



CITY OF EDMONTON

BYLAW 19408

TEMPORARY MANDATORY FACE COVERINGS BYLAW

(CONSOLIDATED ON DECEMBER 13, 2021)

THE CITY OF EDMONTON
BYLAW 19408
TEMPORARY MANDATORY FACE COVERINGS BYLAW

Edmonton City Council enacts:

PART I - GENERAL

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| PURPOSE | 1 | The purpose of this bylaw is to temporarily mandate the wearing of face coverings in indoor public places and public vehicles. |
| DEFINITIONS | 2 | <p>In this bylaw:</p> <p>(a.01) “City Manager” means the chief administrative officer, as defined in the <i>Municipal Government Act</i>, RSA 2000, c M-26, of The City of Edmonton;</p> <p>(a) “face covering” means a medical or non-medical mask or other face covering that fully covers the nose, mouth, and chin;</p> <p>(b) “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;</p> <p>(c) “public vehicle” means a bus or light rail vehicle operated by Edmonton Transit Service, or a vehicle for hire as defined in the Vehicle for Hire Bylaw, Bylaw 17400; and</p> <p>(d) “violation ticket” has the same meaning as defined in the <i>Provincial Offences Procedure Act</i>, RSA 2000, c P-34.</p> <p>(S.2, Bylaw 19876, September 10, 2021)</p> |
| RULES FOR INTERPRETATION | 3 | The marginal notes and headings in this bylaw are for ease of reference only. |

PART II - FACE COVERINGS

FACE COVERINGS MANDATORY	4	A person must wear a face covering at all times while in an indoor, enclosed, or substantially enclosed public place or in a public vehicle.
EFFECTIVE DATES	4.1	Deleted (S.2, Bylaw 19783, June 22, 2021) (S.5, Bylaw 19873, September 03, 2021) (S.2, Bylaw 19920, November 09, 2021)
EXCEPTIONS	5	<p>(1) In this section:</p> <p style="margin-left: 40px;">(a) “authorizing health professional” means one of the following regulated members under the <i>Health Professions Act</i>, RSA 2000, c H-7, who holds a practice permit:</p> <p style="margin-left: 80px;">(i) nurse practitioner;</p> <p style="margin-left: 80px;">(ii) physician; or</p> <p style="margin-left: 80px;">(iii) psychologist;</p> <p style="margin-left: 40px;">(e) “fitness activity” means a physical activity that occurs at a gym, fitness studio, dance studio, rink, pool, sauna, steam room, hot tub, arena, or recreation centre and includes dance classes, rowing, spin, pole dancing, martial arts, yoga, boxing, boot camp, Pilates, and other activities of a similar nature;</p> <p style="margin-left: 40px;">(f) “health condition” means the following mental or physical limitations:</p> <p style="margin-left: 80px;">(i.) sensory processing disorders;</p> <p style="margin-left: 80px;">(ii.) developmental delays;</p> <p style="margin-left: 80px;">(iii.) mental illnesses including:</p> <p style="margin-left: 120px;">A. anxiety disorders;</p> <p style="margin-left: 120px;">B. psychotic disorders;</p> <p style="margin-left: 120px;">C. dissociative identity disorder; and</p>

D. depressive disorders;

(iv) facial trauma or recent oral maxillofacial surgery;

(v) contact dermatitis or allergic reactions to face covering components; or

(vi) clinically significant acute respiratory distress;

- (g) **“medical exception letter”** means written confirmation provided to a person by an authorizing health professional that:
- (i.) verifies that the person has a health condition that prevents the person from wearing a face covering without providing specific information about the health condition;
 - (ii.) contains the name of the person to whom the exception applies;
 - (iii.) states the name, phone number, email address, professional registration number, and signature of the authorizing health professional; and
 - (iv.) includes the date on which the written confirmation was provided;
- (h) **“performance activity”** means singing, playing a musical instrument, dancing, acting or other activities of a similar nature;
- (i) **“physical activity”** means a fitness activity or sport activity; and
- (j) **“sport activity”** means sports training, practices, events, games, scrimmages, competitions, gameplay, league play, and other activities of a similar nature.

(2) Section 4 does not apply to a person:

(a) under the age of 2;

(b) unable to place, use, or remove a face covering without assistance;

- (c) seated while consuming food or drink;
 - (d) providing or receiving care or assistance where a face covering would hinder that caregiving or assistance;
 - (e) alone at a workstation and separated by at least two metres' distance from all other persons;
 - (f) subject to a workplace hazard assessment in which it is determined that the person's safety will be at risk if the person wears a face covering while working;
 - (g) separated from every other person by a physical barrier that prevents droplet transmission;
 - (h) who needs to temporarily remove their face covering for the purpose of:
 - (i.) receiving a service that requires the temporary removal of their face covering;
 - (ii.) an emergency or medical purpose, or;
 - (iii.) establishing their identity;
 - (i) participating in a physical activity;
 - (j) participating in or leading a worship, spiritual, or religious ceremony or service at a place of worship, provided that a physical barrier or at least two metres' distance exists between the person and anyone observing or attending the ceremony or service;
 - (k) participating in a performance activity, provided that a physical barrier or at least two metres' distance exists between the person and anyone observing or attending the performance activity; or
 - (l) unable to wear a face covering due to a health condition, as determined by an authorizing health professional, that presents a medical exception letter dated within the prior one year.
- (3) The City Manager may exempt any person or class of persons from the application of section 4 provided that the

exemption would not conflict with any order issued by the Chief Medical Officer of Health or any enactment.

(4) Subsection (3) ceases to have effect on November 15, 2021.

(S.3, Bylaw 19876, September 10, 2021)

6 Section 4 does not apply to the following places:

(a) schools and other educational facilities;

(b) hospitals and health-care facilities;

(c) child care facilities; and

(S.4, Bylaw 19876, September 10, 2021)

PART III - ENFORCEMENT

OFFENCE	7	A person who contravenes this bylaw is guilty of an offence.
FINES	8	A person found guilty of an offence under this bylaw is liable to a fine in an amount not less than \$100.
VIOLATION TICKET	9	(1) If a violation ticket is issued for an offence under this bylaw, the violation ticket may: (a) specify the fine amount established by this bylaw for the offence; or (b) require a person to appear in court without the alternative of making a voluntary payment. (2) A person who commits an offence may, if a violation ticket is issued specifying the fine amount established by this bylaw for the offence, make a voluntary payment equal to the specified fine amount.
DEEMING PROVISION	9.1	Deleted (S.8, Bylaw 19873, September 03, 2021) (S.3, Bylaw 19920, November 9, 2021)
COMING INTO	10	This bylaw comes into force on August 1, 2020.

FORCE

REPEAL

11 Deleted

(S.2, Bylaw 19491, November 20, 2020)

(S.4, Bylaw 19920, November 9, 2021)

REVIEW

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(1) This bylaw must be reviewed by City Council within 30 days of the later of:

(a) the day on which the number of active COVID-19 cases in the City of Edmonton has been less than or equal to 100 per 100,000 population, as reported by Alberta Health, for 28 consecutive days; and

(b) the day on which the provincial Chief Medical Officer of Health order requiring face coverings is rescinded.

(2) Notwithstanding anything in this bylaw, if the number of active COVID-19 cases in the City of Edmonton is less than or equal to 100 per 100,000 population on the day this section comes into force, the 28-day period set out in subsection (1)(a) begins on the day this section comes into force.

(3) Nothing in this section requires Council to amend or repeal this bylaw following the review required by subsection (1).

(S.2, Bylaw 19938, December 13, 2021)

(NOTE: Consolidation made under Section 69 of the *Municipal Government Act*, R.S.A. 2000, c.M-26 and Bylaw 16620 Section 16, and printed under the City Manager's authority)

Bylaw 19408, passed by Council July 29, 2020

Amendments:

Bylaw 19491, November 20, 2020

Bylaw 19783, June 25, 2021

Bylaw 19873, September 03, 2021

Bylaw 19876, September 10, 2021

Bylaw 19920, November 9, 2021
Bylaw 19938, December 13, 2021