

Bylaw 20071 - Temporary Transit and City Facilities Face Mask Bylaw

RECOMMENDATION

That Bylaw 20071 be given the appropriate readings.

Purpose

This report provides a new temporary face mask bylaw for transit and publicly accessible City-owned and operated facilities.

Readings

Bylaw 20071 is ready for three readings.

A majority vote of City Council on all three readings is required for passage.

If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree “That Bylaw 20071 be considered for third reading.”

Position of Administration

Not applicable.

Previous Council/Committee Action

At the March 8, 2022 Special Council Meeting, Council passed the following motion:

That Administration prepare a new Face Coverings bylaw to only include provisions for face coverings on public transit and publicly accessible City-owned and operated facilities.

Report Summary

If City Council believes there is a continuing need for mandatory face masks due to the ongoing COVID-19 pandemic, Bylaw 20071 provides for the use of face masks on transit and in publicly accessible City-owned and operated facilities.

REPORT

The proposed Transit and City Facilities Face Mask Bylaw 20071 will require individuals to wear a face mask in all City Transit and publicly accessible City Facilities. This will include buses, LRT, recreation centres, and other publicly accessible City-owned and operated facilities. The bylaw

BYLAW 20071 - TEMPORARY TRANSIT AND CITY FACILITY FACE MASK BYLAW

contains exemptions for specific circumstances where wearing a face mask would not be appropriate, and each exemption is listed in the bylaw.

If transit is included in the Bylaw, City of Edmonton peace officers are provided the authority to enforce mask wearing on transit — with only the current provincial requirement in place, current enforcement falls to the Edmonton Police Service, which would need to prioritize calls for service accordingly against other City-wide needs. If publicly accessible City-owned and operated facilities are included in the Bylaw, Administration has concerns that enforcement would fall to frontline employees, who would be placed in a vulnerable position if a patron had a strong perspective on wearing a face covering.

Throughout the pandemic, Administration has followed the advice of the public health authority. The public health authority no longer requires mandatory mask usage except in high-risk settings including on transit and in health care facilities. Mask usage in all other settings is now a personal choice.

COMMUNITY INSIGHTS

An online survey was launched on February 28, 2022, and Administration completed community stakeholders check-ins with the business community, social agencies, faith-based groups, marginalized community associations, seniors associations, post secondary education, school boards, community groups and event based venues.

Through these listening opportunities, Administration heard a diversity of perspectives on the Temporary Face Coverings Bylaw and the continued use of face masks in indoor public spaces, including on transit.

Administration considered those perspectives when preparing this recommendation for Council's consideration. Administration presented the final survey results at the March 8, 2022, Special City Council meeting.

Legal Implications

The current *Municipal Government Act* and the Alberta Provincial Government Bill 4, *Municipal Government (Face Mask and Proof of COVID-19 Vaccination Bylaws) Amendment Act, 2022*, tabled on March 8, 2022 permits municipalities to have a bylaw in place regarding the use of face masks in relation to property owned or leased and operated by a municipality.

ATTACHMENTS

1. Bylaw 20071

OTHERS REVIEWING THIS REPORT

- M. Plouffe, City Solicitor