Calgary and surrounding areas. On 2020 December 8, the mandatory indoor public masking requirement was extended provincewide. The preponderance of evidence continues to

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support the use of face coverings as one of several measures to help limit the spread of COVID-19.

The provincial health order does not eliminate the need for a municipal bylaw. A municipal bylaw enables local enforcement agencies to use discretion and sound judgement when determining the best course of action to arrive at a desired outcome.

To reinforce the importance of the Temporary COVID-19 Face Coverings Bylaw and in response to Emergency Management Committee direction, Administration is recommending an increase to the fine amount for those demonstrating willful non-compliance with the Temporary COVID-19 Face Coverings Bylaw from a specified penalty of \$100 to \$500 for the first offence of failure to wear a face covering where required. Bylaw 46M2021 to amend the Temporary COVID-19 Face Coverings Bylaw increasing the fine amounts is detailed in Attachment 2. The specified penalty for failure to display the prescribed sign remains unchanged at \$200. For a contravention of the same provision of this bylaw twice within a twelve-month period, the specified penalty is doubled. The third and subsequent contraventions will result in a \$1500 and \$600 fine for failure to wear a face covering where required and failure to display the prescribed sign respectively.

STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

- Public Engagement was undertaken
- Public Communication or Engagement was not required
- Public/Stakeholders were informed
- Stakeholder dialogue/relations were undertaken

Not applicable

IMPLICATIONS

Social

Increasing the minimum fine amount does have the potential to disproportionately affect low-income Calgarians. However, Calgary's Community Peace Officers' approach to issuing fines always includes the application of discretion. The enforcement of the Temporary Face Coverings Bylaw has been consistent with other municipal bylaws with a focus on compassion and sensitivity when interacting with people experiencing vulnerability.

COVID-19 has also highlighted inequalities in our community with some populations experiencing higher rates of infection that have more exposure to the public, such as populations working in the service industry. Increased incentives for people to wear face coverings aligns with both an equitable and prevention approach.

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Environmental

Not Applicable

Economic

Not Applicable

Service and Financial Implications

No anticipated financial impact

Not Applicable

There are no operating budget requests associated with this report.

RISK

There is potential for a legal challenge that, although mitigated by the prohibitions within the bylaw, cannot be fully avoided.

ATTACHMENTS

1. Previous Council Direction, Background
2. Bylaw 46M2021

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Jill Floen	Law	Consult